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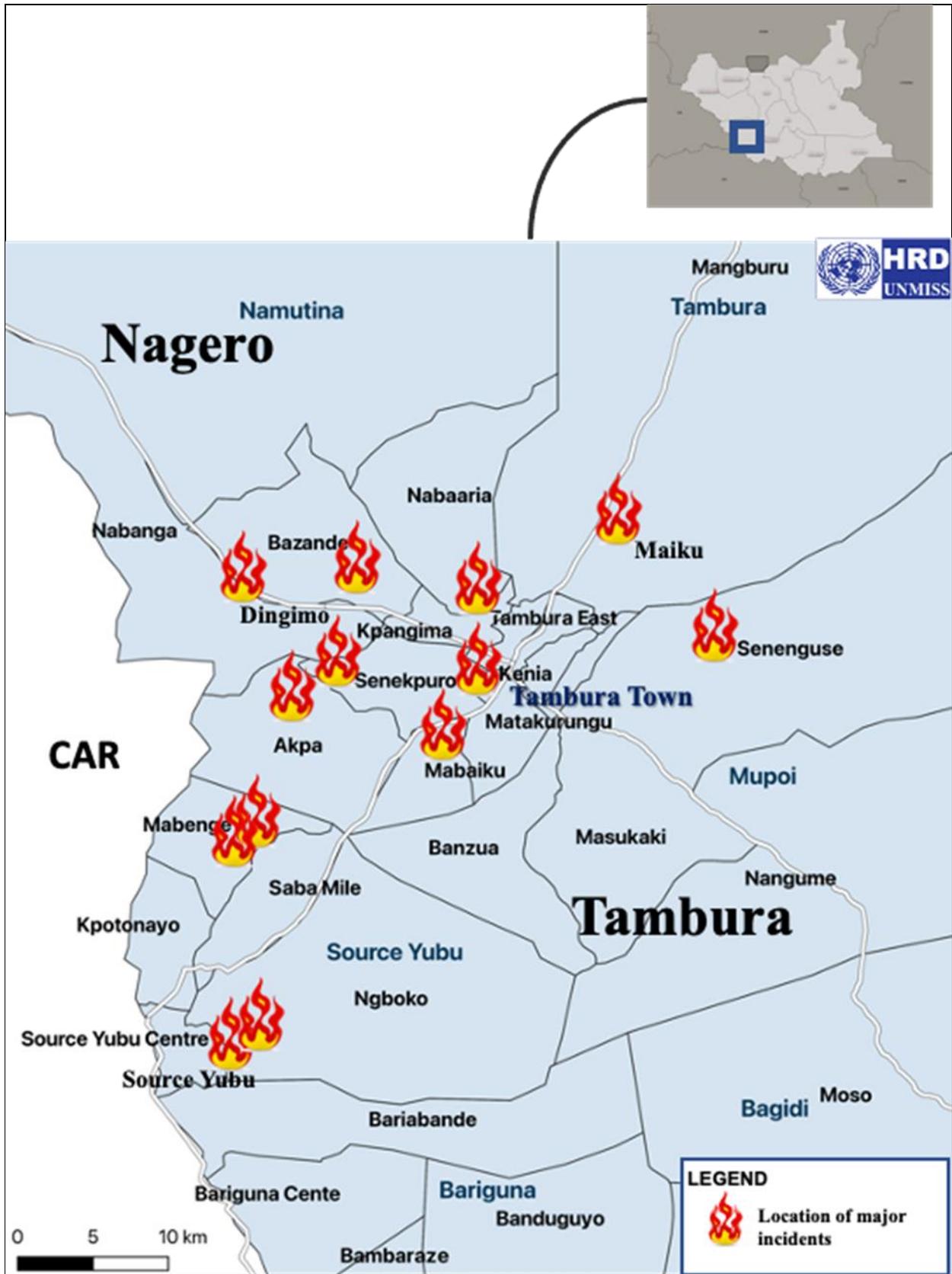
ATTACKS ON CIVILIANS IN TAMBURA COUNTY

June - September 2021

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Locations of major incidents



I. Executive Summary

1. This joint report of the United Nations Mission in South Sudan (UNMISS) and the Office of the High Commissioner for Human Rights (OHCHR), submitted pursuant to Security Council resolution 2567 (2021) and Human Rights Council resolution 46/29 (2021), presents the findings of investigations conducted by the UNMISS Human Rights Division (HRD) into grave and widespread violations and abuses of international human rights law and violations of international humanitarian law, including attacks against civilians reportedly committed by the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) and South Sudan People's Defence Forces (SSPDF) led by Major General James Nando¹ (Maj Gen Nando) and their respective affiliated militias, in and around Tambura County, Western Equatoria state, between June and September 2021.
2. In late March 2021, tensions began to escalate along ethnic and political lines, with Maj Gen Nando-led SSPDF elements and affiliated militia groups perceived as a threat by Balanda politicians and the SPLM/A-IO, setting the scene for violence in Tambura. In mid-June, an armed group comprised of a militia and elements of Maj Gen Nando-led SSPDF were mobilised and arrived in or near the SPLM/A-IO base in Namutina. Credible security sector sources indicated that the mobilisation was supported by key traditional leadership of Tambura. The incursion triggered a strong military response from the SPLM/A-IO, resulting in widespread human rights violations by the warring parties against the civilian population.
3. Between June and September 2021, clashes between the SPLM/A-IO and Maj Gen Nando-led SSPDF, and their respective affiliated armed militias in Tambura resulted in the killing of at least 440 civilians (332 men, 60 women and 48 children), and injury of another 18 (17 men and one woman).² During these clashes, at least 64 civilians (53 women, seven men and four girls) were subjected to sexual violence, including rape and sexual slavery, and at least 74 civilians (52 men, nine women and 13 children) were abducted. Men and boys were forcibly recruited to take part in the hostilities. An estimated 80,000 civilians were reportedly forcibly displaced from the areas affected by the violence.³ Widespread destruction and looting of private and public property, including humanitarian facilities and schools, were also documented in many of these incidents.
4. The report is based on information gathered during a series of field missions to Tambura and its surrounding areas, where HRD conducted in-depth interviews with victims and eyewitnesses of reported human rights violations and abuses. It documents actions that constitute serious violations and abuses of international human rights law and violations of international humanitarian law, which

¹ SSPDF loyal to James Nando are conventional parties to the conflict and consist of soldiers under the command of Nando while he was division commander of SPLM/A-IO Battalion 9B in Western Equatoria. Nando defected the SPLM/A-IO and joined the SSPDF on 26 March 2020, along with soldiers loyal to him. The SSPDF has yet to officially assign Maj Gen Nando's role within the SSPDF or designate a division for his soldiers.

² As reflected by HRD findings and explained by security sources, injured civilians make up a low percentage of total casualties in Tambura from the armed conflict as the intention of the attackers on both sides were to kill or abduct civilians. Their motivation to kill, instead of injuring, was also evident from the nature of the killings, where victims were subject to multiple stab wounds, had their throats and/or arteries slit.

³ South Sudan: Tambura conflict Flash Update No. 1 (As of 14 September 2021) available at: <https://gho.unocha.org/south-sudan>

in many cases may amount to war crimes. HRD's investigations identified 31 individuals who may bear the greatest responsibility for violations and abuses committed during this period.⁴

II. Methodology

5. Following the outbreak of violence in Tambura County in mid-June 2021, HRD conducted several field missions and continued to participate in weekly rotations⁵ between June and October to the affected areas, in order to investigate, corroborate, verify, and document human rights violations and abuses, identify alleged perpetrators, and establish the number of civilians killed, injured, abducted, and subjected to conflict-related sexual violence.
6. During the same period, HRD also conducted field missions to areas where civilians fled to, as well as where civilians were most affected by the clashes and attacks, including Namutina, Ezo, Source Yubu, Mupoï, and Wau (Western Bahr el Ghazal). However, HRD encountered multiple challenges, including security concerns due to the ongoing violence limiting access to some areas with large numbers of displaced people particularly, primary victims and other sources of information.
7. In total, between June and October, HRD conducted at least 400 in-depth interviews with victims, eyewitnesses, and other sources,⁶ and met with non-governmental organizations, local state authorities and actors, including administrative, political and security officials and alleged perpetrators, reportedly involved in the violence in Tambura County. HRD also met with Juba-based elites from both Azande and Balanda communities.
8. HRD abides by the "reasonable grounds" to believe standard of proof⁷ in making factual determinations concerning violations and abuses, and patterns of conduct of the perpetrators. Unless specifically stated, all information in the report has been verified using several independent, credible, and reliable sources, in accordance with OHCHR's human rights monitoring and investigation methodology.

III. Context

9. Following the independence of South Sudan in 2011, and the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in September 2018, pre-existing fractures between the Azande and Balanda communities in Western Equatoria State have been largely politicized, exacerbated and exploited. A report published by UNMISS and OHCHR in October 2018 on violations and abuses against civilians in Gbudue and Tambura States,

⁴ HRD has a confidential document profiling these 31 perpetrators, which includes military and militia commanders, as well as political leaders and government officials, for further accountability purposes.

⁵ Weekly rotations of UNMISS military, police and civilian personnel deployed to the UNMISS Temporary Operating Base in Tambura.

⁶ Including: commanders of warring parties, South Sudan People's Defence Forces (SSPDF), Sudan People's Liberation Army-in-Opposition (SPLM/A-IO), National Security Service (NSS), South Sudan National Police Service (SSNPS), Criminal Investigation Department (CID), Joint Defense Board (JDB), Western Equatoria State Ministers, local administrators and leaders across Tambura and affected areas, traditional and religious authorities, as well as women and youth groups in Tambura and affected areas.

