



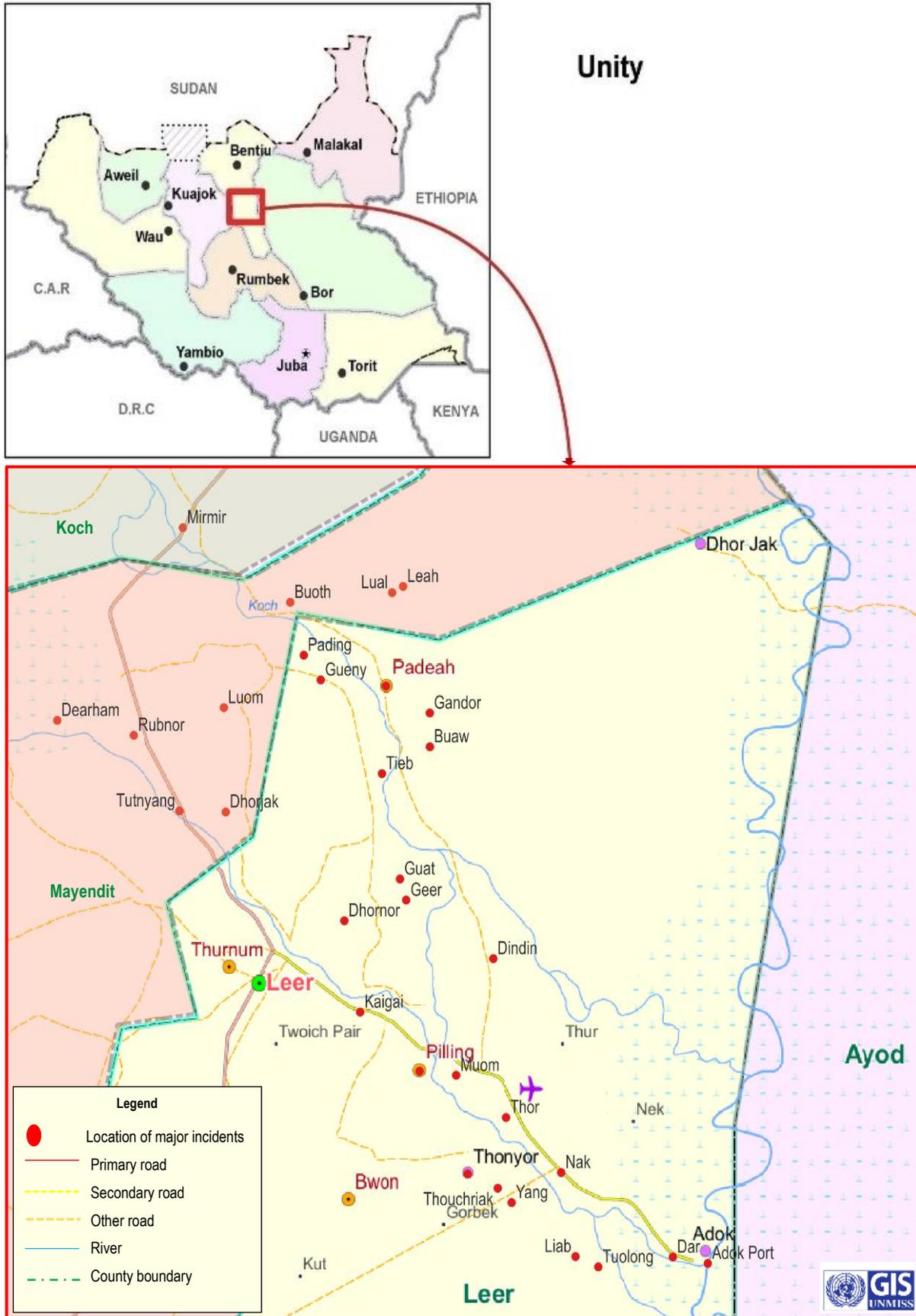
## **Attacks against civilians in southern Unity State, South Sudan**

*February – May 2022*

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## Locations of major incidents in southern Unity State (February-May 2022)



## I. Executive Summary

1. This report is published jointly by the United Nations Mission in South Sudan (UNMISS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to United Nations Security Council resolution 2625 (2022).<sup>1</sup> It contains the findings of investigations conducted by UNMISS Human Rights Division (HRD) into human rights violations and abuses and violations of international humanitarian law during fighting between South Sudan's joint Government Forces and affiliated armed militias/groups – comprising community-based militias and elements who defected from the pro-Riek Machar Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO (RM)), hereinafter referred to as “joint Government forces and allied militias/groups”<sup>2</sup> and the (SPLM/A-IO)-(RM)<sup>3</sup> between 11 February and 31 May 2022 in southern Unity State,<sup>4</sup> a SPLM/A-IO (RM) stronghold.<sup>5</sup>
2. Since December 2013, the southern part of Unity State has experienced repeated violent clashes and confrontations involving military forces and allied militias. This report documents gross violations and abuses of international human rights law, and serious violations of international humanitarian law.
3. From early February 2022, UNMISS observed clashes between joint Government forces and allied militias/groups, and the SPLM/A-IO (RM), in southern Unity State. These predominantly occurred in Mirmir *payam*,<sup>6</sup> Koch County, where the former SPLM/A-IO (RM) cantonment site was located; and in Pilling *payam*, Leer County, where the Muom Military Training Center is located. To a lesser extent, clashes were also observed in Tutnyang *payam* and Rubnor *boma* within Rubkway *payam*, Mayendit County, formerly SPLM/A-IO (RM)-controlled areas. The nature of the clashes indicates that the attacks were carried out by the joint Government forces and allied militias/groups not only to drive out the SPLM/A-IO (RM) forces from the area, but also to attack and displace civilians from their homes.
4. Following the initial clashes reported in Mirmir *payam* on 11 February 2022, and subsequent attacks in Leer and Mayendit Counties on 14 February 2022, HRD undertook field investigations in the three counties from 16 February to 7 April 2022. Thereafter, following the re-emergence of attacks in Leer and Koch Counties in April and May 2022, HRD conducted further investigations in these areas from 14 April to 31 May 2022.
5. UNMISS established that between 11 February and 31 May 2022, armed violence involving joint Government forces and allied militias/groups and the SPLM/A-IO (RM) affected at least 28 villages and settlements, during which approximately 173 civilians were killed (100 men, 24 women and 49 children) and 12 others injured (eight men, two women and two children). In addition, 131 cases of

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<sup>1</sup> The resolution gives UNMISS the mandate to monitor, investigate and report on violations of international humanitarian law and violations and abuses of human rights. This resolution is the latest extension of the UNMISS mandate.

<sup>2</sup> For the purpose of this report, the Government forces include elements of South Sudan People's Defense Forces (SSPDF) and South Sudan National Police Service (SSNPS) officers involved in the fighting according to credible testimonies collected by HRD.

<sup>3</sup> In some instances, the SPLM/A-IO (RM) were reportedly joined by their allied forces, the Dok Nuer armed militias. However, this is not the case in majority of their operations cited in this report.

<sup>4</sup> Southern Unity State comprises Leer, Mayendit and Koch Counties.

<sup>5</sup> Southern Unity State is the home area of the SPLM/A-IO (RM) Chairman Riek Machar who is the current First Vice President.

<sup>6</sup> South Sudan is divided into various administrative areas with state being the largest, followed by the county, *payam* and *boma*.

rape or gang rape (113 women and 18 girls) were documented, and 26 women and 11 children<sup>7</sup> were abducted during the two phases of attacks.

6. UNMISS and humanitarian organizations also estimated 44,000 civilians forcibly displaced from Adok, Buaw, Gandor, Padeah, Thonyor *payams*, to Muom area in Pilling *payam* and other locations within Adok *payam*, as a direct result of these attacks. Similarly, approximately 3,000 individuals sought refuge in internally displaced persons (IDP) sites in Rubkona and Bentiu in northern Unity State. In addition, HRD gathered that an undetermined number of civilians remained in hiding in the bushes and swamps as of 31 May 2022. Civilian objects and private property, humanitarian facilities, and supplies designated as lifesaving assistance and support for vulnerable populations were pillaged and/or burnt in at least nine locations.<sup>8</sup> Two aid workers were killed and one other injured.
7. UNMISS also conducted nine missions to Rubkway *payam* in Mayendit County and Koch town and Mirmir *payam* in Koch County to carry out a human rights investigation into the violations and abuses that may have occurred in the context of clashes and armed violence between joint Government forces and allied militias/groups, and the SPLM/A-IO (RM) and its allied forces. HRD received information<sup>9</sup> about the alleged involvement of the SPLM/A-IO (RM) and its allied forces in the killing and injuring of an undetermined number of civilians, as well as raping and abducting an undetermined number of women and girls. HRD interviewed numerous local sources in Koch County, to verify these allegations. However, the information could not be corroborated.
8. The investigations identified nine key individuals who may bear the greatest responsibility for violations committed during this period. UNMISS and OHCHR call on the Government of South Sudan to address the persistent lack of accountability for perpetrators of crimes under international and national law, which is critical for the resolution of the protracted conflict in Unity State and sustainable peace in South Sudan.

