



AMNESTY INTERNATIONAL ADVOCACY BRIEF

South Sudan: United Nations arms embargo must remain in place after surge in violence against civilians in 2020

AI Index: AFR 65/3383/2020

Under embargo until: 00.01 GMT, 30 November 2020

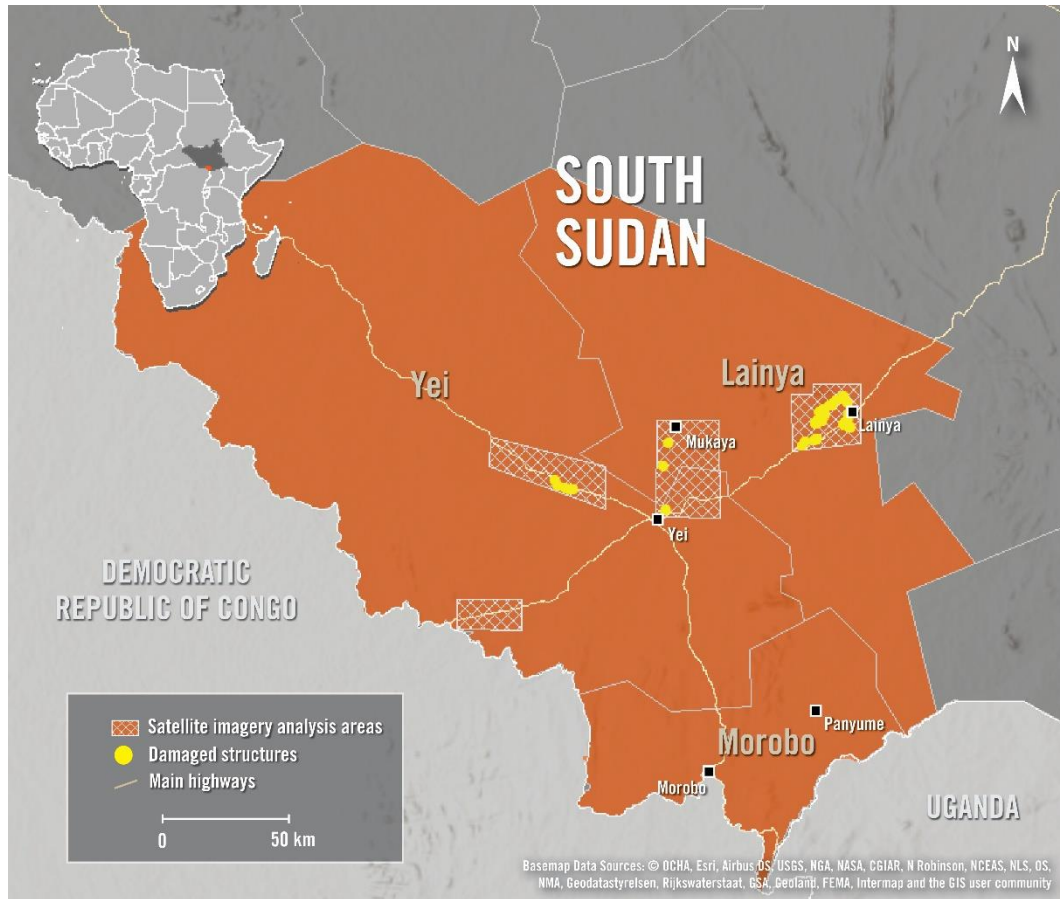
New research conducted by Amnesty International shows that the Government of South Sudan (GoSS) has failed to live up to its commitments to protect civilians throughout the past year. Based on this clear finding, Amnesty International is calling on the UN Security Council to not relax the embargo on arms shipments to the country during its mid-term review of the embargo and other measures, which is supposed to take place no later than 15 December.