⁷ The standard is met when a sufficient and reliable body of primary information, consistent with other information, would allow an ordinarily prudent person to reasonably conclude that the violation/incident occurred and that the individual identified was responsible.

Western Equatoria between April and August 2018, notes that the conflict in 2018 revolved around ethnic undertones involving the Azande and Balanda communities.⁸

10. These fractures caused by multiple factors, including tensions between the Avungara⁹ ruling clan of the Azande and the Balanda over leadership roles in political offices and traditional authority structures in Tambura, constituted a fertile ground for the escalation of violence. Similar disputes have simmered between the Avungara and non-Avungara clans of the Azande. Furthermore, the long-running political rivalry between Maj Gen James Nando and Governor Alfred Futuyo¹⁰ was exploited by Avungara elites, including politicians based in Juba. Major General James Nando, an Azande but not from the Avungara sub-clan, previously served as deputy to Alfred Futuyo when the latter was a SPLM/A-IO commander, prior to his appointment as Governor. On 26 March 2020, Maj Gen Nando defected from the SPLM/A-IO and joined the SSPDF with a group of soldiers.¹¹
11. On 29 June 2020, the appointment of Alfred Futuyo, a member of SPLM/A-IO,¹² as the Governor of Western Equatoria State by President Salva Kiir, fueled grievances amongst some segments of the Azande community, especially the Avungara. Following his appointment, Governor Futuyo became the first ever Balanda Governor of Western Equatoria State, preceded by a line of Azande Governors, the majority of whom were Avungara. However, Governor Futuyo was known to be of mixed descent comprised of Azande and Balanda.¹³
12. Longstanding squabbles over land have also contributed to the divide between the Azande and Balanda communities. Despite such differences, the Azande and Balanda lived together in peaceful co-existence and cohabited in Tambura County, with a long history of intermarriage, which resulted in a large percentage of the population having mixed Azande-Balanda descent.
13. In addition to direct perpetrators of the conflict, human rights investigations unveiled that other political and security sector elites on both sides of the conflict played a critical role in the conflict, instigating, facilitating and aiding local key players based in various locations including Tambura and Yambio.
14. According to HRD's investigations, in the period leading up to the outbreak of conflict in Tambura County in June 2021, intermittent reports of ethnically motivated violence targeting civilians in Source Yubu surfaced between February and May 2021. This resulted in, among other forms of

⁸ Violations and Abuses against Civilians in Gbudue and Tambura, Western Equatoria (April-August 2018), UNMISS and OHCHR, 18 October 2018, available at: <https://unmiss.unmissions.org/sites/default/files/reportwesternequatoria17oct2018.pdf>

⁹ Avungara are a sub-clan of the Azande, comprising of members of the Royal Family of Kings Tombura, Ezo and Gbudue; an overwhelming majority of Azande political, military, traditional and religious leaders are Avungara Azandes. They dominate the political landscape of Western Equatoria State.

¹⁰ Alfred Futuyo was one of the key organizers and leader of the Arrow Boys, a community-based militia known for their defense against the Lord's Resistance Army. James Nando was formerly the commander of Arrow Boys in the areas of Andari and Ezo. Nando continued to serve as Futuyo's deputy when they became part of SPLM/A-IO and some of the Arrow Boys were reorganized as SPLM/A-IO Division 9B. Nando was perceived as a long-time ally of Futuyo prior to his defection to the SSPDF.

¹¹ While Maj Gen Nando is not from the Avungara sub-clan, his decision to defect to the government is believed to have been heavily influenced by Avungara politicians based in Juba.

¹² Alfred Futuyo was the commander of SPLA-IO forces Sector 6 in Western Equatoria prior to his appointment as Governor with nomination from SPLM/A-IO

¹³ Alfred Futuyo had, at times, affiliated himself with Azande leadership. As the leader of the Arrow Boys, Futuyo reported directly to Azande traditional leadership.

violations, killings and displacement of civilians, in particular of individuals identified as Balanda and/or affiliated with the SPLM/A-IO forces in and near Source Yubu.

15. In late March 2021, 41 Balanda households were displaced from Source Yubu following an attack against Balanda civilians in the area. In addition, in late May, seven civilians were abducted from Nabiamia, two of whom were killed and subsequently identified as members belonging to the same Balanda family, and one of whom was formerly affiliated with the SPLM/A-IO. These attacks were reportedly carried out by SSPDF loyal to Maj Gen Nando supported by militia elements mostly from the Azande community-based in Source Yubu.
16. Against the backdrop of such targeted attacks, the incursion in Namutina of armed militia and elements of Maj Gen Nando-led SSPDF triggered a strong military response from the SPLM/A-IO, setting the scene for the conflict in Tambura County, during which hundreds of civilians were killed. Tensions escalated along ethnic and political lines, with forces loyal to Maj Gen Nando supported by some national, state and county level officials¹⁴ and traditional leaders of the Azande Avungara; they were perceived as a threat to Balanda civilians and the SPLM/A-IO.

IV. Fighting between SPLM/A-IO and SSPDF in Tambura County

4.1 Escalation of violence between June and July

17. In the first two weeks of June, intermittent reports of an armed group planning to attack Namutina¹⁵ had surfaced. By 17 June, these forces, comprised of armed militia and elements of the Maj Gen Nando-led SSPDF, began mobilizing to carry out attacks on the SPLM/A-IO barracks in Namutina. During this movement, the armed group carried out attacks on villages, abductions, looting and destruction of property, resulting in the displacement of thousands of civilians. At least 13 civilians were abducted in Mabenge area and were forced to carry looted items, and to guide the armed group in the direction towards Namutina in their military offensive against the SPLM/A-IO barracks.
18. Multiple sources informed HRD that around 19 June, the armed group approached the SPLM/A-IO barracks in Namutina in preparation of their military offensive but were forced to retreat towards Source Yubu, following resistance from the SPLM/A-IO. Between 20 and 27 June, in response to mobilization of Maj Gen Nando-led SSPDF forces and affiliated militia into Namutina, SPLM/A-IO carried out wide-scale retaliatory attacks in various locations in Tambura County. As a result, at least 23 civilians were killed, and 12 others abducted with many houses looted and burnt.
19. HRD's investigations found that most of civilians of the Balanda and Azande communities were not involved in these incidents. On some occasions, alongside their Azande neighbors, Balanda civilians were also victims of the attacks by SPLM/A-IO which were carried out randomly against the local population.¹⁶

¹⁴ While Western Equatoria state is headed by an SPLM/A-IO Governor, many state and county level officials are SPLM/A.

¹⁵ Namutina is the main SPLA-IO base and stronghold in the former defunct Tambura State, and is now located in Nagero County of Western Equatoria State.

¹⁶ For example, IDP community leaders (one Balanda and one Azande) noted that they were subjected to attacks by armed elements in the same locations, fled together, and are now living in the same IDP camp.

20. According to HRD's findings, multiple attacks and clashes took place in areas in and around Tambura town, particularly between 17 and 19 July. Sporadic attacks continued throughout July and into August. The SPLM/A-IO and affiliated armed militia attacked the surrounding regions of Tambura town, causing large-scale civilian casualties and leading to the displacement of thousands of civilians and wide-scale destruction of civilian property. Multiple high-profile attacks and counter attacks also took place in mid-July in Tambura town, including the attack and burning of the house of a SPLM/A-IO Major-General on 16 July, the burning of the vehicle of a County Commissioner along the Tambura-Source Yubu road on 18 July, and the attack and burning of the premises of an Azande Chief on 19 July.¹⁷

4.2 Spread of violence and large-scale fighting in August and September

21. In mid-August 2021, Maj Gen Nando relocated to Tambura, establishing base in Renzi primary school. The second half of August saw a sudden surge of military clashes/attacks, reprisals or counter attacks by both parties, including SPLM/A-IO and Maj Gen Nando-led SSPDF, supported by their respective affiliated militias. These attacks mostly took place in the villages on the outskirts of Tambura town, and civilians were targeted in Maiku on 15, 21 and 24 August and in Banganza Boma on 23 August.
22. During this period, the security situation in Tambura severely deteriorated, leading to multiple attacks in Kiniya 1. On 21 August, violent clashes erupted between the rival armed groups, near the Tambura airstrip, in the vicinity of the UNMISS Temporary Operating Base (TOB). This incident resulted in the killing of at least 29 civilians, one injured, three abducted and one case of rape, with over 2,400 internally displaced persons (IDPs) moving to the area adjacent to the UNMISS TOB to seek refuge and assistance.
23. On 24 August, a former County Commissioner of Tambura, was shot dead by SPLM/A-IO forces and affiliated militia, in a targeted military operation. Due to his reputation and the perception that he was providing support to the Azande community-based militia in Tambura County, the former County Commissioner appeared to be one of the high-profile targets of the pro-SPLM/A-IO forces, including affiliated militia. According to sources, he had received intelligence on plans to kill him, and was heading to the County Commissioner's home when he was killed in an ambush near the Tambura airstrip. The killing of the former County Commissioner marked a major turning point in the conflict, causing widespread panic in Tambura.
24. On 3 September, sporadic and heavy exchange of gunfire erupted close to the INGO World Vision compound, in the Tambura 1 residential area. HRD's investigations established that the clashes were a result of a military operation led by government security forces¹⁸ against armed militia affiliated with SPLM/A-IO that was advancing towards the center of Tambura town allegedly to launch attacks on Maj Gen Nando-led SSPDF and affiliated militia. According to security and community sources, at least 16 civilians were killed during this incident. In the period of unrest and tension that followed in the first week of September, heavy clashes erupted and spread throughout Tambura town.