## II. Methodology

9. Following the re-emergence of violent clashes in Leer County from 8 April to 12 April 2022, UNMISS reinforced its human rights field team in Bentiu, Unity State, by deploying its rapid investigations team to Leer, Mayendit and Koch Counties to support in-depth investigations and verification of allegations of violations and abuses of human rights and violations of international humanitarian law. Overall, between 16 February and 31 May 2022, HRD undertook 32 verification missions to the villages and settlements that were attacked and destroyed in Leer, Koch, and Mayendit Counties and neighboring areas. HRD further met IDPs from Adok port, Adok town, Buaw, Gandor, Kaigai, Padeah, Pilling, Thonyor, Thouchriak, Yang and other areas affected by the conflict.<sup>10</sup> Severe flooding and bad weather conditions limited the ability of HRD to carry out further verification missions in other affected areas,

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<sup>7</sup>All 11 children were boys.

<sup>8</sup>The attackers have overrun and looted the humanitarian, as well as health facilities in the areas of Adok, Bow, Dindin, Lual, Padeah, Pielieny, Rupchay, Thonyor, and Tochriak.

<sup>9</sup>This includes meetings with numerous local sources, as well as the *Condemnation Report on Mirmir payam incidents* issued by the Koch County Youth Office on 9 April 2022, alleging killings, injuries, abductions, rape, as well as destruction and pillage of civilian property by the SPLM/A-IO (RM) during attacks launched on 19 February, 25 February, 27 February, and 6 April 2022.

<sup>10</sup>HRD notes that IDPs from the northern areas of Leer County, including Buaw, Gandor and Padeah *payams*, were displaced to Leer town while communities displaced from southern areas of Leer County settled in Muom area of Adok and Pilling *payams* both in the south of Leer County.

including Thouchriak, Toulung, Yuay, and the island of Meir, as high-water levels obstructed accessibility to these locations.

10. During the investigations, 224 interviews<sup>11</sup> with victims and witnesses were conducted, the majority of whom were displaced from their places of origin. In accordance with OHCHR methodology,<sup>12</sup> the “do no harm” principle, and a “victim-/survivor-centered approach” to monitoring and investigations, UNMISS ensured that informed consent was sought, confidentiality of sources was maintained, and all appropriate protection protocols were applied prior to, during, and after the interviews. UNMISS employed gender-sensitive and age-appropriate approaches while conducting the interviews.
11. Further, UNMISS corroborated information and testimonies received from local partners and other credible sources. Interviews were also held with administrative authorities, security actors, traditional leaders, youth and women leaders. Additionally, various documents, photographic, and other materials were analyzed, corroborating the human rights violations and abuses outlined in this report.
12. The investigations employed a ‘*reasonable grounds to believe*’ standard of proof in making factual assessments about the human rights violations and abuses, incidents, and patterns of conduct of the perpetrators. Unless specifically stated, all information in this report has been verified using several independent and credible sources, in accordance with standard OHCHR methodology.

### **III. Contextual Background**

#### **3.1 Historical Context**

13. Since the onset of the armed conflict in South Sudan in December 2013, the counties in the southern part of Unity State, in particular Koch, Leer and Mayendit, have experienced gross violations and abuses of international human rights law and serious violations of international humanitarian law involving the joint Government forces and allied militias/groups, and opposition forces. These areas have traditionally been considered as SPLM/A-IO (RM) strongholds.<sup>13</sup> Following the breakdown of the Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS) signed on 17 August 2015,<sup>14</sup> in July 2016, clashes though primarily concentrated in Juba, were also observed in Bentiu, the capital of the defunct Northern Liech State located within Rubkona County. The armed conflict in July 2016 splintered into three distinct organized forces, two of which were aligned to the

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<sup>11</sup> 114 male and 110 female interviewees.

<sup>12</sup> Office of the United Nations High Commissioner for Human Rights, ‘Manual on Human Rights Monitoring (Revised edition), OHCHR (online), 1 January 2011. Available at: <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition> [last accessed 7 July 2022]; Office of the United Nations High Commissioner for Human Rights, ‘Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice), OHCHR (online), 2015. Available at: [https://www.ohchr.org/sites/default/files/Documents/Publications/CoI\\_Guidance\\_and\\_Practice.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/CoI_Guidance_and_Practice.pdf) [last accessed 7 July 2022]

<sup>13</sup> See footnote 5.

<sup>14</sup> Clayton Hazvinei Vhumbunu, ‘Reviving peace in South Sudan through the Revitalised Peace Agreement: Understanding the enablers and possible obstacles’, ACCORD (Online), 11 February 2019. Available at: <https://www.accord.org.za/conflict-trends/reviving-peace-in-south-sudan-through-the-revitalised-peace-agreement/> [last accessed 29 April 2022].

Government (SPLM-IG) whilst the other remained aligned to the opposition, particularly the SPLM/A-IO (RM).<sup>15</sup>

14. In April and May 2018, the conflict between the Government and opposition forces, along with their respective allied armed militias, intensified and resulted in gross violations of international human rights law and international humanitarian law. These violations included targeted attacks against civilians, and the killing of at least 232 civilians, including 50 women and 35 children, and systematic rape and gang rape of at least 120 women and girls, in at least 40 villages or settlements in southern Unity State, particularly Mayendit County. The attacks also resulted in the wanton pillage and destruction of objects, including humanitarian facilities and health-care facilities, as well as forceful displacement of civilians.<sup>16</sup> The attacks launched by the Government and allied forces<sup>17</sup> were found to have been motivated by the long-term objective to weaken opposition forces, particularly the SPLM/A-IO (RM) and its allied forces and increase overall control of the Government over the entire Unity State, especially in opposition strongholds.<sup>18</sup>

### 3.2 Recent context

15. Following the signing of the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (Revitalized Agreement) on 12 September 2018, areas in southern and northern Unity State returned to relative calm, albeit with a few security issues and incidents. These included acts of sexual and gender-based violence (SGBV), as well as inter- and intra-communal fighting and cattle raiding, which resulted in civilian deaths and injuries. Nevertheless, during this period, humanitarian access was restored to southern Unity State, which also encouraged the return of the IDPs who had been forcibly displaced during the various phases of conflict as outlined above.
16. Tensions between Government and opposition forces re-emerged following the re-establishment of 10 States (from 32 States) and the subsequent re-formation of the Unity State Government in February 2020.<sup>19</sup> While the armed conflict that currently persists in Unity State originated from the split of SPLM/A in 2013, according to some political analysts, the root causes of this violence are the political tensions and the rivalries that surfaced among different sections of the Nuer ethnic group in Unity

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<sup>15</sup> The first was the Sudan People's Liberation Army (SPLA) Division IV, presently referred to as the South Sudan Peoples' Defence Forces (SSPDF); second was the Government aligned SPLM/A-IO Taban Deng Gai (the former Unity State Governor) forces which were former opposition forces; and third, the remaining SPLM/A-IO loyal to Riek Machar. The-then SPLA (now SSPDF) operated in alignment and together with the 'Terchuong' (meaning 'Fight for your Rights'), armed group of youths from Mayom (*Bul* Nuer), Koch (*Jagai* Nuer) and *Rubkona* (Leek Nuer) Counties. The second armed forces configuration under SPLM/A-IO (TD) included allied *Haak* and *Jagai* Nuer armed militias who were members of the "Tahrir" group from Mayendit and Koch Counties, which forces (and armed militias) have since mostly been integrated into the SSPDF. The third and final configuration, the SPLM/A-IO (RM) forces, were supported by the *Gojam* (meaning the "White Army") who are *Dok* Nuer armed youths/militias from Leer County.

<sup>16</sup> UNMISS and OHCHR, *Indiscriminate Attacks against Civilians in Southern Unity April-May 2018*, 10 July 2018. Available at: <https://www.ohchr.org/en/documents/country-reports/unmissohchr-report-indiscriminate-attacks-against-civilians-southern>

<sup>17</sup> Spearheaded by the-then SPLA and SPLM/A-IO Taban Deng Gai commanders and the-then Gany County Commissioner – the incumbent Koch County Commissioner.