During this upcoming session, the Security Council is meant to consider any progress in implementing provisions of the 2018 revitalized peace agreement and adherence to a ceasefire. However, between April and June 2020, there was a new wave of violence against and between civilians, four times greater than during the same period the year before, according to analysis done by the [Stimson Center](#). The violence in May was the worst in a single month since April 2017, when civilians were targeted across the country, including in a notorious massacre in the western city of [Wau](#).

Earlier this year, even as the Security Council heard arguments from the GoSS that the conflict has been resolved, that there is peace with a Unity Government, and South Sudan should not be “punished” with an arms embargo, government soldiers were shooting civilians, burning their homes, raping women and girls, and displacing tens of thousands of people from their villages in the southern part of the country. The Government of South Sudan has failed to protect its people, is obstructing attempts to hold perpetrators of crimes to account, and it would be irresponsible of the Security Council to suspend or lift the arms embargo in light of the horrendous human rights violations committed by the government.

Amnesty International has confirmed a series of extrajudicial executions, forced displacement, torture, and destruction of civilian property in Central Equatoria State, southwest of the capital of Juba. Using satellite imagery to research portions of three counties in that one state, Amnesty International documented 110 burned and destroyed structures in civilian villages in the first half of 2020.

This likely constitutes a small portion of the total destruction, as local media have reported far more attacks. According to data from the [Armed Conflict Location and Event Data Project \(ACLED\)](#), significant widespread violence against and between civilians also occurred in Jonglei, Lakes, Warrap and Western Equatoria states.



To verify the cases of violence against civilians, Amnesty International conducted 26 remote interviews with eyewitnesses and family members of victims, five of them women, from Lainya, Morobo, and Yei counties. All requested anonymity because of the threat of retaliation by the government for speaking to Amnesty International. In addition, researchers used satellite imagery, photos from the scenes of the violations, and open source data to confirm the attacks.

Throughout April, the South Sudan People's Defence Forces (SSPDF) entered villages in Mukaya Payam in Lainya county, directly north of the town of Yei, warning and ordering everyone to leave the area as they beat civilians with sticks, the backs of their guns and flat parts of their knives. Amnesty International spoke to eight victims of the attacks, who said soldiers forced thousands of residents to

flee the villages as the soldiers looted houses, burned structures, and stole goats and chickens and loaded the items on their trucks. Soldiers accused civilians of feeding National Salvation Front (NAS) fighters and working as their informers. NAS is an armed group which has refused to sign the 2018 revitalized peace agreement, arguing that the peace deal did not address the root causes of the conflict.

Six witnesses, including community leaders, told Amnesty International that the government had sent troop reinforcements in response to reports that NAS had abducted over 100 young men. Two witnesses told Amnesty International that the youth had defected from another armed group and voluntarily joined NAS. Amnesty International could not independently verify whether the young men joined NAS willingly or not.

When asked what he wanted the government to do, one witness said he wanted the government to bring peace, needed the government to “remove guns from hands of soldiers moving up and down, who are not even organized” and to “ensure that civilian areas are left for civilians, not for the army.”

When asked what message she had for the Security Council, one community leader said “To the leaders in the UNSC, they should have the courage and really use one voice to speak for the ordinary people in South Sudan who are suffering for a number of years without peace. We want peace and stability in the country to go to the village. We want to get to collect water from the river without any security threat, get to collect firewood without any security threat, go to our farms without any security threat. So, we want peace so we can take care of ourselves.”

The victims’ accounts are consistent with reports from ACLED, as well as the ceasefire monitoring and verification mechanism established under the peace agreement. All reported that in mid-April SSPDF soldiers deployed in Mukaya Payam beat and attacked with knives civilians in the area, whom they accused of supporting NAS rebels, and looted the villages.

In May, government forces fought NAS insurgents across Lainya County. These clashes largely took place in the bush, away from the civilian centres. However, after the engagements SSPDF and SPLA-IO soldiers often entered the nearby villages to confront the civilian population, alleging that they had supported NAS by providing food and shelter. On several occasions the soldiers beat civilians, looted food and iron sheet roofing, and burned thatch homes.