¹⁷ Attack conducted by Angelo Davido led armed militia. During one of HRD's interaction with Angelo Davido, he acknowledged responsibility for this attack.

¹⁸ Comprised mostly of SSPDF and National Security Service (NSS) deployed from Yambio by Western Equatoria State government to protect a government peace delegation.

Targeted killings, abductions, ambushes, destruction of property and other violations and abuses were reported in several parts of Tambura County.

25. On 6 September, a large number of SPLM/A-IO elements and affiliated militia launched an attack on Maj Gen Nando-led forces at their base in Renzi Primary school, as well as on the house of the former Western Equatoria Governor Patrick Zamoï and engaged in clashes near the Ministerial Complex in which 18 civilians were killed and at least four injured. The clashes, which lasted from 6.30 a.m. until around 2 p.m., resulted in further displacement of civilians, including to the area adjacent to the UNMISS TOB.
26. This attack was followed by revenge killings by armed militia groups affiliated with both sides of the conflict. For example, between 9 and 13 September, multiple attacks in Mupoï by armed militia groups resulted in the killing of at least six civilian men and the looting and destruction of civilian property.
27. Following the 6 September clashes and spread of violence, Tambura witnessed a week of relative calm in part due to the arrival of the Joint Defense Board (JDB)¹⁹ Taskforce and mediation efforts undertaken to deescalate the conflict, quell reprisals and counter attacks. However, according to corroborated sources and as witnessed by HRD teams, the reinforcement of about 500 youth newly recruited to Maj Gen Nando-led SSPDF forces transported from Ezo to Tambura on 16 September led to a resurgence of tension, particularly in the eastern part of Tambura County. On the following day, 17 September, fighting erupted in the Seneguse area, leading to the destruction of civilian property.
28. On 21 September, exchanges of gunfire between an armed militia group affiliated by SPLM/A-IO, and Maj Gen Nando-led SSPDF was reported in the Seneguse area, one civilian was killed, and four others injured in crossfire between the fighting forces. On 27 September, fighting broke out again between the two groups in the Zangia/Seneguse area of Tambura County. On 29 September, Maj Gen Nando-led SSPDF and affiliated militia, and SPLM/A-IO affiliated militias clashed in Manzuru, Mbiagura and Banzua villages, also located to the east of Tambura. Clashes in Banzua village continued on the following day and concluded on 30 September.

4.3 Non-international armed conflict involving conventional parties and community-based militias

29. The violence in Tambura is characterized by distinctive features, including political manipulation of Azande and Balanda ethnic identities to frame the conflict as intercommunal violence. In addition, the situation in Tambura was characterized by numerous clashes between organized armed groups or militias, under direct command and control of either SPLM/A-IO or Maj Gen Nando-led SSPDF. Furthermore, HRD documented three incidents of direct clashes between the SPLM/A-IO and Maj Gen Nando-led SSPDF, supported by their respective affiliated militia groups, on 21 August, 3 and 6 September. Militia groups on both sides had well-organized command structures, including clear hierarchy and geographical divisions. As evinced by HRD findings, these militias were capable of recruiting, training, and equipping new fighters, as well as able to plan and launch attacks, including

¹⁹ The Joint Defense Board (JDB) team comprised of representatives from SSPDF, SPLM/A-IO, SSOA, established by the President and mandated to document incidents through direct engagements with all stakeholders, including peace spoilers, local militia leaders, displaced communities, and heads of military forces from all sides and local authorities.

in coordination with conventional parties on the conflict. HRD believes that the situation of violence in Tambura is linked to existing non-international armed conflict in South Sudan.

30. Furthermore, protracted armed confrontations between SPLM/A-IO and Maj Gen Nando-led SSPDF and their respective affiliated militia groups resulted in significant numbers of casualties amongst fighters and civilians, as well as widespread damage across the Tambura area, including public and private property. The use of Avtomat Kalashnikov 47 (AK-47) rifles, PK Machine guns (PKMs), rocket propelled grenades (RPGs), and other small and light weapons contributed to the intensity of the violence.

V. *Modus operandi of the attackers*

31. HRD’s investigations established that rival armed militias carried out wide-scale killing of civilians.

A large number of victims and eyewitnesses interviewed consistently depicted men armed with AK-47 rifles as well as machine guns such as PKM and other weapons including machetes, knives and clubs, often moved in small groups, dressed in black and concealing their identities through face and head coverings, speaking a combination of languages, namely Azande, Balanda, and Arabic. These modus operandi were commonly shared and applied by belligerents from both sides. While the rival armed militias had similar attire and weapons, spoke the same language, and conducted attacks in the same geographical areas, they were clearly distinguishable as they were recognized by victims and witnesses. In some instance, attackers identified their affiliation with armed militias in their interaction with victims and witnesses.

“Due to the conflict in Tambura, I sent my wife and child to Yambio for safety, and I stayed behind since I did not have enough money to travel alongside them. This morning I went to our home close to the airstrip to collect a few items. After a few minutes, I saw a group of about six armed men approaching, some holding AK-47 guns. They were clearly looking for me specifically because they left some houses and were pointing to my house. When I tried to escape, one of them ran and grabbed me. I fought hard with him and sustained an injury on my hand which you can see [showing his injured hand]. I was able to bite the attacker and suddenly ran into the bush. The attackers started firing at me, but I survived by a miracle, by God’s grace. Now I have sought refuge in an IDP camp in Tambura and I plan to escape because these armed persons will be looking for me. I hear they have been establishing lists of people in Tambura that they have to kill.”

- Testimony from a male IDP

32. Belligerent groups from both sides operated in small scattered groups comprised of several armed elements. They carried out most of the brutal attacks on villages, targeting and killing civilians, committed sexual violence, looted and destroyed civilian property and health facilities, and abducted civilians. In some instances, individuals and entire families were targeted and killed on presumption of belonging to a specific community, irrespective of gender or age. Sources informed HRD of the existence in some instances of pre-established lists by some armed elements targeting certain individuals, including members of rival communities or members of their own, perceived as traitors. Most of the victims were directly targeted while a few were killed or injured in crossfire between the rival armed militias.

VI. *Human Rights Violations and Abuses*

6.1 *Killing and injury*

33. HRD's findings found that at least 440 civilians were killed (332 men, 60 women and 48 children), and 18 others were injured (17 men and one woman) between June and September 2021. The majority of victims were men (76 per cent), with women and children making up 14 and 10 per cent, respectively. On the 21 August, HRD received reliable information that a 15-year-old boy was killed when fighting ensued between rival groups in Tambura town. On 6 September, a 14-year-old boy was critically injured after being hit in the chest by a bullet during fighting between Maj Gen Nando-led SSPDF and affiliated militia, and SPLM/A-IO affiliated militia. He was evacuated to Juba for further medical attention.

34. In addition, at least 56 civilians, including four women have been reported missing between June and September 2021. At the time of writing, the fate and whereabouts of these persons are still unknown.

35. The Criminal Investigation Division (CID) of the South Sudan National Police Service (SSNPS) in Tambura also indicated to HRD that, as of 1 September, they had recovered 60 dead bodies,²⁰ including eight children and seven women, some of whom had reportedly been subjected to sexual violence before being killed. Accounts from security sources, and eyewitnesses indicate that most of the victims were killed with machetes and knives, characterized by extreme brutality. The security personnel²¹ recovering dead bodies of victims for burial were receiving pressure from the warring parties to leave the decomposing bodies in the areas where the victims were killed to discourage community members from venturing out or returning to these areas. HRD observed a trend of civilians being ambushed and attacked by warring parties when they attempted to retrieve the dead bodies.

“On 24 August 2021, armed Balanda men from Zangia with another group coming from a tribe called Jur (Mvolo County) carrying PKM, and other local weapons came into my father’s house at Banganza, 9km from Tambura town. When they got into the house, they began using mostly their machetes and knives and killed the members of our family. Many of them [family members] had their throats slit. Our family members killed were aged 51,42,24,19,16,13,12,8,5 and 3. However, while committing this heinous act, one of my brothers who was in hiding at the back of the house managed to escape although he was shot at several times. The bodies of these ten persons were later recovered and buried between 27 and 28 of August 2021 by government forces.”

- Testimony from a male IDP

36. Some sources indicated the presence of mass graves at St. Mary's Catholic church cemetery in Tambura town. According to these sources, after the clashes that broke out on 6 September, the police retrieved more than 15 bodies within 10 km radius of Tambura town. At least three bodies were buried in each grave at the St. Mary cemetery. In addition, the sources alleged that an undetermined number of bodies were littered in the area of Matakurungu. However, attempts by the SSNPS to access the area and recover the bodies failed because a Maj Gen Nando-affiliated militia was occupying the area and threatening to kill anyone who crossed to Matakurungu.

²⁰ Included among the 440 civilians killed highlighted in para 24.

²¹ Security personnel from SSPDF, NSS and SSNPS.