<sup>18</sup> UNMISS and OHCHR, *Indiscriminate Attacks against Civilians in Southern Unity April-May 2018*, 10 July 2018, para. 13. Available at: <https://www.ohchr.org/en/documents/country-reports/unmissohchr-report-indiscriminate-attacks-against-civilians-southern/> [last accessed 27 April 2022].

<sup>19</sup> 'South Sudan Kiir agrees to establish the 10 States', *Sudan Tribune* (Online), 15 February 2020. Available at: <https://sudantribune.com/article67099/> [last accessed 29 April 2022].

State.<sup>20</sup> In addition to the high number of armed elements and proliferation of firearms in the area, political rivalry, exploitation of historical, ethnic tensions and climate-induced crises' contributed in providing fertile ground for the armed conflict.

### 3.2.1 First phase of the attacks: February to March 2022

17. On 11 February 2022, the joint Government forces and allied militias/groups, including government-aligned *Jagai* Nuer armed militias, under the command of some Koch County officials, attacked and captured Mirmir *payam*, as well as the then SPLM/A-IO (RM) cantonment site, driving out SPLM/A-IO (RM) forces who fled to various locations in the northern areas of Leer County, including Padeah, Gandor and Buaw *payams*.
18. UNMISS received information that a senior Koch County official, allegedly supported by local administrators whom he had appointed on 12 February, gathered Government-aligned *Jagai* Nuer armed militias and went to all villages in Mirmir *payam*, reportedly demanding that all civilians supporting the SPLM/A-IO (RM) change their allegiance to the Government, or they would be killed. UNMISS also gathered that during the same period, based on the order of said Koch County official, weapons and ammunitions were distributed to the government-aligned *Jagai* Nuer armed militias in Koat village.<sup>21</sup> To support the operation, government-aligned *Haak* Nuer armed militias from the “*Tahrir*” group of Mayendit County, together with a senior Mayendit County official, proceeded to Mirmir *payam* on 13 February 2022.
19. From 14 to 16 February, the joint Government forces and allied militias/groups from Koch and Mayendit Counties, operating under the joint command of the Koch and Mayendit County officials, reportedly launched simultaneous attacks in the northern areas of Mayendit and north-east of Leer Counties, allegedly in pursuit of the SPLM/A-IO (RM) forces they had dislodged from Mirmir cantonment site on 12 February 2022.
20. On 14 February, reportedly under the guise of pursuing the SPLM/A-IO (RM) forces who had been forcibly dislodged from their Mirmir cantonment site, a county official from Mayendit allegedly gave orders to overrun the SPLM/A-IO (RM) in Tutnyang.<sup>22</sup> On the same day, joint Government forces and allied militias/groups from Koch, allegedly launched its offensive through Tutnyang and Dhorjak, and on 15 and 16 February, proceeded to Buoth, Dearham, Leah, Lual, Luom and Rubnor, all located in the north of Mayendit County.<sup>23</sup> This led to the displacement of civilians to surrounding areas.
21. While part of the joint Government forces and allied militias/groups from Mayendit County focused on the above-mentioned areas in Mayendit, the other part from Koch County reportedly proceeded to Dar, Gandor, Gueny Padeah, Pading, and Tieb, all located in the northern part of Leer County. Women and children captured from these villages by the joint Government forces and allied militias/groups were ordered to carry looted goods and food items pillaged from civilian houses and forced to walk to Mirmir

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<sup>20</sup> Joshua Craze, Jérôme Tubiana with Claudio Gramizzi, *A State of Disunity: Conflict Dynamics in Unity State*, South Sudan, 2013-15, Small Arms Survey, Graduate Institute of International and Development Studies, Geneva, 2016.

<sup>21</sup> These weapons were mainly Avtomat Kalashnikova (AK-47) type assault rifles and Pulemot Kalashnikova Modernizirovannyi (PKM) machine guns, obtained from Koch town, and manually transported by *Jagai* women who carried them on their heads from Koch town to Mirmir *Payam*.

<sup>22</sup> Tutnyang was at the time a SPLM/A-IO (RM) controlled area in Mayendit. The area's administrative office was burned down during the attack.

<sup>23</sup> Following the attacks, the attackers regrouped in Rubnor and Luom areas.

*payam*. According to the survivors interviewed by HRD, the majority of women who were abducted to Mirmir were subjected to sexual violence, whether in the location where they were originally captured in Leer County, during transit to Koch County, and/or after arrival in Mirmir *payam*. Civilians who managed to flee were displaced to Dablual and Padeah *payams* in Mayendit County, and Buaw *payam* in Leer County, and were in dire need of humanitarian assistance.

22. On 16 February, while part of the joint Government forces and allied militias/groups rallied at Rubnor and Luom areas following their offensive in Mayendit County, the SPLM/A-IO (RM) forces along with their allied *Dok Nuer* armed militias from Leer County, allegedly launched a counter-offensive in Rubnor and Luom. During this attack, the SPLM/A-IO (RM) and its allied forces raided at least 542 heads of cattle (worth at least 162,600 USD), and allegedly killed and injured an undetermined number of civilians, as well as raped and abducted an undetermined number of women and girls.<sup>24</sup> In response, joint Government forces and allied militias/groups from Koch and Mayendit returned on 18 February to the areas of Buoth, Gandor, Lual, Padeah and Payak within Leer County, burned down civilian homes, and repulsed the SPLM/A-IO (RM) up to Buaw *payam*. UNMISS verified that two civilian men were killed during this operation. Further, on 20 February, the joint Government forces and allied militias/groups looted the World Food Programme warehouse in Padeah *payam*, Leer County, abducted many women and girls they found in the area and ordered them to carry the looted items to Mirmir *payam*. Along the way, the attackers reportedly stopped at Lual and Buoth villages, in Leah *payam*, Mayendit County, and abducted more women. Most of these abducted women and girls were also subjected to sexual violence in various locations, whether at the place of their abduction in Leer County, along the way to Mirmir *payam* and/or after arrival in Mirmir.
23. These attacks continued until, approximately, 6 March 2022. During this first phase of the attacks, HRD documented that at least 68 civilians were affected by the violence, two men were killed, five were injured (three men and two women), 14 abducted (four women and ten children) and at least 47 women subjected to sexual violence. All of these casualties were attributed to the joint Government forces and allied militias/groups. More than 20 women were abducted and subjected to sexual violence from Padeah *payam* alone. In Mirmir *payam*, the majority of these women were repeatedly raped and gang-raped by the attackers. The number of affected civilians, more specifically the victims and survivors of sexual violence, could be much higher; however, UNMISS has not been able to further verify the specific number of casualties.<sup>25</sup>

### **3.2.2 Second phase of attacks: April and May 2022**

24. After a period of relative calm, on 4 April 2022, the SPLM/A-IO (RM) forces reportedly attacked joint Government forces and allied militias/groups in Bieh village, Mirmir *payam*, but were repelled and retreated to Buaw *payam*, Leer County. On the morning of 5 April, joint Government forces and allied militias/groups reportedly advanced into Leer County. They attacked a cattle camp located close to Leer town, at Tharkoare in Kaigai village, Kaigai *payam*, where they shot and injured one *Dok Nuer* male cattle-keeper and raided an estimated 16 heads of cattle. The joint Government forces and allied militias/groups were then reportedly ordered by a senior State Official to retreat and immediately exit Leer County.

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<sup>24</sup> HRD interviewed numerous local sources in Koch County, to verify these allegations. However, the information could not be corroborated.

<sup>25</sup> Service providers operating on the ground examined and treated more than 100 victims of sexual violence from these attacks.