“The [SPLA-] IO will just come and ask for [a] bull or chicken, and if you refuse they come at night and just take it,” said one farmer. “And if there is any resistance from the owner then they kill.”

Amnesty International interviewed six displaced people who were witnesses to fighting on 9 and 10 May near Lomilikin, Loka West, Konkak, and other surrounding Pojulu villages in Lainya County, north of the Yei-Lainya road. When the clashes began, on 9 May, many civilians fled to a place further into the bush called Kengwe, which had served as a safe refuge during the intense fighting in 2016. A mixed force of SSPDF and SPLA-IO soldiers—who local villagers said they could identify from the patches on their uniforms, red ribbons tied on the heads of SPLA-IO members, and distinctive face markings of Dinka (SSPDF) and Nuer (SPLA-IO) fighters—left the main road and searched village by village. Amnesty International could not independently corroborate the composition of the force. When they arrived in Kengwe on the morning of 10 May, they first arrested a man named Lopor, a veterinarian who was working his garden. Then they arrested three more men, named Lomiong, Sabata, and Lomoro, all aged between approximately 20 and 40, and accused the subsistence farmers of supplying NAS with food. The soldiers tied their hands behind their back and led them to the centre of the village, where about 20 women and children had been gathered as well. When one of the youths became frightened and jumped up and ran away, a soldier got angry and shot the four tied-up men with a PKM machine gun.

“He shot them all dead,” said one eyewitness. “One of the four was shot so completely you could not recognize him. He was Lomiong. He was hit so rapidly on the face and head. After they killed the four, they started shooting animals like goats, chickens. Then they set the whole area on fire.”

Other witnesses gave consistent accounts of the extrajudicial execution of Lomiong and the three others; and photographic evidence reviewed by Amnesty International researchers confirms that Lomiong’s face is mutilated beyond recognition. These extrajudicial executions constitute war crimes.

After the soldiers shot the livestock of the villagers, they stole peanuts and cassava and other foodstuffs from the granary and burned Kengwe before leaving. Limilikin and other villages were burned as well, forcibly displacing tens of thousands of civilians within Lainya county.

Satellite analysis confirms that villages north of the Yei-Lainya road were burned between January and June 2020. Amnesty International also reviewed verified photos of the four men’s bodies, taken immediately after they were killed, and confirmed the details of their specific injuries and identities with multiple interviewees. ACLED reports that around 9 May, 11 villages in the area were burned, and a total of 22,000 people were displaced.

Fighting continued in June in Morobo County, to the south along the borders of Uganda and the Democratic Republic of the Congo. Often, according to multiple interviewees, NAS fighters have posed as refugees and fled across these borders

after engaging in conflict with South Sudanese government forces. Amnesty International interviewed five people who observed attacks on civilians by SPLA-IO soldiers in and around Panyume Payam. In a similar pattern to attacks in Lainya County, government forces and NAS fighters clashed, and then, after the confrontation, SPLA-IO soldiers would accuse civilian villagers of providing material support and sympathy to NAS.

One villager said “The IO believe all NAS are Pojulu, and they think everyone in the village is Pojulu. I am Pojulu. Then they do not spare the lives of the Pojulu.”

On 3 June, two days after clashing with NAS fighters around Panyume, IO soldiers detained a man named John Capo in the nearby village of Soper. John Capo was a chief and leader in the area, and the IO soldiers accused him of also being a NAS commander, or a supporter of their cause, as he had not informed the IO forces of the impending attack.

“Soldiers arrested Capo,” said one witness. “They tied him and tortured him to late evening, the man was collapsing because they cut parts of the body and fed him with that. In the after-hours they took him out and he died in the bush. There was a military base nearby, a borehole where we fetched water, the soldiers live where there is water. I went to get water and I met the soldiers torturing Capo. I saw this. I was 20 meters away. At first the soldiers cut his ear, then they gave him it to eat. Secondly, they also cut his manhood and they give him it to eat. This is what I have seen with my naked eye.”