6.2 Abduction of civilians

37. HRD's investigations determined that at least 74 civilians (52 men, nine women, 13 children) were abducted during the conflict, with men and boys most often coerced or forced into recruitment to take up combat roles with warring parties. Both the Maj Gen Nando-led SSPDF and the SPLM/A-IO forces in Western Equatoria have a long history of recruiting and using children for military purposes.²² Abductions appear to be used as a tool to forcibly recruit civilians, especially children in contravention of South Sudan's international obligations.
38. HRD received multiple reports of abduction of children for purposes of forced recruitment by Maj Gen Nando-led SSPDF and affiliated militia. The Head of the JDB Taskforce, whom HRD interacted with on various occasions during its investigations, informed that he had warned Maj Gen Nando that a large number of child soldiers were counted in his ranks, and urged him to quickly remove all the children before they started the screening.
39. On multiple occasions during its investigations, HRD observed many individuals looking well below the age of 18 years old and holding AK-47 type weapons. Some of these children were spotted during parades of Maj Gen Nando-led SSPDF in Tambura town and some at check points of SSPDF and Maj Gen Nando-affiliated militia especially along the Tambura-Mupoi and Tambura-Ezo roads.
40. Community-based militias were also involved in abductions. Various sources, including security officials and victims, noted that those abducted persons who refused to join the armed militias and self-defense groups were held captive until they or family members paid a ransom for their release. The armed militia groups referred to this as the contribution of the victims and their families to help fund these groups. Some people who were unable to pay the requested ransom were subsequently executed by the community-based militias. HRD could not, however, establish the scale and extent of these executions due to security concerns linked to ongoing violence. A man whose son was abducted in early August by suspected pro-SPLM/A-IO armed militiamen on the outskirts of Tambura town told HRD that they had asked him to pay a ransom for his son's release since he did not want to join the group or to allow him to do so. After about a week in captivity and after failing to pay the ransom demanded, his son was executed. In the same week, the man was killed by the same group alongside other community members during an attack perpetrated on their residential area.
41. In another example, HRD was informed by multiple sources that on 21 September, seven men were abducted from a truck returning from Tambura to Yambio. The truck, which had travelled to Tambura to deliver food items on behalf of the Catholic Diocese of Tambura and Yambio, had men, women, and children onboard in its return journey to Yambio. The truck was stopped near the house of the Tambura County Commissioner, all men were reportedly ordered by the County Commissioner to disembark and only women and children were allowed to proceed. The County Commissioner reportedly stated that, "if all the males are running away from Tambura, who will stay and protect the land". The seven men were taken to the Maj Gen Nando forces' base in Renzi Primary school, where they were interrogated on their ethnicity and why they were leaving Tambura

²² Violations and Abuses against Civilians in Gbudue and Tambura, Western Equatoria (April-August 2018), UNMISS and OHCHR, 18 October 2018: available at <https://unmiss.unmissions.org/sites/default/files/reportwesternequatoria17oct2018.pdf>

town. Two of the victims were released while five men are reportedly still being held at Renzi Primary school.

42. HRD further documented that in other instances, the abductees were used to carry looted items or to serve as local guides to fighters and armed militia. For example, on 20 August, four men were abducted from Matakurungu by armed militia affiliated with the SPLM/A-IO and forced to carry looted property to Nabiama. Upon arrival in Nabiama, three of the men were killed and the fourth victim escaped with injuries after being subject to mutilation, including his ear being cut off.

6.3 Conflict-related sexual violence

43. During its investigations, HRD found that rape and sexual violence were used deliberately as both a weapon and tactic of war by warring parties during the conflict to instill fear in, and disperse the civilian population in Tambura during the reporting period. In many such cases, sexual violence appeared intended to punish or humiliate victims from targeted communities. HRD also documented cases in which conflict-related sexual violence (CRSV) appeared to have been deliberately used as a means of terrorizing communities with the aim of forcibly displacing them from contested areas.

“I am a teacher by profession. I was displaced from Mabenge on 17 June following an attack on the area. I was a witness of the attacks of that day. The attackers came through Akpa. They were about 49 of them and fully armed with AK-47 and PKM [machine guns]. They looted property from the houses of community members and destroyed houses. They destroyed Mabenge Primary School after looting it. The armed men attacked the home of a 13-year-old girl and shot her grandfather dead. The armed men then shot and injured the 13-year-old girl and a few of them gang raped the girl to death. I saw the incident with my eyes, and it was a horrible scene. The armed men abducted 13 persons, including ten adult males and 3 girls. One of the abducted men later escaped from the camp of these armed people. From what I saw, the attackers killed three people in Mabenge that day, two females and one male and injured two adult males. From Kpatanayo to Mabenge, these armed men looted and burned down the houses of civilians.”

- Testimony from a male IDP

44. According to HRD’s findings, CRSV has been a prominent feature of the violence in Tambura.²³ HRD documented 14 incidents of sexual violence, involving 64 victims (53 women, 7 men and 4 girls). Most of the victims, primarily women and girls, including some as young as 13 years old were subjected to gang rape. These incidents most often occurred in public view during attacks on villages, road ambushes and targeted attacks on civilians. HRD believes that these incidents of sexual violence are underreported given the stigma and risk of marginalization that victims of these crimes often endure afterwards.
45. Accounts from eyewitnesses, survivors and security sources indicate that, at least 19 victims were killed after being raped or sexually assaulted or died allegedly as a result of injuries sustained during their ordeal. In an attack on Mabenge village (approximately 19 km from Tambura town) on 17 June, for instance, armed men shot and injured a 13-year-old girl before gang raping her to death.

²³ Violations and Abuses against Civilians in Gbudue and Tambura, Western Equatoria (April-August 2018), UNMISS and OHCHR, 18 October 2018: available at: <https://unmiss.unmissions.org/sites/default/files/reportwesternequatoria17oct2018.pdf>

46. HRD investigations further revealed that apart from sexual violence committed by the warring parties, elements from the government security sector are similarly liable for committing the same violation. For instance, on 20 August 2021, a group of about 20 National Security Service (NSS) and SSPDF members gang raped a group of 15 women fleeing to Tambura. According to victims and eyewitness accounts, while fleeing an attack in Maiku village, 15 women were abducted by 10 armed militiamen. However, one of these militia elements, who was ordered by their group commander to execute the women in the bush, opted to release and asked the women to flee. As the fleeing women reached closer to Tambura town, they were intercepted by a group of armed NSS and SSPDF soldiers in uniform who accused them of being spies for armed militia groups, and subsequently gang raped all of them.
47. At least 22 civilians (nine women and 13 children) were also abducted in the course of the conflict. HRD has reasonable grounds to believe that many of these victims were subjected to conflict-related sexual violence while in captivity, including forced marriage, sexual slavery, and forced nudity. At least four of these victims (two girls and two women) were recovered mostly by security forces following negotiation by state officials while the rest remained unaccounted for at the time of reporting.

6.4 Looting and destruction of property

48. Scorched-earth tactics were widely employed by all parties to the conflict, including the widespread looting and destruction of civilian property. During a field mission, HRD teams verified the burning and destruction of 80 houses and other structures in Akpa (28) and Nazarande (52) villages. This figure represents a minor segment among a much greater scale of destruction of civilian property that took place since June. As of 31 August, according to the police in Tambura County, at least 1,007 houses²⁴ were burned in 20 locations:

| # | Name of village | # of houses burnt |
|----|---|-------------------|
| 1. | <u>Nambia, Nazaret and Nozereda</u> | 230 |
| 2. | <u>Kinia, Hai Salam and Mabia</u> | 210 |
| 3. | <u>Kpatanayo and Mabenge</u> | 179 |
| 4. | <u>Dukumbia and Bazua</u> | 178 |
| 5. | <u>Mabaiku, Mavurumo, and Matakurungu</u> | 66 |
| 6. | <u>Mapison and Saraguse</u> | 60 |
| 7. | <u>Dingimo and Sinakpuro</u> | 50 |
| 8. | <u>Giaro and Gamonakpe</u> | 20 |
| 9. | Central Tambura | 14 |

²⁴ In addition, a senior police officer who was part of the state government security team, deployed by the Western Equatoria State government to recover dead bodies and assess the scale of damage informed HRD that, as of the first week of September 2021, his team counted at least 5,000 houses destroyed and burned in various parts of Tambura County. According to him, they suspended their activities in early September due to logistics challenges.

49. According to HRD's investigations, groups of heavily armed community-based militiamen attacked civilians in their farms and residential areas. Many persons could not access their homes and farms because of fear of being killed by armed militias roaming these areas. Some of those who attempted to go to their homes to collect belongings or were going to the farms to harvest crops were targeted and killed by armed militias. This increased the plight of the displaced population who experienced severe food shortages, while their crops were rotting in their farms.

Early in September, my 30-year-old son left the IDP camp in Tambura town to go and do some harvesting in his farm at Matakurungu neighborhood [in Tambura]. Information that reached us at the IDP camp later that day was that my son was abducted by Azande militiamen. After several days of searching for my son, his body was discovered at an advanced stage of decomposition by some people who had gone to fetch wood in their farm. From what they saw, his throat had been slit by his attackers.

-Testimony from a 60-year-old female IDP

6.5 Displacement of civilian populations

50. According to humanitarian sources, the attacks prompted the displacement from Tambura County of close to 80,000 civilians²⁵ (15,266 households) to various areas, including within Western Equatoria State (Tambura, Yambio, Nagero, and Ezo Counties) and Wau, in Western Bahr-el Ghazal where the affected population fled to, looking for safe havens. This includes more than 2,000 civilians who sought refuge at an IDPs settlement adjacent to the UNMISS TOB in Tambura town.

On 14 August, my brother aged 38 left his home at Mabaiku, situated 3km from Tambura town, to go to Tambura to buy medication for his sick son. Along the way, he was attacked by Balanda militiamen who beat him, slit his throat, and dumped his body just by the roadside. My brother was only discovered later in the day beside his bicycle, and he was taken to Tambura town to be buried at the cemetery. Four bodies were also discovered alongside his own. His wife and six children have fled to an IDP settlement.