25. On the morning of 6 April, the SPLM/A-IO (RM) forces launched an attack and recaptured Mirmir *payam*. However, the joint Government forces and allied militias/groups regained control of the area after a few hours<sup>26</sup> and subsequently launched attacks in Buoth and Lual of Leah *payam* within Mayendit County.<sup>27</sup> Between 8 to 12 April, joint Government forces and allied militias/groups from Koch and Mayendit Counties launched several coordinated, targeted attacks in multiple areas in the south of Leer County.<sup>28</sup> During these attacks, SPLM/A-IO (RM) put up limited resistance and fled from the advancing joint Government forces and allied militias/groups who were of a great number and better equipped logistically. Witness accounts described the use of a SSPDF Armored Personnel Carrier (APC) locally known as *wulit* during the attacks, as well as police pick-up vehicles, painted in blue camouflage.
26. Prior to the attacks by the SPLM/A-IO (RM) forces, UNMISS was alerted of their intention to recapture Mirmir *payam*, particularly their former Mirmir cantonment site. Information received from various sources in early April indicated that the newly appointed SPLM/A-IO (RM) Sector Commander had moved from Panyijiar County and was mobilizing youths in the South of Leer County with the intention of launching a counterattack to recapture Mirmir *payam*.<sup>29</sup>
27. Following a brief lull after the 8-12 April attacks in Leer County, between 16 and 19 May, joint government-aligned *Haak* and *Jagai* Nuer armed militias from Mayendit and Koch Counties led by a SSPDF Second Lieutenant, allegedly launched a “cattle raid” attack against displaced civilians at Muom Military Training Centre. The renewed violence on 16 May resulted in the killing of nine civilians<sup>30</sup> including a nursing mother, and injury of seven civilians<sup>31</sup> including an 11-year-old girl. The violence also resulted in the displacement of civilians from the initial location of the cattle camp in the Muom Military Training Centre to surrounding areas.
28. The cattle keepers, while fighting back, also killed 11 of the armed assailants, including the SSPDF Second Lieutenant. Among the 11, four were killed at the cattle camp and seven were killed in Gandor *payam*, Leer County, as the armed cattle keepers pursued the attackers to recover their stolen cattle. The killing of the attackers from Mayendit and Koch Counties led to a retaliatory attack launched on 19 May by *Haak* Nuer armed militias from Mayendit in which one civilian was killed at Muom Military Training Centre.
29. During the second phase of attacks, HRD documented at least 285 civilians were affected by violence, of whom 171 were killed (98 men, 24 women, 49 children), seven injured (five men and two children), 22 women and a boy abducted, and 84 (66 women and 18 children) subjected to sexual violence.

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<sup>26</sup> Accordingly, the SPLM/A-IO (RM) forces repulsed from Mirmir, retreated with some returning towards Buaw *payam* in North-East of Leer County while the others retreated to Adok *payam* within the south of Leer County.

<sup>27</sup> Civilians in the areas were reportedly hosting SPLM/A-IO (RM) forces.

<sup>28</sup> These areas include Buaw, Dar, Dhonor, Dindin, Gandor, Geer, Guat, Liab and Nak (in Adok), Padeah, Pilling, Thor and Tieb.

<sup>29</sup> UNMISS then engaged with the political leaders from both sides (State officials, including the local Government Minister, the deputy Governor) who were involved in the crisis, as well as their respective security organs to prevent violence and advocate for the protection of civilians. Further, military contingents were deployed in Leer to intensify UNMISS patrols in the Southern Unity State for assessment and confidence building.

<sup>30</sup> Nine civilians (eight men and a lactating woman).

<sup>31</sup> Seven civilians (five men, a boy and a girl).

#### IV. Human rights violations and abuses and violations of international humanitarian law

##### 4.1 Modus operandi of joint Government forces and allied militias/groups

30. Joint Government forces and allied militias/groups involved in the attacks were extremely violent. They wore mixed military and civilian clothing and were armed with weapons such as AK-47 type assault rifles, PKM machine guns, and a few rocket-propelled grenades (RPGs), as well as rudimentary weapons (such as spears, machetes, and knives). They allegedly used scorched-earth tactics during the attacks, storming villages and settlements in broad daylight and randomly attacking unarmed local populations, including women, children, and older persons. Victims were killed as a result of random shooting, while others died of fatal injuries and beheading by machetes and bayonets, and by being intentionally thrown into huts (locally known as *tukuls*) and set on fire. The attackers also burnt alive children and older persons who could not flee their homes. Children were also intentionally drowned in the swamps by the attackers.

*“My daughter told me that she was gang raped by more than five youth for two nights, asked to cook for them and fetch water from the river. I witnessed three babies grabbed from their mothers and killed by the attackers, jumping on them until they died. Other children were forcibly taken from their mothers and thrown alive into the burning tukuls.”*

*- Account of a witness from Port Adok*

31. Overall, the attacks in southern Unity State resulted in gross violations of international human rights law and violations of international humanitarian law consistent with patterns of violence and violations documented by HRD from April to May 2018 in southern Unity State.<sup>32</sup> Similar to previous HRD findings, the intention behind these attacks can be attributed to both immediate responses to escalating conflict between opposing forces, as well as the longer-term objective to dislodge the SPLM/A-IO (RM) forces in the territory and increase Government-controlled areas, including control over key ports (Adok, Nyaroup and Wath-Thier).<sup>33</sup>

*“A man aged 70 years old was killed. He was chased from Leah village in Adok payam and was trying to hide but was found by the attackers. The attackers cut off his head in front of his three children. (...) In Gaar, a woman of about 50-years-old who was unable to run was burned. (...) I saw the attackers move past Muom and move towards Adok. They wore military uniforms and plain clothes and carried guns.”*

*-Account of a witness from Gaar*

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<sup>32</sup> UNMISS and OHCHR, *Indiscriminate Attacks against Civilians in Southern Unity April-May 2018*, 10 July 2018. Available at: <https://www.ohchr.org/en/documents/country-reports/unmissohchr-report-indiscriminate-attacks-against-civilians-southern>

<sup>33</sup> These key ports generate significant revenue through taxes on goods and services.

32. Victims and witnesses recounting the attacks described the ruthlessness of the joint Government forces and allied militias/groups from Koch and Mayendit Counties. According to their accounts, children, including infants, were not spared of their cruelty. The *modus operandi* of these attackers clearly demonstrates their intention to target civilians.

*“I heard gunshots (...) then I witnessed five men shot and killed on the spot (...) I also witnessed two old women and one child burnt in their tukuls. Five of the attackers, hit me in the abdomen with the rifle butt while others kept kicking my babies to stop crying. (...) they continued to attack others while I ran to hide my children in the swamp for four days before reaching Muom.”*

- Account of a witness from Thouriak

## 4.2 Civilian casualties

33. UNMISS established that between 12 February and 31 May 2022, attacks by joint Government forces and allied militias/groups and the SPLM/A-IO (RM) affected at least 28 villages and settlements, during which approximately 173 civilians were killed (100 men, 24 women and 49 children) and 12 others injured (eight men, two women and two children). In addition, 131 cases of rape or gang rape (113 women and 18 girls) were documented, and 26 women and 11 children were abducted during the two phases of attacks.

Overall Casualty Figures for First and Second Phases of the Attacks in southern Unity State (February-May 2022)												
Types of violations	First Phase				Second Phase				Total			
	Men	Women	Children	Total	Men	Women	Children	Total	Men	Women	Children	Total
Killed	2	-	-	2	98	24	49	171	100	24	49	173
Injured	3	2	-	5	5	-	2	7	8	2	2	12
Abduction	-	4	10	14	-	22	1	23	0	26	11	37
Sexual Violence	-	47	-	47	-	66	18	84	0	113	18	131
<b>Total</b>	<b>5</b>	<b>53</b>	<b>10</b>	<b>68</b>	<b>103</b>	<b>112</b>	<b>70</b>	<b>285</b>	<b>108</b>	<b>165</b>	<b>80</b>	<b>353</b>

### 4.2.1 Killing and injury

34. In the reporting period, UNMISS documented in total, at least 173 civilian deaths (100 men, 24 women, 49 children) and 12 others injured (eight men, two women and two children) during these two distinct phases of violence, as mentioned in paragraph 33. Men comprised the majority of the civilians killed or injured (58 per cent), followed by children (28 per cent) and women (14 per cent). Sixty-three per cent of the killings resulted from gunshot wounds, 19 per cent from drowning, 15 per cent from being burnt alive, and three per cent from beheadings. All the killings and injuries resulting from

*“I heard the gunshots and the screaming of young girls and children out of fear. The smoke was very high, which I could tell the area was burning. The attackers burnt everything in the area, including our homes and traders’ shops across the road. They also set fire on the grass, so people got suffocated, forcing them to come out from their hiding places. I witnessed at least two men being killed; one was slaughtered, and the head was severed from the body and the other man was shot in his head.”*

- Account of a witness from Adok

these attacks were attributed to the joint Government forces and allied militias/groups from Koch and Mayendit Counties.

*“I heard that the armed youth were coming so I ran and hid in one of the islands near the Nile, however, the attackers followed us to the swamps and were shooting and killing people, including old men and women.*

*“They were wearing military uniforms while some were in civilian clothing and carried PKMs, RPGs and AK 47. (...) The attackers came from Koch, Mayendit, Mayom and Guit Counties. I recognized them by appearance.”*

*-Account of a witness from Adok*

#### 4.2.2 Abduction and sexual violence

35. Based on the HRD investigations, UNMISS established that more than 26 women and 11 children were abducted by the joint Government forces and allied militias/groups during the two phases of violence. Abductees included pregnant and nursing women, and children. Most of these abductees were captured from their villages and settlements while trying to flee or were taken after being found in hiding. Women and children were ordered to carry the looted items.