Three other witnesses confirmed the specific details of the mutilation, and that senior IO commanders were present during the torture and killing of John Capo. The chief’s body was discovered in the bush by villagers several days later. He had apparently bled to death. Torture and the killing of captured individuals – whether they are civilians or fighters – are war crimes.

Reports from the ceasefire monitoring and verification mechanism and ACLED data both confirm that fighting and civilian deaths occurred in Panyume around 1 June 2020. And the violence against civilians in Central Equatoria has not stopped. ACLED reports that on 1 September, two civilians died and several more were injured when their vehicle was caught in a clash on the road to Lasu, southwest of Yei.

Despite the 2018 revitalised peace agreement, it is clear that the non-international armed conflict in South Sudan is continuing and that civilians continue to bear the brunt of the conflict. The parties to the conflict are bound by their obligations under international humanitarian law; and government forces must uphold South Sudan’s obligations under international human rights law. The serious violations of international humanitarian law documented by Amnesty

International in this briefing include the war crimes of murder, mutilation, cruel treatment and torture¹; humiliating and degrading treatment²; pillaging³; and destroying property of the enemy without military necessity.⁴ And the government continues to obstruct efforts to hold perpetrators to account and secure justice and reparation for survivors, victims of violations and their families.

The UN Security Council must protect civilians, keep the arms embargo on South Sudan, and demand that perpetrators of war crimes are brought to justice.

Background

In April 2020, Amnesty International [published evidence](#) of newly imported small arms and ammunition, illicit concealment of weapons, and diversion of armoured vehicles for military uses not approved under the arms transfer licenses.

Several bodyguards for prominent generals from government and opposition forces alike, who would have first access to newly acquired weapons, carried models of Eastern European weapons never before documented in South Sudan. Amnesty International therefore believes that these weapons were brought into South Sudan in violation of the arms embargo.

Satellite imagery analysis by Amnesty International showed that several of the Mi-24 attack helicopters underwent significant maintenance at Luri and Juba International Airport in October 2018 and have been flown several times since. The government's fleet of helicopters was dysfunctional and grounded at the time the arms embargo was established, and the acquisition of spare parts to refurbish the helicopters, violated the arms embargo.

On 29 May, the UN Security Council unanimously renewed the arms embargo for another year by a 12-0 vote. Only Russia, China and South Africa abstained. By 15 December, the UNSC will conduct a mid-term review of the arms embargo against progress achieved in implementation of all the provisions in the 2018 revitalized peace agreement and adherence to a ceasefire. The Council will then also decide on how to develop benchmarks against which to review the arms embargo in May 2021.

In October, the Community of Sant'Egidio resumed peace talks between the government and a coalition of holdout armed opposition groups, including the

¹ Rome Statute of the International Criminal Court (ICC Statute), Article 8 (2) c i.

² ICC Statute, Article 8 (2) c ii

³ ICC Statute, Article 8 (2) e v

⁴ ICC Statute, Article 8 (2) e xii

NAS, which had broken down following the clashes between NAS and government forces that started in April and had been put on hold due to the COVID-19 pandemic. In January 2020, the government and holdout groups signed the Rome Declaration in which they recommitted themselves to the December 2017 ceasefire. Historically, ceasefires in South Sudan are frequently broken.

In February 2020, parties to the 2018 revitalized peace agreement [started to form](#) the Revitalized Transitional Government of National Unity but failed to complete the formation of state governments and to ensure adequate representation of women in accordance with provisions in the agreement that the new executive would include a 35% quota of women.

The parties to the peace agreement also failed to establish the new Parliament, delaying the amendment and passing of critical pieces of legislation. They have not amended repressive laws, such as the 2014 National Security Service (NSS) Act, during the pre-transitional period. [Efforts to reform the security sector](#) were problematic, including leaving out the NSS, the best-equipped security force in the country and a key agency of repression.