-Testimony from an IDP in Tambura

51. HRD's findings established that IDPs did not have the required safety and protection from local authorities in locations they fled to. As such, IDPs faced further threats and risks at some of these locations and were often exposed to imminent danger of reprisals and targeted attacks as soon as they ventured out of these sites to their homes and nearby villages in search of food and other necessities.

6.6 Attacks on protected personnel and facilities

52. During its investigations, HRD received well-documented information including from humanitarian sources pointing to the number of attacks on aid workers and destruction of humanitarian facilities as well as hospitals and attacks/occupation of schools. Between 7 July and 19 September, at least four humanitarian and health workers were killed by armed militias in Tambura including a health worker who was killed near a health facility along the Tambura-Mupoi Road.

²⁵ South Sudan: Tambura conflict Flash Update No. 1 (As of 14 September 2021) available at: <https://gho.unocha.org/south-sudan>

53. In other instances, HRD also documented at least two incidents involving aid workers who were abducted by Maj Gen Nando-led SSPDF and affiliated militia groups and later either released or rescued. On 12 September 2021, a medical worker on his way to Tambura center to collect medical items from the ministerial complex was abducted, arbitrarily detained, and ill-treated by Maj Gen Nando-led SSPDF. He was subjected to forced nudity and rescued on 13 September by the armed guard of the JDB Taskforce.

54. Additionally, humanitarian facilities and warehouses were either looted or destroyed during these attacks, constraining the capacity of humanitarian actors to deliver life-saving support such as food and medicine to displaced civilians. As an example, on 6 September Maj Gen Nando-led SSPDF attacked and looted the premises of an international NGO operating in Tambura. Items looted included at least five motorbikes which were later recovered by the JDB Taskforce. In addition, armed militias destroyed health facilities together with equipment and medical supplies with the double intention of depriving communities of health supplies which were taken away by assailants for their own use.

“I am a nutrition officer with the INGO providing humanitarian relief materials. At 11.30 am, I was in the complex, in front of the warehouse, when seven armed elements of the pro-James Nando forces abducted me and took me to Amozijigo lodge, close to Renzi Primary School, used by the James Nando forces. They tied my hands behind my back and dragged me. When we got to the lodge, they hit me on the ribs with a stick, asked for my phone and money and I told them I did not have them. They asked me to join them, and I told them I have a job already but will consider their offer. At about 14.00 hours, they released me and warned me not to report to anyone that I was arrested by them, if not they will deal with me”

-Testimony from a humanitarian worker

55. Between June and September 2021, at least nine health facilities²⁶ were looted and/or destroyed in Tambura County. For instance, on 19 June, the health center in Akpa was destroyed and the cabinet for medicines set ablaze by armed militiamen. During a field visit to Mupoi in September, an integrated UNMISS team, including representatives from HRD, visited at least two health facilities that were looted and partially destroyed in Mabilia and other locations between Tambura and Mupoi.

56. In August and September, at least three schools where humanitarian supplies were being stored, were attacked and looted, multiple times by rival armed militias in Tambura town. During patrols and field visits in and near Tambura County, HRD regularly spotted an undetermined number of children associated with community-based militia groups affiliated to Maj Gen Nando and occupying the Renzi Primary school, as well as between Matakurungu and Source Yubu. UNMISS raised concern about the use of child soldiers and use of schools for military purposes with security officials, the JDB Taskforce and government officials, and the forces eventually vacated the school.

57. On 6 September, SPLM/A-IO elements and affiliated militia, including Angelo Davido forces, launched an attack on Maj Gen Nando-led SSPDF and affiliated militia at their base in Renzi Primary school. Following these clashes, a young soldier fled into the UNMISS TOB to seek protection. The

²⁶ This includes Tambura Primary Health Care Center- PHCC (Tambura Town), Gamunakpe Primary Health Care Unit- PHCU (Tambura), Mupoi PHCC (Mupoi), Muboiku PHCU (Tambura-Source Yubu Road), Bambu PHCU (Source Yubu Road), Mabenge PHCU (Namutina road), Akpa PHCU (Namutina Road), Matakurungu PHCU (Source Yubu road), Kpatanzere PHCU (Source Yubu road). Further, a police source in Tambura informed HRD that, in the process of recovering dead bodies and evaluating the scale of damage in various parts of Tambura, they had witnessed several health facilities looted and destroyed by armed elements in various areas in and around Tambura town.

boy revealed that he was forcibly recruited by forces loyal to Maj Gen Nando and was actively engaged in fighting against an offensive by a SPLM/A-IO and affiliated militia. According to the boy, he sought protection and safety at the UNMISS TOB when they ran out of ammunition. The boy was found in possession of a hand grenade which was retrieved by UN peacekeepers for safe storage and discarding.

6.7 Hate speech and incitement to violence

58. The violence in Tambura has been characterized and fueled by widespread use of hate speech on both online and offline media. Senior government officials from both the Azande and the Balanda communities played a key role in inciting violence and hate speech. Members of the diaspora were also involved in the incitement of violence on social media platforms, and resources were mobilized through encrypted messaging platforms.
59. On 20 July, a prominent political leader used social media²⁷ inciting the Azande to expel Balanda and other tribes from Azande “ancestral land”, calling on the Azande people in Western Equatoria State and particularly in Tambura County, to fight and protect their land against “intruders”, with a commitment to support them with logistics.
60. A former government official in Tambura openly stated, including to UNMISS teams, that his community youths would fight against the Balanda who he accused of attacking the Azande. During a meeting with UNMISS, the same government official stated that the only solution to the conflict was for the entire Balanda community to leave Tambura County. In addition, an influential politician reportedly incited Azande communities in Tambura town, Ezo and Yambio to kill any children of Balanda father.

VII. Alleged perpetrators

61. The complexity of the situation on the ground did not allow the identification and verification of all individuals involved in the documented violations and abuses of international human rights law and violations of international humanitarian law related to the armed conflict. However, HRD investigations established that individuals identified below should be held accountable for their alleged role as perpetrators and/or for holding command responsibility for violations of international human rights and humanitarian law.

7.1 Individuals linked to the SPLM/A-IO

62. During its investigations, HRD found evidence of the SPLM/A-IO involvement in the conflict, as well as militarization of youth from both Azande and Balanda groups. HRD identified a Balanda SPLM/A-IO Major General from Tambura County who directly exercises leadership control over this group of armed militias. Although during interaction with HRD, regarding the involvement of his forces in human rights violations, the Major General deflected command responsibility and stated that his forces “cannot be controlled in the heat of the moment” HRD found proof of his involvement. In any event he would remain responsible as there was a failure to take all necessary measures to prevent or repress the commission of crimes. Further, at least two of the group’s commanders are

²⁷ Including WhatsApp groups such as: Azande groups, Gbudue Forum, and Greater Tambura Forum

known to exercise effective command and control over individuals within their ranks including those involved in human rights violations and abuses. Critical information gathered suggests that these two militia commanders operated throughout the period alongside SPLM/A-IO forces.

63. According to various sources, while the other militia commander convened meetings in at least five locations in Tambura County in June 2021, calling for the “mobilization of the Arrow Boys”,²⁸ including former members and new recruits, to continue their previous work, the second commander led a mixed of Azande-Balanda armed militias in carrying out attacks against civilians in Tambura. The latter acknowledged responsibility of this offensive, wherein the destruction of the traditional chief’s palace at his compound was noted. Militia elements under this commander committed serious human rights violations including mutilations, killings, burning civilians to death, rape, and gang-rape. On the other hand, the armed militias commandeered by the former reportedly perpetrated atrocities against civilians in the outskirts areas of Tambura including in Mupoi and Mabenge. His group is based in Mangburu boma.

7.2 Individuals linked to the SSPDF

64. Likewise, HRD identified three high ranking military officers (a Major General and his two deputies - a Brigadier General and a Lt. Colonel) belonging to SSPDF to be similarly responsible for serious human rights violations cited in this report.
65. The Major General was a former SPLM/A-IO commander who defected to the government and the SSPDF in March 2020, alongside with his trusted soldiers, as well as ranking officers loyal to him, including the two military officers implicated in this report. The Major General was noted to have effective command and control over individuals within his command and is responsible for serious human rights violations committed in particular against Balanda and individuals affiliated with SPLM/A-IO, as well as against Azande youth refusing to join his forces, in particular through ordering forced recruitment. As the highest ranking military officer, the Major General holds command responsibility for the intermittent but consistent targeted human rights violations committed against Balanda civilians and SPLM/A-IO affiliated persons in the lead up to the outbreak of violence in June and throughout the conflict, in areas of Source Yubu, Tambura, and in between Tambura and Namutina, resulting in killings and displacements.
66. The Major General’s deputies were identified as having effective command and control over individuals within their rank. HRDs findings revealed that their forces have been operating with the support of armed Azande community-based militias perceived to be loyal to the traditional chief of Tambura County.
67. HRD interviews likewise indicated the involvement of an Azande traditional chief. According to security sources, he was known to have a group of at least 150 armed elements operating under his orders. Part of these armed elements include some “Arrow Boys” from Tambura area (namely, Tambura, Yangiri, Mupoi, Ezo, Nandi and Source Yubu). These elements have a loose command

²⁸ The “Arrow Boys” are community defense groups in Western Equatoria, previously organized to defend against the Lord’s Resistance Army. Governor Alfred Futuyo was a leader of the Arrow Boys; the group has also enjoyed patronage from previous Western Equatoria governors. Important members of the Arrow Boys who are alleged perpetrators in the conflict in Tambura include: Maj Gen Nando, the SPLM/A-IO Major General from Tambura County, and the commander of a militia affiliated with SPLM/A-IO.

structure, but they have strong affiliation and loyalty to the traditional chief, who apparently exercises some level of command and control under the guise of defending the community from rogue elements. The traditional chief also became a divisive figure in 2018 with consistent calls for the Azande to reclaim their land/territory from the Balanda.