*“(...) two elderly women and a four-year-old girl and another young boy were burnt alive in tukuls. A man and woman of 70 years old were strangled to death. (...) another shot and killed by two men. Then they gang-raped three of the women, including one nine-year-old girl whom they gang-raped to death.”*

*- Account of witness from Adok*

*“They raped me in turns and one of them said “she is beautiful we can keep her,” when it was his turn, he asked the others to keep the gun to my head as he did not want any resistance from me. They were violent and I was crying and so were my babies. He then asked me not to disturb him or they will kill my babies. I could not lose my children, so I kept silent while all five of them raped me. I felt that was the end of me as the muzzle of the rifle was pointed to my head.”*

*- Account of a rape survivor from Thouriak.*

36. Local sources, as well as victims and witnesses, alleged that abducted women and girls were considered as spoils of war to incentivize armed elements, and thus brutally raped or gang raped. Those who resisted were threatened to be killed. Girls as young as eight years old were not spared and a nine-year-old girl was gang raped to death. Nursing women were no exception to this brutality. During the investigation, HRD documented at least 131 cases (113 women and 18 girls) of sexual violence in its various forms. Some of these victims were sexually violated at gunpoint in the presence of their children. Many victims were abducted prior to being subjected to sexual violence. The information gathered during the investigation indicates that acts of sexual violence against women and girls were systematically committed by the joint Government forces and allied militias/groups and used as a method/strategy of warfare.

*On 8 April (...) the attackers followed us to the swamps, shooting and killing people. They killed a man called Kong Chim Chuol. They wore a mixture of military and civilian clothing and carried PKMs, RPGs and AK 47. While I was hiding, I witnessed them shot an older woman (...). On 10 April, I saw the dead bodies of three young men who were shot in the face. (...) then I saw two young girls named (...) being raped. They were of ages eight and ten.*

- Account of a witness from Adok

*“When Padeah was attacked on 16 February, the attackers took me along with more than 20 other women from my village, including our children. They forced us to carry the food items and other goods they looted from our village. They [the attackers] were beating and lashing us with sticks until we reached Mirmir payam where we were raped several times in front of our children. Most women gave-in to the rape because they were afraid that their children (girls) will be raped instead of them.”*

- Account of a rape survivor from Padeah

37. Survivors and witness accounts indicate that sexual violence was used by the attackers to punish and terrorize the local populations, to humiliate and exert power over the victims.

#### **4.2.3 Pillage and destruction of property**

38. According to local sources, Government forces and allied militias/groups raided over 7,000 cattle (worth at least 2.1 million USD). Additionally, the SPLM/A-IO (RM) raided at least 542 cattle (worth at least 162,600 USD).

39. When entering villages, joint Government forces and allied militias/groups demolished and set ablaze homes, public buildings, shops, and other civilian structures and objects, including public markets and health facilities. HRD also documented the burning of private property and objects used in humanitarian relief operations in order to force civilians to flee, while shooting at them. The attackers also looted civilian property. The SSPDF stationed in Leer reportedly aided the looting of civilian property by providing their vehicle to transport the looted items.

*“I saw the attackers taking young girls and forcing them to carry looted items. I no longer have a place to go to as the attackers destroyed my home. I know the attackers came from Mirmir in Koch County due to their appearance. They were dressed in plainclothes and military uniforms. They mainly carried AK 47 rifles.”*

- Account of a witness from Adok

*“The attackers looted cows, killed people, and raped many women. (...) we spent many days without food, eating only roots and grass. The women, older people and children really suffered. I saw women and children abducted to transport the goods looted by the attackers. The people who attacked us came from Koch, Mayendit and Guit Counties.”*

- Account of a witness from Thouriak

#### 4.2.4 Forced displacement of civilians

40. According to UNMISS and humanitarian organizations, at least 44,000 civilians were displaced by the violence. In at least 26 villages, civilians were forced to leave their dwellings because of the level of violence inflicted upon them by the joint Government forces and allied militias/groups. Similarly, approximately 3,000 individuals sought refuge in internally displaced persons (IDP) sites in Rubkona and Bentiu in northern Unity State. These facts, together with others described in section IV of this report, may indicate an intention to forcefully displace them.
41. The IDPs were primarily women and children, who fled during or in anticipation of attacks, leaving behind their homes and properties. They had limited access to humanitarian assistance and health care. The tactics used during the attacks indicate a deliberate intention to drive civilians out of their homes, forcing them to face dire humanitarian challenges in addition to the pre-existing challenges.<sup>34</sup>

#### 4.2.5 Attacks on humanitarian actors and facilities

42. Humanitarian facilities were also severely impacted. At least 18 facilities across southern Unity State were plundered by the joint Government forces and allied militias/groups,<sup>35</sup> preventing local populations from accessing lifesaving and livelihood assistance. Due to the deteriorated security situation in and around Leer, over 20 humanitarian workers were relocated with the support of UNMISS peacekeepers on 9 and 10 April. Humanitarian activities were temporarily suspended on 19 May in Mayendit County following reports of alleged mobilization for a revenge attack by youth from Leer County. During the attacks, two aid workers were killed and one injured, including one who worked with a leading service provider in South Sudan.<sup>36</sup>

#### 4.2.6 Hate speech and incitement to violence

43. The violence in southern Unity State was also characterized and fueled by the propagation of hate speech through various mediums, including online platforms. Some senior government officials from southern Unity State played a pivotal role in propagating hate speech and incitement to violence. According to information obtained by UNMISS in the course of its investigations, during a public meeting in Mirmir *payam* after the capture of the area by joint Government forces and allied militias/groups in February 2022, a senior Koch County official, after urging the youths to join his forces, told his audience that he was going to “*cleanse*” the area of “*troublesome people*” from the *Jagai* area in Mirmir to Paak port. He further urged the youths to join him, telling them, “*If you arrest criminals, hand them over to us, but keep their guns. Those guns are my support to you*”, and added “*if someone is to be killed for the area to be at peace, what is bad about that?*”. The said official labelled the *Dok Nuer* in Leer and the SPLM/A-IO (RM) as the enemy of the area and the state. He warned that when fighting would start, he would “*crush the Dok*” as he had done in the past. The Koch County official quoted and supported an earlier intervention by a senior Mayendit County official during which he reportedly said some people had to be killed to make the area peaceful.

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<sup>34</sup> Unity State, particularly Leer and Mayendit Counties were in a state of famine since February 2017, compounded by flooding caused by climate and extreme weather conditions.

<sup>35</sup> Three facilities in Koch, three in Mayendit, and 12 in Leer Counties

<sup>36</sup> Multiple people killed or injured as violence surges in Leer County. In: <https://www.msf.org/msf-strongly-condemns-killing-staff-member-latest-violence-south-sudan>.

## V. Alleged perpetrators

44. Due to access and security challenges on the ground, UNMISS has not been able to identify and verify information about all individuals involved in human rights violations and abuses and violations of international humanitarian law related to the armed attacks in southern Unity State during the reporting period. However, based on cases documented and other information gathered by HRD, there are reasonable grounds to believe that individuals or groups identified below may be responsible for violations or abuses, either as physical perpetrators, those who ordered the violations, those who bear command or superior responsibility and those who may have been complicit in the violations or abuses. The competent authorities must carry out independent, impartial, prompt, thorough and effective investigations, and those responsible held accountable within fair trials.
45. The groups that attacked locations in southern Unity State have been identified as composed of SSPDF, SSNPS, and government-aligned *Jagai* Nuer armed militias, as well as elements who defected from SPLM/A-IO (RM) and self-declared as SPLM/A-IO (Kitgwang). These groups were reportedly operating under the command of the Koch County officials. These groups were acting in conjunction with *Haak* Nuer armed militias, known as “*Tahrir*”, from Mayendit County. The *Tahrir* are also government-aligned armed militias. According to the reports, they (the *Tahrir*) were operating under the command of the Mayendit County officials.
46. A source confirmed the participation of the *Jagai* armed militias (who allegedly aligned themselves with these elements who had defected from SPLM/A-IO (RM)) in both initial offensives for the capture of the SPLM/A-IO (RM) Mirmir cantonment site on 12 February 2022 and the subsequent attacks carried out in the north of Leer County. The source provided nominal description of the chain of command of the *Jagai* armed militias (labelled Kitgwang) at the time of the offensives for the capture of Mirmir and the attacks in the north of Leer County. The source indicated that the chain of command changed after the military chief of the self-declared Kitgwang group was killed during an SPLM/A-IO (RM) counter-offensive on 6 April, leading to a restructuring of the group’s leadership.
47. Further investigation revealed that the SPLM/A-IO (RM) under the command of the Division 4B also perpetrated attacks in Bieh, Mirmir *payam* during both phases of this armed conflict. Information gathered and analyzed by HRD indicates that during the second phase of the attacks, the SPLM/A-IO (RM) operated under the command of the newly appointed Sector 2 Commander.
48. According to multiple sources, the county officials who were allegedly involved in the planning and execution of the attacks were present on the ground during one of the offensives launched on civilians in Leer and Mayendit Counties. Based on information gathered by UNMISS, there are reasonable grounds to believe that the attacks against women were ordered by one of the county officials. For instance, on 10 April, while hiding in the bush, some victims heard the attackers discuss orders given to them by the county official, to go to Leer to rape women, loot and destroy civilian properties. Similarly, it was established that the county official from Koch allegedly threatened the civilians in Mirmir *payam* during his visit on 12 and 13 February. Further, the county official ordered the joint Government forces and allied militias/groups under his command to conduct a house-to-house search of the civilian dwellings.
49. Multiple sources, including witnesses and victims, indicate that joint Government forces and allied militias/groups from Koch and Mayendit counties were the assailants that conducted the brutal attacks in southern Unity State. The attackers, some of whom were dressed in military uniforms and some in