68. HRD also identified a local County Official known for his call for the removal of the SPLM/A-IO, and who in June 2021, facilitated the conflict in Tambura County and Source Yubu by refusing to allow security sector personnel to intercept and prevent Maj Gen Nando-led forces and affiliated militia from moving from Source Yubu and Matakurungu towards Namutina, which triggered the outbreak of conflict, as confirmed by security sector officials in interactions with HRD. The official notably incited the conflict by openly criticizing a government official while calling for the removal of the SPLM/A-IO, and openly expressed his willingness to use force to remove the latter from Namutina.²⁹

7.3 Role of alleged perpetrators

69. Following the pre-conflict phase violence between February and May 2021, HRD findings indicate that the armed violence beginning in June 2021 was initially instigated and triggered by SSPDF elements from Source Yubu led by the Major General identified above, and affiliated militias, who were responsible for incidents targeting the Balanda civilian communities and individuals affiliated to the SPLM/A-IO, resulting in killings, abductions, and displacements.
70. The incident triggered an immediate response by the SPLM/A-IO from Namutina, which not only pursued and retaliated against the SSPDF elements led by the Major General and affiliated militia, but also committed grave human rights violations against civilians in Tambura County from mid to late June. The attacks caused widespread civilian casualties, destruction and looting of civilian property, and displacements in the affected regions.
71. Violence resumed in mid-July with targeted attacks perpetrated by rival armed militias against civilians, as well as political and traditional elites of Tambura. Attacks against civilians and the Azande Avungara political and traditional elites were predominantly carried out by the militia group affiliated with SPLM/A-IO, the militia group comprises both Azande and Balanda elements.
72. In this context, HRD has reasonable grounds to believe that the militia group affiliated with SPLM/A-IO acted in collaboration with, or under the *de facto* control and acquiescence of, the SPLM/A-IO. Collectively, these armed militiamen committed widespread killings, abductions, rapes and other forms of sexual violence, burning/destruction and looting of civilian properties among the Azande civilian population. Many victims were killed by multiple gunshot wounds, but some others were burnt alive inside their dwellings, mutilated, wounded with parts of their bodies cut off, fetuses cut out of pregnant women, or killed by other brutal methods intended to generate adverse psychological impact on the community.
73. According to HRD's investigations, during the reporting period, Maj Gen Nando-led SSPDF and affiliated militia groups carried out killings and widespread destruction and looting of civilian

²⁹ The local official repeated these comments during security meetings held in Western Equatoria, as well as during meetings with UNMISS.

property, predominantly against Balanda civilians, using Renzi primary school as their base. The group also carried out mobilization and recruitment campaigns, and reports of forced recruitment including of children resurfaced in September 2021. Azande youths who refused to join his armed group were subjected to harassment, and intimidation and several were forced to flee to other towns to escape the forced recruitment. In some instances, some were forced to pay ransom as their contribution for refusing to join the armed militias, while others were simply executed.

VIII. Responses

8.1 Response from national authorities

Political response

74. Almost a month after the outbreak of violence in Tambura, President Kiir and First Vice President Machar convened in Juba, from 12 to 14 July, a series of political meetings with Juba-based politicians from Western Equatoria State to address tensions in the area. However, these political engagements could not deter the violence in Tambura and both the Maj Gen Nando-led SSPDF and affiliated militia and SPLM/A-IO continued to perpetuate the attacks, including revenge attacks against civilians from both ethnic communities (Azande and Balanda) with the SSPDF, NSS and SSNPS failing to adequately provide protection.
75. HRD's investigations found that partisan interests reduced the ability of the state and local government bodies to effectively deter further violence and/or mitigate its impact on civilians. On 24 June 2021, the Governor of Western Equatoria State, Governor Alfred Karaba Futuyo appointed a committee comprised of the Minister of Local Government and Law Enforcement, the Advisor on Peace and Security, the Minister of Information and Communication, a Member of the Conflict Resolution and Reconciliation Commission, the SSPDF, and the Criminal Investigation Division (CID), to investigate and ascertain the root cause of the violence in Tambura. The committee submitted its findings to the Governor on 7 July 2021, following their visits to Tambura and some locations affected by the violence, with the following recommendations:
- *All those involved in the crimes in Tambura should be arrested*
 - *A Peace Conference should be convened*
 - *Relocation of the SPLM/A-IO from Namutina and James Nando led armed groups from Tambura and transfer of all armed groups to the training site in Maridi*
 - *Politicians instigating the conflict should be called to order*
 - *The County authority should maintain teamwork, good communication channels among all parties, and the security council in Tambura.*
76. At the national level, a high-level delegation of parliamentarians from the Azande and Balanda communities visited Tambura on 6 July 2021. The report submitted by the high-level delegation to President Kiir included recommendations for the removal of SPLM/A-IO forces from Namutina; the removal and cantonment of Maj Gen Nando-led SSPDF soldiers; the removal of roadblocks; a fact-finding investigation and accountability for those responsible for perpetrating violence; a peace conference to promote reconciliation between the Azande and Balanda; the delivery of humanitarian assistance to the displaced populations; and the deployment of the JDB Taskforce to Tambura.

77. The establishment by the Presidency of a select Committee of the JDB composed of representatives of the SSPDF, SPLM/A-IO and SSOA was indeed instrumental in mitigating violence. The Committee, which had an initial mandate of two weeks, remained in the area for about two months until the end of October and documented incidents through direct engagements with all stakeholders, including peace spoilers, local militia leaders, displaced communities, and heads of military forces from all sides and local authorities. UNMISS has supported the extensive engagements of the Committee in Tambura and its surrounding areas.

Military response

78. During its investigations, HRD also witnessed a security vacuum in Tambura during the period in which the incidents took place, prior to the deployment and intervention of the JDB Taskforce. Despite the presence of the SSPDF, SSNPS, NSS in Tambura County as well as in Source Yubu, the forces hardly intervened to protect the civilians and to deter attacks by armed militias. However, it is unclear whether the absence of any protection efforts to civilians was the result of a major disruption in the chain of command and/or the outcome of specific orders of non-intervention received from the hierarchy of the SSPDF and security forces or lack of logistical capabilities. Senior SSPDF commanders in Tambura town and Source Yubu County informed HRD that they had no instructions to intervene and would only do so if they came under attack, or to protect key government installations and the IDPs who had sought refuge in military barracks.

79. However, during the clashes in Tambura town between the parties to the conflict on 19 August 2021, security forces carried out a heavy armed response to ward off the rival armed militias. Also, on 3 September, joint security forces temporarily deployed to protect a government peace delegation from Yambio, launched an attack on SPLM/A-IO forces and affiliated militia groups who were advancing close to Tambura center with the intention of attacking rival forces. The attack forced the SPLM/A-IO forces and affiliated militia groups to retreat, while another attack was launched against Maj Gen Nando-led forces on 6 September, the day after the delegation and forces from Yambio had left Tambura town.

80. The JDB team comprising of representatives from organized forces, arrived in Tambura town on 8 September 2021 with a mandate from President Kiir to (1) de-escalate the conflict in Tambura County and enhance security throughout the Western Equatoria State; (2) transfer all organized groups in conflict to Maridi Training Centre; and (3) conduct investigations and assess the situation to find strategies to regain sustainable security, echoing some of the recommendations contained in the findings of the committee appointed by Governor Futuyo to investigate the roots cause of the violence in Tambura County.

81. The JDB team determined that all conflicting parties were involved in the killing of civilians, burning, looting, and destruction of civilian property. To help build peace and enhance security in Tambura, the JDB team urged all conflicting parties to cease armed confrontation at the risk of a strong and immediate retaliation from the organized forces. In addition, the JDB team engaged all

parties to the conflict to transfer their forces³⁰ to the Maridi Training Center for training with the objective of integrating the ranks of organized forces. Furthermore, the JDB team suggested that the transfer of forces of the conflicting parties to the Maridi Training Center be accompanied by the recall to Juba of their leaders to hold them accountable for their actions.

8.2 UNMISS response

Political engagement

82. Sustained and coordinated advocacy through political engagements at the Juba level ensured the commitment and oversight of the top-level government officials to address the violence. During his visit to South Sudan in September, the Under-Secretary-General for Peacekeeping Operations, Jean-Pierre Lacroix raised concerns over the situation in Tambura in his meetings with the President, the First Vice President, the Minister of Defense, the Speaker of the Reconstituted Transitional National Legislative Assembly (R-TNLA), the Presidential Adviser on Security Affairs, the Reconstituted Joint Monitoring and Evaluation Commission R-JMEC Chair, and other international and regional bodies.
83. Similarly, the Special Representative of the Secretary-General (SRSG) and the Head of the United Nations Mission in South Sudan (UNMISS) raised the issue in follow-up engagements with the First Vice President, the Presidential Adviser on Security Affairs, the European Union (EU) Heads of Missions, the African Union (AU), the Intergovernmental Authority on Development (IGAD), and the Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC). This multi-level political engagements-maintained focus and pressure by putting the onus of the responsibility on the parties to the peace agreement to take immediate steps to mitigate tensions by relocating their forces to training and cantonment sites.
84. To further highlight the gravity of the situation on the ground and urge peaceful solutions, UNMISS SRSG led a high-level delegation to Tambura comprising representatives of IGAD, R-JMEC, Ambassadors and diplomats from Djibouti, Ethiopia, Kenya, Norway, Sudan, and Uganda, and the Deputy SRSG, acting Resident and Humanitarian Coordinator and UNDP Resident Representative in South Sudan. The delegation held meetings with the State Governor in Yambio and visited Tambura, where they meet key stakeholders, including the JDB team, the County Commissioner, the Paramount Chief, and community representatives. Subsequently, a joint statement was issued stressing that unless the Revitalized Transitional Government of National Unity (RTGoNU) took urgent action to end the fighting, there was an imminent risk that further escalation would endanger vulnerable populations, exacerbate the dire humanitarian situation and threaten the implementation of the Revitalized Agreement.
85. Subsequently, UNDP's Peace and Cohesion team engaged with multiple stakeholders including the of Western Equatoria Parliamentarian Forum, National Ministry of Peacebuilding, National Peace