civilian clothing bearing AK-47 type assault rifles and other weapons, targeted civilians and carried out killings, injury, rape, beheadings, burning of homes, attacks on humanitarian facilities, and looting of civilian property and humanitarian stores.

50. The information gathered and analyzed by UNMISS indicates that the SSPDF were also involved in the southern Unity State attacks. Some sources alleged that the directive on the use of APC (locally known as *wulit*) was reportedly issued by a senior SSPDF commander. A source in Leer further emphasized that the local SSPDF commander received the “order” from this senior SSPDF commander to send the “tank” to Adok and Thonyor.
51. It was also established that during the attack in Adok, the SPLM/A-IO (RM) launched three attacks against the joint Government and allied forces at the Adok bridge. Sources noted that following these attacks, the joint Government forces and allied militias/groups from Koch and Mayendit Counties communicated with officials in Leer, who subsequently provided reinforcements including an APC belonging to the SSPDF which was used to repel the attack. Multiple sources further informed that military and police pick-up trucks were sighted in Thonyor, reinforcing the attackers, as well as transporting items looted from a humanitarian organization’s warehouse. Some sources alleged that a chartered flight to Rier *payam* in Koch County supplied the armed militias in Koch with weapons and ammunition.<sup>37</sup>
52. Further, the joint Government forces and allied militias/groups from Koch and Mayendit Counties carried out the attacks with some support from the *Bul*<sup>38</sup> and *Jikany*<sup>39</sup> Nuer armed militias. It was ascertained that these armed elements joined the operation mainly for the purpose of receiving a share of the raided cattle following the attacks. The assertions claiming the involvement of *Bul* and *Jikany* Nuer armed militias were reportedly based on the route used by the attackers during the series of attacks perpetrated in Leer County, their accent, their appearance, and the warning received from the *Dok*<sup>40</sup> Nuer Community members in Bentiu town.

### **5.1.1 County officials from Koch and Mayendit**

53. Multiple sources, including victims and witnesses, alleged that four county officials in Koch and Mayendit played a key role in planning and executing the attacks. Witnesses noted that two of these county officials were spotted with the attackers in Thonyor and Adok during attacks on these two areas.<sup>41</sup> Some sources informed that two of these county officials coordinated these attacks in the southern areas of Leer County.<sup>42</sup>

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<sup>37</sup> In an interview, a source confirmed that an aircraft supplied arms and ammunition to the joint Government forces and allied militias/groups in Koch and Mayendit but refused to provide further details.

<sup>38</sup> Nuer Community members from Mayom County.

<sup>39</sup> Nuer Community members from Guit County.

<sup>40</sup> Nuer Community members originating from Leer County.

<sup>41</sup> Ceasefire & Transitional Security Arrangements Monitoring & Verification Mechanism (CTSAMVM) reports also confirmed that armed militias under the command and control of these two county officials conducted attacks in Leer, placing direct responsibility on them for instigating these attacks.

<sup>42</sup> During interviews with HROs, a source confirmed that he had prior knowledge that community-based militias in his area would conduct attacks on Leer but claimed that he was not able to stop them. Another government official confirmed that two county officials physically participated in and led these attacks, with a key motive being to dislodge the SPLM/A-IO (RM) from the area.

54. Some rape survivors informed that they either saw or spoke to a senior county official in Mirmir *payam* where they had been taken and raped by the joint Government forces and allied militias/groups. It was later confirmed that this county official was present at the scene of the violations in Mirmir *payam*.
55. The sources alleged that each of these county officials commanded armed militias/groups from their respective areas. Witnesses maintained that two of the county officials were in Leer town in the company of a senior Leer County official on 8 April, at the time the attack was being launched in Adok area. The sources believe that the senior Leer County official colluded with his counterparts of Koch and Mayendit in the attacks conducted in the area.
56. Further, Koch and Mayendit County officials and traditional leaders allegedly held three meetings to establish an alliance and collaboration prior to and during the attacks in Mirmir *payam*. The first meeting was conducted prior to the capture of Mirmir *payam*, the second meeting was conducted on 14 February in Mirmir immediately after the capture, and the third meeting was conducted on 8 March in Linput village, Ngony Payam, Koch County, where the agreement was sealed by sacrificing cattle in line with local traditions. Based on an audio recording of the meeting, the Koch County official called for SPLM/A-IO (RM) to be wiped out of southern Unity State.
57. Multiple sources informed that Koch and Mayendit County officials systematically mobilized armed youth through clear instructions to traditional leaders, *payam* chiefs, and headmen. The officials reportedly threatened that youth who did not participate in the attacks would have their cattle taken away from them. Youth were incentivized to participate in these attacks with the promise of access to looted property, livestock, as well as impunity for sexual violence during the attacks.
58. Furthermore, multiple sources indicated that the senior Koch County official actively engaged with defected SPLM/A-IO (RM) officers and incentivized their collaboration with Government forces and allied militias/groups for attacks on Mirmir *payam* through the promise of military ranks, financial and ammunition support, and mobilization of armed youth to join their forces. Some of these defected SPLM/A-IO (RM) officers were present alongside the senior Koch County official during an official engagement in Mirmir *payam* in May 2022.

## **VI. Responses**

### **6.1 UNMISS response**

59. To ensure the protection of civilians and to mitigate the recurrence of further attacks, UNMISS adopted the three-pronged approach: the human rights response, political engagement, and protective deployment.

#### **6.1.1 Human rights response**

60. Upon receiving reports of the escalating violence and human rights situation in southern Unity State, UNMISS deployed human rights officers (HROs) between February and May 2022 on a rotational basis, to verify and document violations and abuses committed by the armed actors involved in the violence, including in Bentiu, Koch, Leer, and Mayendit. HROs conducted 224 interviews with victims and witnesses of the violence, as well as held meetings with administrative authorities, security actors, traditional leaders, youth and women leaders, as well as local and international organizations. HROs referred survivors of sexual violence to appropriate medical and psychosocial services.

### **6.1.2 Political engagement**

61. Immediately after the breakout of fighting in February, UNMISS, through the Bentiu Head of Field Office engaged with political authorities and security forces and increased UNMISS military presence and patrols to Koch, Leer, and Mayendit Counties to provide a protective presence for civilians in the area.<sup>43</sup>
62. On 25 April, UNMISS issued a public statement condemning the widespread sexual violence, killings of civilians, and attacks on humanitarians during the surge of violence allegedly carried out by the joint Government forces and allied militias/groups from Koch and Mayendit Counties. UNMISS further called for accountability, urging national and local authorities to take immediate measures to reduce tensions and prevent further escalation and retaliatory attacks.
63. On 12 May, UNMISS Deputy Special Representative of the Secretary-General for Political Affairs (DSRSG-P) and the Director of HRD travelled to Unity State together with a delegation from the African Union (AU), Members of the African Diplomatic Corps, European Union (EU), the Troika<sup>44</sup>, and the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) to engage with the state and county authorities and the local communities in southern Unity State. As part of the visit, the delegation met with high-ranking government representatives of Unity State, including the Governor and his Deputy, as well as the three commissioners of the three counties, to express concern about the scale of violence experienced by the affected civilians.
64. On 18 May, the AU, R-JMEC, the African Diplomatic Corps, the EU, the Troika, and UNMISS issued a joint statement on the situation in Unity State, expressing solidarity with the people and Government of South Sudan and welcomed the announcement by the President of South Sudan of a high-level investigation committee, and deployment of SSPDF to assist in restoring security in the area. The statement affirmed the readiness of the joint delegation to support the work of the investigation committee and urged local and national leaders to make use of their influence to de-escalate the violence and tensions in the area.
65. UNMISS continues to engage with the authorities and opposition actors and urge them to respect the Revitalized Agreement. Substantive sections of the UNMISS Bentiu Field Office continue to conduct extensive stakeholder and key leadership engagements, including with State and County authorities, traditional and community leaders, civil society, and interfaith organizations, to further mitigate the crisis in southern Unity State.

### **6.1.3 Protective deployment**

66. UNMISS Force, comprised of the Ghanaian Battalion (GHANBATT), conducted assessment and confidence-building patrols to affected locations, as well as provided protection for humanitarian convoys to Leer County. From February through May, UNMISS Force increased day and night patrols in the vicinity of some of the humanitarian facilities and assisted with the strengthening of their security.

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<sup>43</sup> This engagement continued and intensified before and during the second phase of the crisis unfold in early April 2022. Even before the outbreak of the February crisis, UNMISS had tried to bring together the Koch County Commissioner and the SPLA Division 4B officials who were deployed in Mirmir payam to reconcile their views.

<sup>44</sup> Troika members comprise the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Norway.

67. To deter further violence, UNMISS maintained and strengthened its military presence at the Temporary Operating Bases (TOBs) in Koch and Leer towns,<sup>45</sup> and increased patrols to the affected areas as well as locations where the displaced civilians had settled. GHANBATT also extended basic medical care and aid to civilians in urgent need, as well as provided a protective environment to the humanitarian workers who sought refuge at the TOB.

## **6.2 Humanitarian response**

68. On 22 and 23 April, the Humanitarian Coordinator for South Sudan led a high-level delegation to Unity State to assess the humanitarian needs on the ground and to meet the people affected by the conflict and natural disasters.<sup>46</sup> From February to May, humanitarian agencies supported at least 76,661 individuals, including food assistance, health and nutrition services, shelter and non-food items, water and sanitation in Adok, Dindin, Juong, Koch, Leer, Mayendit, Muom, Padeah, Rubkuai, Thaker and Thonyor. Humanitarian agencies continued to provide services to victims and survivors of sexual violence in Leer town and other affected locations. Service providers in collaboration with United Nations Population Fund (UNFPA) distributed medical treatment kits to IDP sites created in Muom Training Centre to assist survivors of rape among the IDP population. Two mobile clinics were also established by the humanitarian actors at the IDP site in Muom Training Centre.

69. Various humanitarian organizations and service providers<sup>47</sup> rendered integrated protection services, including case management, psychosocial support, provision of dignity kits, referrals, and medical services to the survivors of sexual violence in Leer town. The Unity State Gender-Based Violence Sub-Cluster (GBV SC) also deployed their case management officers to strengthen the GBV case management and psychosocial support. UNFPA air lifted 300 dignity kits to Leer County, which were distributed by a national non-governmental organization, Hope Restoration South Sudan (HRSS). UNFPA also distributed post-rape treatment kits to another national non-governmental organization, Universal Intervention and Development Organization (UNIDOR).

70. On 10 March 2022, a peace conference was organized by the UNIDOR and facilitated by religious leaders. The two-day conference which brought together participants<sup>48</sup> from Koch, Leer and Mayendit and Counties, was a continuation of a peace dialogue funded by the United States Agency for International Development (USAID). The conference's main objective was to engage the communities of Leer and Mayendit Counties to find ways of attaining sustainable peace. By the end of the conference, participants resolved to take action to prevent conflict and encourage peaceful co-existence between the communities in the three counties. The participants unanimously agreed to hold another peace dialogue in one of the counties, involving participants from all three counties. However, despite these efforts, armed attacks still occurred in these communities.

## **6.3 Government response**

71. On 15 April, the President of South Sudan presided over the swearing-in of the members of an investigation committee established to investigate the insecurity in Leer County, Unity State. The committee was tasked to investigate the causes of the violence and devise measures to deter their

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<sup>45</sup> UNMISS established TOBs in Koch on 2 June 2021 and Leer in 2018.

<sup>46</sup> Unity State is one of the areas in South Sudan that has been badly affected by severe flooding and infectious diseases.

<sup>47</sup> HRSS, INTERSOS, UNIDOR and MSF.

<sup>48</sup> Participants included members of National Parliament, Former and current government officials, community leaders, youth and women representatives, elites, and religious leaders.

reoccurrence. The committee was expected to submit its findings and recommendations to the President within 14 working days. However, at the time of writing of this report, the committee had not yet deployed to Leer, reportedly due to lack of funding.

72. Unity State authorities have done little to prevent the escalation of the violence, conduct investigations or hold County officials and other alleged perpetrators accountable for their role in the violence.

## VII. Conclusion and recommendations

73. As outlined in this report, the two phases of hostilities in southern Unity State resulted in devastating consequences for the civilian population. The UNMISS investigations established that between February and May 2022, at least 173 civilians were killed (100 men, 24 women and 49 children) and 12 others injured (eight men, two women and two children). In addition, 131 cases of rape or gang rape were documented, and 26 women and 11 children were abducted during the two phases of violence. Many of the abductees were subjected to sexual violence. Approximately 44,000 civilians were displaced from at least 26 villages as a result of the violence.
74. UNMISS identified joint Government forces and allied militias/group as the main perpetrators of the human rights violations.<sup>49</sup> The investigations of HRD revealed that these forces were acting in conjunction with *Haak* Nuer armed militias, known as *Tahrir*, from Mayendit County. UNMISS investigations revealed that the SPLM/A-IO (RM) under the command of the Division 4B also perpetrated attacks in Bieh, Mirmir *payam*, during both phases of the hostilities.
75. Based on the information gathered and analyzed, there are reasonable grounds to believe that these attacks were consistently premeditated and carried out with a degree of organization mainly by the joint Government forces and allied militias/groups operating in these areas. The high number of armed elements and proliferation of firearms in the area, political rivalry, exploitation of historical ethnic tensions and climate-induced crises cumulatively created an environment in which human rights violations were committed with impunity.
76. The Government of South Sudan is duty-bound under international human rights law to take adequate measures to protect civilians, to investigate allegations of violations promptly and thoroughly, and hold the alleged perpetrators accountable within fair trials. Additionally, all parties to the armed conflict must respect international humanitarian law, as well as the provisions of the Revitalized Agreement, including those prohibiting violations and abuses against civilians.
77. Accordingly, UNMISS and OHCHR make the following recommendations:

To the Government of South Sudan:

- Conduct independent, impartial, prompt, thorough, effective, credible, and transparent investigations into all allegations of human rights violations and abuses and violations of international humanitarian law perpetrated in southern Unity State; and hold to account all responsible, including individuals at the local and national levels who instigated and/or committed these violations and abuses.

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<sup>49</sup> These groups were reportedly operating under the command of Koch and Mayendit County officials.

- Prosecute all those allegedly responsible for crimes committed, including those in positions of command and authority.
- Take appropriate measures to provide full reparation to victims, and facilitate the tracing, unconditional release and reunification of all abducted women and children and prosecute sexual violence crimes while ensuring that survivors receive timely, adequate, holistic, transformative, and survivor-centered reparations.
- Create an enabling environment and encourage dialogue and reconciliation, including bringing key community leaders and representatives to a peace conference to address the root causes of the violence.
- Sign the Memorandum of Understanding on the Hybrid Court for South Sudan (HCSS) with the African Union as a meaningful step towards the establishment of this Court. Once established the Government of South Sudan is encouraged to fully cooperate with the court.
- Fully implement commitments made in the Revitalized Agreement, particularly the transitional security arrangements in Chapter II and the transitional justice mechanisms envisaged in Chapter V.
- Uphold its obligations under the international human rights law, including those contained in the treaties in force for South Sudan and 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 Revitalized Agreement, 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, as applicable; 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.
- Immediately and unconditionally release all civilians abducted.
- Take prompt and effective actions against persons under their command who are responsible 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, including by allowing them to reach displaced civilians and victims.

To the international and humanitarian community:

- Encourage and support humanitarian and development stakeholders to ensure the centrality of protection, prevention and do no harm in their programming and activities.