³⁰ Between October and November, the SSPDF relocated James Nando's forces to Maridi and SPLM/A-IO forces were also relocated. Angelo Davido and James Nando were also brought to Juba by the government, with the assistance of UNMISS, for high level discussions to de-escalate tensions. Some of Angelo Davido's forces were relocated but some others refused to move. A major challenge was the relocation of Balanda and Azande community-based militias several of whom refused to be relocated to the training center arguing that they were not soldiers. This remains a threat to civilians in Tambura in addition to reports of regrouping of some James Nando forces in Ezo, Source Yubu and Tambura.

and Reconciliation Commission, and interfaith organisations led by the South Sudan Council of Churches, to address the ongoing concerns in Tambura. The resolutions emanating from a leadership retreat attended by Parliamentarians and members of civil society set out recommendations³¹ for further step to be taken to prevent further atrocities from taking place and address the fundamental causes of the violence.

86. UNMISS Field Office Yambio also conducted extensive stakeholder and key leadership engagements, including with State and County authorities, traditional and community leaders, civil society and interfaith organisations, to further mitigate the crisis in Tambura. Sustained engagements were maintained with the Governor and Deputy Governor of Western Equatoria, as well as local, State, and National Government Ministries and Commissions.

Deployment of UNMISS peacekeepers

87. As part of its ‘Whole-of-Mission’ integrated approach to the Protection of Civilians and in response to the violence, UNMISS rapidly deployed peacekeepers to the affected areas, intensified patrols and established a TOB in Tambura to deter further violence and de-escalate the conflict. On 22 June, UNMISS activated the Field Crisis Management Team and authorized the deployment of a Long Duration Patrol to Tambura from 23 to 27 June following the initial clashes that took place between Maj Gen Nando-led SSPDF and the SPLM/A-IO, and their respective affiliated militias.
88. As of 5 October, 21 rotations of military, police and civilian personnel were carried out to provide security and enhance protection of civilians in Tambura and Short Duration Patrols to places most affected in Nagero, Ezo, and Tambura Counties. UNMISS provided armed escorts to IDPs in Tambura, particularly women collecting water and firewood. In addition, peacekeepers provided force protection to facilitate humanitarian operations. At the time of writing of the report, the UNMISS TOB and peacekeepers remain on the ground to provide protection to civilians and deter further violence.

UNMISS mandated activities

89. In line with its mandate, to ensure the protection of civilians, HRD, investigated and documented human rights violations, including on the six grave child rights violations, CRSV, and breaches of humanitarian law, and supported initiatives to foster peace, reconciliation, and deterrence of violence. In this context, HRD activated its rapid response and surge capacity to conduct in-depth investigations for over three months.
90. UNMISS Civil Affairs Division in partnership with NGOs and local interfaith institutions facilitated various grassroots community peace consultations aimed at appeasing tensions between communities and deescalating the conflict. In addition, the division facilitated peace sensitization campaign and engagement through local FM radio aimed at defusing inter-communal tensions and prevented spiral over of similar violence to Yambio and other locations where communities were hosting IDPs from Tambura.

³¹ The meeting was convened on 22 October 2021 in Juba.

91. UNMISS Protection, Transition and Reintegration Section facilitated the movement of humanitarian teams to Tambura and its environs, in order to conduct humanitarian assessments in the various IDP sites and to support the delivery of emergency humanitarian relief items to the affected civilian populations.
92. Further, UNMISS Communication and Public Information Office developed a targeted communication strategy that included the establishment of a new Radio Miraya³² broadcast tower in Tambura. The new tower enabled UNMISS to reach communities affected by conflict and isolated from access to reliable sources of information and news, to amplify messages of peace and reconciliation, counter hate speech and dispel rumors that fueled the violence.

8.3 Civil society and humanitarian response

93. Additionally, as a means of de-escalating the conflict in Tambura, influential religious leaders, including the Catholic Bishop of Tambura and Yambio Diocese, the Bishop of Episcopal Church of South Sudan, the Methodist Church Bishop and two others, supported by the Non-Violent Peace Force, Forest Whitaker foundation, and Catholic Medical Mission Board, held a three-day rally and prayer sessions in Tambura, Source Yubu, and Ezo between 5 and 8 August.
94. Humanitarian organizations³³ in Tambura were able to conduct rapid needs assessments prior to the relocation of 30 aid workers in August and some 7,800 internally displaced people were reached with food assistance, health and nutrition services, shelter and non-food items, and water, sanitation and hygiene (WASH) and protection support.
95. An inter-agency humanitarian mission to Ezo, Yambio and Nzara conducted between 3 and 10 September assessed the needs of the people displaced by the conflict in Tambura. The team also reached 6,000 people in Ezo with food assistance; protection, health and nutrition support; WASH and education services. Some of the key findings included their urgent need for food and shelter. Their homes were burnt down by the armed groups and their livelihoods destroyed. Some people were noted to have adopted negative coping strategies, including restricting food consumption, and eating treated seeds that were initially distributed for planting.³⁴
96. The team was able to distribute protection emergency shelter and non-food items to 1,000 of the most vulnerable households, including the elderly, disabled, pregnant and lactating mothers. More assistance is urgently needed as most people with specific needs remain unserved.

³² Radio Miraya is a United Nations radio station in South Sudan owned and operated by the United Nations Mission in South Sudan (UNMISS). It has been bringing listeners up-to-date with news, views and public service announcements since 2006.

³³ South Sudan: Tambura conflict Flash Update No. 1 (As of 14 September 2021) available at: <https://gho.unocha.org/south-sudan>

³⁴ Over 680 children have been separated from their parents, the majority unaccompanied as their parents were reportedly killed during the fighting. The nutrition status of children, pregnant and lactating mothers is likely to deteriorate unless emergency food assistance is provided to the displaced communities.

IX. Conclusion and recommendations

Conclusion

97. The armed violence in Tambura County has led to devastating consequences for local communities. Between June and September 2021, HRD's findings established that at least 440 civilians were killed (332 men, 60 women and 48 children), and 18 others were injured (17 men and one woman). In addition, at least 14 incidents of sexual violence were perpetrated, involving 64 victims (53 women, seven men and four girls); while at least 22 civilians (nine women and 13 children) were abducted and at least 56 civilians remain missing. The armed violence further prompted the displacement of close to 80,000 civilians (approximately 15,266 households).
98. HRD's investigations established that SSPDF elements led by an identified Major General, SPLM/A-IO, and their respective allied militia groups were the main perpetrators of this violence. Long-standing contentious issues between Azande and Balanda communities in Western Equatoria State have been strategically weaponized as a means to create conditions for the escalation of violence in Tambura.
99. The deep involvement of political, traditional, military, and administrative actors played a key role in igniting and fanning the flames of the armed violence. Therefore, based on available information, HRD considers that at least 20 of these actors may have instigated and/or directly or indirectly supported the parties to the conflict, including respective community-based militias, involved in the attacks and human rights violations and abuses and documented in this report.
100. The violence in Tambura County is inextricably linked with sub-national and national political dynamics, in the context of a slow and fragile implementation of the R-ARCSS. This violence has ultimately enabled some actors to reinforce alliances or widen divisions ahead of upcoming local and national elections.
101. The entrenched lack of accountability for the perpetrators, including for violations and abuses committed in previous outbreaks of violence,³⁵ if not promptly and effectively addressed, will continue to fuel the cycle of violence, with devastating implications for local populations in Tambura County and more generally in Western Equatoria State, and potential repercussions for the implementation of the R-ARCSS and ultimately for peace in South Sudan.

Recommendations

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

To the Government of South Sudan to:

- Conduct prompt, effective, independent and impartial investigations into all allegations of violations and abuses of international human rights and violations of international

³⁵ See para 66- 79 of Violations and Abuses against Civilians in Gbudue and Tambura, Western Equatoria (April-August 2018), UNMISS and OHCHR, 18 October 2018: Available at: <https://unmiss.unmissions.org/sites/default/files/reportwesternequatoria17oct2018.pdf>

humanitarian law in Western Equatoria State; and hold to account all individuals at the local and national levels who instigated and/or took part directly or indirectly in these violations and abuses.

- Prosecute all those allegedly responsible for crimes committed, including those in positions of command and authority; and where the Government is unable or unwilling to do so, invoke other accountability mechanisms – including the Hybrid Court for South Sudan, when established.
- Take appropriate measures to facilitate the tracing, unconditional release and reunification of all abducted women and children and take steps to prosecute sexual violence crimes while ensuring that survivors receive reparations.
- Ensure that victims and survivors have access to basic services and adequate access to a remedy and full reparation.
- Continue to encourage dialogue and reconciliation, including bringing key community leaders and representatives to a peace conference.
- Sign the Memorandum of Understanding on the Hybrid Court with the African Union as a meaningful step towards the establishment of this Court.
- Implement commitments made in the R-ARCSS;
- Uphold its obligations under the international human rights treaties it subscribed and to take all appropriate measures to protect civilians in its territory.
- Take necessary measures to ensure greater protection of humanitarian workers in South Sudan.