- Engage the national and local authorities to jointly identify entry points to reinforce the capacity of national and local stakeholders to prevent armed violence in Unity State and across South Sudan in general, including through the provision of technical assistance and capacity-building support.
- Support accountability mechanisms, including through the Hybrid Court for South Sudan, when established, and through the deployment of an AU investigation team.
- Strongly advocate for the Government of South Sudan to ensure adherence to international human rights law and international humanitarian law and fulfil its international obligations regarding the protection of human rights.
- Support local and international humanitarian organizations to provide adequate legal, medical, mental health and psychosocial support to the survivors of human rights violations and abuses, including survivors of conflict-related sexual violence.

## VIII. Annexes

### 8.1 Timeline of major events/attacks in southern Unity State violence (February to May 2022)

Date or period	Event/attack
11 February	Joint Government forces and allied militias/groups, operating together with government-aligned <i>Jagai</i> Nuer armed militias, under the command of Koch County officials, attack, and capture Mirmir <i>payam</i> including the then SPLM/A-IO (RM) cantonment site, driving out SPLM/A-IO (RM) forces who flee to various locations in the northern areas of Leer County, including Buaw, Gandor, and Padeah <i>payams</i> .
12 February	A senior Koch County official, allegedly supported by local administrators whom he appointed on 12 February, gathers Government-aligned <i>Jagai</i> Nuer armed militias and moves with them to villages in Mirmir <i>payam</i> , reportedly demanding that civilians supporting the SPLM/A-IO (RM) should switch their allegiance to the Government, or they would be killed. During this period, based on the order of the said Koch County official, weapons and ammunitions are distributed to the Government-aligned <i>Jagai</i> Nuer armed militias in Koat village.
13 February	Government-aligned <i>Haak</i> Nuer armed militias from the “ <i>Tahrir</i> ” group of Mayendit County, together with a senior Mayendit County official, proceed to Mirmir <i>payam</i> to support joint government forces and allied militias/groups, including <i>Jagai</i> Nuer armed militias.
14 February	A county official from Mayendit reportedly gives orders for his forces to overrun the SPLM/A-IO (RM) base in Tutnyang. On the same day, one part of the joint Government forces and allied militias/groups launches offensives through Tutnyang and Dhorjak.
14 to 16 February 2022	Joint Government forces and allied militias/groups from Koch and Mayendit Counties, operating under the joint command of the Koch and Mayendit County officials, launch simultaneous attacks in the northern areas of Mayendit and north-east of Leer Counties, allegedly in pursuit of the SPLM/A-IO (RM) forces they had dislodged from Mirmir cantonment site on 12 February 2022.
15 to 16 February	One part of the joint Government forces and allied militias/groups proceeds to Buoth, Dearham, Leah, Lual, Luom and Rubnor all located in the north of Mayendit County. This results in the displacement of civilians to surrounding areas.
16 February	While part of the joint Government forces and allied militias/groups rally at Rubnor and Luom areas following their offensive in Mayendit County, the SPLM/A-IO (RM) forces along with their allied armed Dok Nuer armed militias from Leer County launch a counter-offensive in Rubnor and Luom. In response, joint Government forces and allied militias/groups from Koch and Mayendit return to the areas of Buoth, Lual, Gandor and Padeah within Leer County, burning down civilian homes, and driving out the SPLM/A-IO (RM) to Buaw <i>payam</i> .
18 February	Joint Government forces and allied militias/groups from Koch and Mayendit return on 18 February to the areas of Buoth, Gandor, Lual, Padeah and Payak within Leer County, burn

	down civilian homes, and repulse the SPLM/A-IO (RM) up to Buaw <i>payam</i> . Two civilians are killed during this operation.
<b>20 February</b>	Joint Government forces and allied militias/groups loot the World Food Programme (WFP) warehouse in Padeah <i>payam</i> of Leer County, abduct several women and girls in the area and order them to carry the looted items to Mirmir <i>payam</i> . Along the way, the attackers stop at Lual and Buoth villages, in Leah <i>payam</i> of Mayendit County, and abduct more women. The assailants reportedly subject most of these women to sexual violence in various locations (at the place of their abduction in Leer County, along the way to Mirmir <i>payam</i> and/or after arrival in Mirmir).
<b>4 April</b>	SPLM/A-IO (RM) forces attack the joint Government forces and allied militias/groups in Bieh village in Mirmir <i>payam</i> , but are repelled and retreat to Buaw <i>payam</i> , Leer County.
<b>5 April</b>	Joint Government forces and allied militias/groups advance into Leer County and attack a cattle camp located close to Leer town, at Tharkoare in Kaigai village, Kaigai <i>payam</i> , where they shoot and injure one <i>Dok</i> Nuer male cattle-keeper and raid an estimated 16 heads of cattle. A senior State official reportedly orders the joint Government forces and allied militias/groups to retreat and immediately exit Leer County.
<b>6 April</b>	SPLM/A-IO (RM) forces launch an attack and recapture Mirmir <i>payam</i> . However, the joint Government forces and allied militias/groups regain control of the area after a few hours and subsequently launch attacks in Buoth and Lual of Leah <i>payam</i> within Mayendit County.
<b>8 to 12 April</b>	<p>Joint Government forces and allied militias/groups from Koch and Mayendit Counties launch attacks in multiple areas in the south of Leer County, including Buaw, Dar, Dhornor, Dindin, Gandor, Geer, Guat, Liab and Nak (in Adok), Padeah, Pilling, Thor and Tieb.</p> <p>During these attacks, SPLM/A-IO (RM) put up limited resistance and flee from the advancing joint Government forces and allied militias/groups who are better equipped logistically and of a greater number. Witness accounts indicate the use of an SSPDF Armored Personnel Carrier (APC) during the attacks, as well as police pick-up vehicles, painted in blue camouflage.</p>
<b>13 April to 15 May</b>	Relative lull in violence
<b>16 to 19 May</b>	<p>Joint government-aligned <i>Haak</i> and <i>Jagai</i> Nuer armed militias from Mayendit and Koch Counties including an SSPDF 2<sup>nd</sup> Lieutenant, launch a “cattle raid” attack against displaced civilians at the Muom Military Training Centre. This results in the killing of nine civilians including a lactating woman and three “Unified Forces” from the training centre (one of whom is wounded but later succumbs to his injuries), and injury of seven civilians including an 11-year-old girl, and two soldiers. The violence also results in the displacement of civilians from the initial location of the cattle camp in the Muom Military Training Centre to surrounding areas.</p> <p>The cattle keepers launch a counter-offensive and kill 11 of the armed assailants including the SSPDF 2<sup>nd</sup> Lieutenant. Among the 11, four are killed at the cattle camp and seven killed in Gandor <i>Payam</i>, Leer County, as the armed cattle keepers pursue the attackers to recover their stolen cattle.</p>

19 May	The killing of the attackers from Mayendit and Koch Counties leads to a retaliatory attack by <i>Haak Nuer</i> armed militias from Mayendit in which one person is killed at the Muom Military Training Centre.
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## 8.2 Legal background

### 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 five core international human rights treaties<sup>50</sup>. 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 an effective 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, SSPDF, and SPLM/A-IO 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

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<sup>50</sup> The Government of the Republic of South Sudan has ratified inter alia the following international human rights treaties: the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT Convention); The Optional Protocol to the CAT Convention, the Convention on the Rights of the Child (CRC Convention); the Optional Protocol to the CRC Convention on the involvement of children in armed conflict, the Optional Protocol to the CRC Convention on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination Against Women.

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 can prosecute individuals allegedly involved in gross violations of international human rights and 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.

### 8.3 List of Acronyms

<b>Acronym</b>	<b>Name</b>
APC	Armored Personnel Carrier
R-ARCSS	Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan
AU	African Union
CTSAMVM	Ceasefire & Transitional Security Arrangements Monitoring & Verification Mechanism
DSRSG-P	Deputy Special Representative of the Secretary General for Political Affairs
EU	European Union
GHANBATT	Ghanaian Battalion
IDP	Internally displaced persons
IGAD	Inter-Governmental Authority on Development
IHL	International Humanitarian Law
OHCHR	Office of the United Nations High Commissioner for Human Rights
R-ARCSS	Revitalized Agreement for the Resolution of Conflict in South Sudan
R-JMEC	Reconstituted Joint Monitoring and Evaluation Commission
RPG	Rocket-propelled grenades
SGBV	Sexual and Gender-Based Violence
SPLA	Sudan People's Liberation Army
SPLM/A-IO (RM)	Sudan People's Liberation Movement/Army in Opposition – Riek Machar
SPLM/A-IO (TD)	Sudan People's Liberation Movement/Army in Opposition – Taban Deng
SSNPS	South Sudan National Police Service
SSPDF	South Sudan Peoples' Defence Forces
TOB	Temporary Operating Base
UNFPA	United Nations Population Fund
UNMISS	United Nations Mission in South Sudan
USAID	United States Agency for International Development