To all parties to the conflict:

- Comply with the provisions of the 2018 R-ARCSS, including those prohibiting “acts and forms of sexual and gender-based violence, sexual exploitation and harassment”.
- Abide by international human rights law and international humanitarian law; and reiterate and enforce orders to ensure the conduct of any military operations in strict compliance with international law, in particular the principles of distinction, precaution and proportionality, and the prohibition of murder, sexual violence, pillage, and other violations and abuses.
- Immediately and unconditionally release all civilians abducted and/or forcibly recruited, especially children and women.
- Take prompt and effective actions against persons under their command to be held accountable for human rights violations and abuses, including accountability processes and screening them out of the organized forces.
- Grant unhindered access to humanitarian organizations and UNMISS to reach displaced civilians and victims.

To the regional and international community:

- Encourage and support humanitarian and development stakeholders to ensure the centrality of protection in their programming and activities.
- Reinforce the capacity of national and local authorities to prevent armed violence in Western Equatoria State and across South Sudan in general.
- Support accountability mechanisms, including through the Hybrid Court for South Sudan when established and through the deployment of an AU advanced investigation team.

- Strongly advocate for the Government of South Sudan to ensure adherence to international human rights law and international humanitarian law and fulfill its international obligations regarding the protection of the human rights of persons living in Tambura, Western Equatoria State and elsewhere in South Sudan.

Annex I: Legal Framework

International Human Rights Law

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

International Humanitarian Law

4. International humanitarian law applies to the non-international armed conflict in South Sudan. In addition, all parties to the conflict are obligated to abide by the relevant rules of customary international law applicable in non-international armed conflicts, including the principles of distinction, proportionality and precaution. Under this legal framework, and in particular, Common Article 3 of the Geneva Conventions, SPLA and SPLA-IO (RM) forces are bound to distinguish at all times between civilians (including humanitarian relief personnel) and combatants, and to treat humanely all persons taking no active part in hostilities.
5. International humanitarian law also prohibits unlawful killing, torture, cruel or inhuman treatment and outrages upon personal dignity, in particular, humiliating and degrading treatment, rape and other forms of sexual violence, destruction of property, pillage, enforced disappearance, arbitrary deprivation of liberty and forced displacement. In addition, children, the elderly, people with disabilities and the infirm affected by armed conflict are entitled to special protection. According to customary international law, humanitarian relief personnel and objects must always be respected and protected.
6. States are responsible for all violations of international humanitarian law committed by their armed forces or those acting under their direction or control. Under international law, the

Government of South Sudan is obliged to investigate serious violations of international humanitarian law and to ensure full and adequate reparation for loss or injury caused.

Domestic Law

7. Under South Sudanese domestic law, national jurisdictions could prosecute individuals allegedly involved in serious violations of international human rights for crimes such as murder or rape. The right to life and physical integrity is protected by the Transition Constitution of the Republic of South Sudan of 2011 and the Penal Code Act 2008. In addition, in 2012, South Sudan incorporated the provisions of the Four Geneva Conventions and its Additional Protocols into domestic law, as a result there can be prosecutions for acts that have a nexus with a non-international armed conflict before the South Sudanese courts for breaches of Common Article 3 of the Geneva Conventions.

Annex II: Timeline of major incidents and events in Tambura conflict- 2021

| Date/period | Incident |
|--------------------------------------|---|
| Late March 2021 | 41 Balanda households are displaced from Source Yubu following an attack against Balanda civilians in the area. |
| May 2021 | Reports of ethnically motivated violence targeting civilians in Source Yubu surfaced between February and May 2021. This results in, among other forms of violations, killings, and displacement of civilians, especially individuals identified as Balanda and/or associated with the SPLM/A-IO forces in and near Source Yubu. |
| Late May 2021 | Maj Gen Nando-led SSPDF and affiliated militiamen mostly from the Azande community, abduct seven civilians from Nabiama, two of whom were killed and subsequently identified as members belonging to the same Balanda family, and one of whom was formerly affiliated with the SPLM/A-IO. |
| 17 June 2021 | Reports emerge of Maj Gen Nando-led SSPDF and affiliated militia elements mobilizing to carry out attacks on the SPLM/A-IO barracks in Namutina. During this period, at least 13 civilians abducted in Mabenge |
| 19 June 2021 | Maj Gen Nando-led SSPDF and affiliated militia elements approach the SPLM/A-IO barracks in Namutina in preparation of their military offensive but are forced to retreat towards Source Yubu, following resistance from the SPLM/A-IO. During their retreat the forces attack villages, abducting civilians, looting, and destroying civilian property. |
| 20 to 27 June 2021 | SPLM/A-IO carry out wide-scale preventive and retaliatory attacks in various locations in Tambura County. As a result, at least 23 persons are killed, and 12 others abducted with many houses looted and burnt. |
| Mid July to early August 2021 | SPLM/A-IO and affiliated militia attack the surrounding regions of Tambura town, causing large-scale civilian casualties and leading to the displacement of thousands of civilians and wide-scale destruction of civilian property. Multiple high-profile targeted attacks and counter attacks also took place in mid-July in Tambura town. |
| 16 July 2021 | Burning of the house of SPLM/A-IO Major-General Tartizio Donato Silvano by militia affiliated to Maj Gen Nando-led SSPDF. |
| 17 to 19 July 2021 | Multiple attacks and clashes between SPLAM/A-IO and affiliated militia, and Maj Gen Nando-led SSPDF and affiliated militia elements occur in areas in and around Tambura town |
| 18 July 2021 | Burning of the vehicle of a County Commissioner along the Tambura-Source Yubu road by SPLM/A-IO and affiliated militia |
| 19 July 2021 | Attack and burning of the palace of an Azande Chief on 19 July by militia under the command of Angelo Davido, affiliated to SPLA/M-IO |
| 15 to 24 August 2021 | Sudden surge of military clashes/attacks, reprisals and counter attacks by SPLM/A-IO and Maj Gen Nando-led SSPDF, supported by respective affiliated militias. These attacks particularly take place in the villages on the outskirts of Tambura, including on civilians in Maiku on 15, 21 and 24 August and in Banganza Boma on 23 August. |
| 21 August 2021 | Violent clashes erupt between the rival armed groups, near the Tambura airstrip, very close to the UNMISS Temporary Operating Base (TOB), resulting in the killing of at least 29 people, one injured, three abducted and one case of rape, with over 2,400 internally displaced persons (IDPs) moving to the area adjacent to the UNMISS TOB. |

| | |
|--------------------------------|--|
| 24 August 2021 | SPLM/A-IO forces and affiliated militia, in a targeted military operation, killed a former County Commissioner of Tambura. |
| 3 September 2021 | Sporadic and violent exchange of gunfire erupt close to the World Vision compound, in the Tambura 1 residential area, between government security forces against a pro-SPLM/A-IO armed militia group that was advancing very close to the center of Tambura town allegedly to launch attacks on Maj Gen Nando-led SSPDF and affiliated militia elements and government security forces. At least 16 persons were killed during this incident. |
| 3 to 5 September 2021 | Violent clashes spread throughout Tambura town. Targeted killings, abductions, ambushes, destruction of property and other violations and abuses reported in several parts of Tambura County. |
| 6 September 2021 | A large number of SPLM/A-IO elements and affiliated militia, including Angelo Davido forces, launch an attack on Maj Gen Nando-led SSPDF and affiliated militia elements at their base in Renzi Primary school, as well as on the house of the former Governor Patrick Zamoi and engaged in clashes near the Ministerial Complex in which 18 civilians were killed and at least four injured. The clashes, which last from 6:30 am until around 2 pm, result in further displacement of civilians, including to the area adjacent to the UNMISS TOB. |
| 8 September 2021 | Deployment to Tambura by government of South Sudan of a Joint Defense Board (JDB) team to lead mediation efforts to deescalate the conflict to quell reprisals and counter attacks, organize and coordinate the transfer to Maridi training center of Maj Gen Nando-led SSPDF and SPLA/M-IO forces and allied militia. |
| 9 to 13 September 2021 | Armed militia launch multiple attacks in Mupoi resulting in the killing of at least six civilian men and the looting and destruction of civilian property. |
| 16 September 2021 | Reinforcement of about 500 youth newly recruited to the Maj Gen Nando-led SSPDF transported from Ezo to Tambura lead to a resurgence of tension, particularly in the eastern part of Tambura County. |
| 17 September 2021 | Fighting erupts in the Seneguse area between Maj Gen Nando-led SSPDF supported by affiliated militia against SPLA/M-IO and affiliated militia, leading to the destruction of civilian property. |
| 21 September 2021 | Exchanges of gunfire occur between SPLM/A-IO affiliated armed militia group under the command of Angelo Davido and Kizito Veero, and Maj Gen Nando-led SSPDF supported by affiliated militia occur in the Seneguse area. One civilian killed, and four others injured in crossfire between the fighting forces. |
| 27 September 2021 | Heavy fighting breaks out in Zangia/Seneguse area of Tambura County between SPLM/A-IO affiliated armed militia group under the command of Angelo Davido and Kizito Veero, and Maj Gen Nando-led SSPDF supported by affiliated militia. |
| 29 to 30 September 2021 | Clashes occur between Maj Gen Nando-led SSPDF supported by affiliated militia, and SPLM/A-IO affiliated armed militia group under the command of Angelo Davido and Kizito Veero, in Manzuru, Mbiagura and Banzua villages, also located to the east of Tambura. Clashes in Banzua village continue the following day (30 September). |