



**“WE DID NOT BELIEVE WE  
WOULD SURVIVE”**

KILLINGS, RAPE AND LOOTING IN  
JUBA

AMNESTY  
INTERNATIONAL



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**Cover photo:** A Nuer man who was badly injured in the leg by indiscriminate fire on 11 July 2016 at one of the UN's protection of civilians sites in Jebel. More than a month after the attack, he was still recovering. © Amnesty International

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# 1. EXECUTIVE SUMMARY

The gun-battle that erupted at South Sudan's presidential palace on 8 July, and fighting that subsequently rocked the rest of the capital, fractured the new Transitional Government of National Unity (TGoNU) and threatened implementation of the August 2015 peace deal. Over four days, government forces loyal to South Sudan's President Salva Kiir, and opposition forces loyal to then-First Vice President Riek Machar, engaged in active combat in Juba. The fighting ended when Machar and his forces withdrew southwards from the city on 11 July. Hundreds were killed over the four-day period, including numerous civilians.

The fighting was marked by serious violations of international human rights and humanitarian law. Amnesty International has found that government soldiers deliberately killed civilians and fired indiscriminately in civilian neighbourhoods and around UN protection of civilians sites. By deploying tanks and artillery in densely populated civilian neighbourhoods, and bombing some of those neighbourhoods with helicopter gunships, government forces showed a callous disregard for human life.

Forces loyal to Machar, known as the Sudan People's Liberation Army-in-Opposition (SPLA-IO), lacked the kind of heavy weaponry used by government forces, but they too put civilians at risk by deploying in civilian areas. Notably, opposition fighters were reported to have entered the protection of civilians sites at the UN base in Juba's Jebel neighbourhood several times on 10 and 11 July, at least once in large numbers. It is not clear whether in doing so the fighters intended to shield themselves from attack or impede military operations—which would constitute the war crime of using human shields—but regardless of their intention, the impact of such manoeuvres was to endanger the thousands of civilians sheltering in the sites.

People taking refuge in these sites faced the terror of being exposed to crossfire with shelters of plastic sheeting or mud as their only cover. A two-and-a-half-year-old girl named Nyamuch was killed by shrapnel from a rocket or other explosive device, and several of her siblings were injured. Other people were hit by high calibre bullets that were as long as a person's finger.<sup>1</sup> Three women were wounded so severely that they now require colostomy bags.

Besides the killings and injuries caused by crossfire, the evidence also indicates that at least a small number of government fighters deliberately targeted the Jebel protection of civilians sites after opposition forces fled on 11 July. Witnesses at one of the sites said that snipers positioned themselves on a hill near the edge of the site, and shot at it seemingly at random.

One of the most organized and large-scale attacks occurred in the same Jebel area, at the Terrain hotel on Yei road, on the same afternoon. Some 80 to 100 government soldiers stormed the hotel, deliberately killing a captive journalist, shooting another man in the leg, raping or gang-raping several women, beating and threatening some 30 others, and stealing everything in sight. The hotel was inhabited by foreign aid workers, and the assault was the worst incident yet in a long-standing pattern of government attacks on humanitarian personnel.

Nor did government abuses stop the day that the fighting ended. Nuer women who left the UN base in Jebel after the fighting to go find food for their families—a necessity due to a severe shortage of food in the camps had to run a gauntlet of government soldiers. Over a roughly one-week period that began just after the fighting ended, dozens of Nuer women were systematically raped. Many were raped by more than one soldier. "When they released me," one woman told Amnesty International, "my clothes were full of blood."

Both during and after the fighting, government forces also engaged in a massive campaign of looting. They used violence and the threat of rape to force people to give up money, and employed military trucks to transport the goods that they stole from civilian shops and residences.

Most worryingly, these deliberate killings, rapes, indiscriminate attacks, and wholesale pillage are part of a long-standing pattern of conduct. To turn the situation around will take more than empty promises and sham government commissions. It is long past time for the government to take real and effective steps to ensure that its forces cease violating international human rights and humanitarian law, permit humanitarian aid operations, and undertake prompt, effective and impartial investigations into past violations. And it is also

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<sup>1</sup> An Amnesty International delegate saw some of these bullets, which appeared to be .50 caliber machine gun rounds.

time for the international community to ensure that it is not, by its actions, complicit in abuses in South Sudan. A crucial and necessary step is the imposition of a comprehensive arms embargo that bars the transfer of weapons and other military equipment to the country.

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# 2. METHODOLOGY

This report is based on over 90 interviews that Amnesty International conducted in July, August, and September 2016 with victims of and witnesses to abuse, as well as with civil society activists, humanitarian staff, UN officials, and local and international journalists. Amnesty International carried out the large majority of these interviews in person in Juba, but a few of them were done via telephone or Skype. All interviews with victims and witnesses were conducted in private. Some interviews were done in English; others were done in Juba Arabic or other local languages, with English translation. The names of the people who were interviewed have been withheld for security reasons.

The report focuses on violations committed by South Sudanese government forces, but also documents how the SPLA-in-Opposition (SPLA-IO) put civilians in danger by their military operations.

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# 3. BACKGROUND

South Sudan has been riven by an internal armed conflict since December 2013, when a political dispute within the country's ruling party, the Sudan People's Liberation Movement (SPLM), escalated into an armed confrontation. On one side were forces loyal to President Salva Kiir, a Dinka, and on the other were those loyal to Riek Machar, a Nuer, who served as vice president from 2005 until his dismissal in July 2013. Fighting started in Juba, where government forces carried out targeted killings of Nuer men. The security forces split, with some maintaining allegiance to the government and others defecting to join the opposition, known as the SPLM/A-in-Opposition (SPLM/A-IO).<sup>2</sup> While fighting was initially concentrated in Jonglei, Unity and Upper Nile states, it reached the southern Equatoria states and Western Bahr El Ghazal state in 2015 and 2016.

The costs of this violence have been extremely high.<sup>3</sup> Tens of thousands of South Sudanese have been killed since the war began; over 1.6 million have been internally displaced, and over a million have fled to take refuge in neighbouring countries.<sup>4</sup> Over 200,000 internally displaced people are currently living in "protection of civilians sites" adjacent to the bases of the United Nations Mission in South Sudan (UNMISS),<sup>5</sup> where there are serious health and security concerns. Many other displaced persons are hiding out in remote areas, including swamps, with little or no access to clean water, food, or humanitarian assistance.<sup>6</sup>

In August 2015, following almost two years of peace negotiations mediated by the Intergovernmental Authority on Development (IGAD), parties to the conflict and others signed the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). Implementation of the agreement was slow, however, and faced numerous hurdles. A theoretically permanent ceasefire was repeatedly breached, and fighting continued in several parts of the country. It was not until April 2016 that Riek Machar returned to Juba and was sworn in as First Vice President of the Transitional Government of National Unity (TGoNU), as provided for in the peace agreement.

The transitional security arrangements for Juba, negotiated by the parties in October and November 2015, provided for the demilitarization of Juba, with the bulk of the government's forces meant to withdraw to 25 km outside of the city.<sup>7</sup> Within Juba, the arrangements allowed for government troop numbers of 3,420, but as the head of the international body in charge of monitoring the peace deal repeatedly complained, his team's efforts to verify compliance with this limit was severely compromised.<sup>8</sup>

The arrangements also allowed opposition security personnel to establish a presence in Juba. Prior to Machar's return, 1,370 opposition troops entered the city, setting up their base behind Jebel Kujur, a mountain on the outskirts of the capital.<sup>9</sup> This opposition military base (SPLM/A-IO Site 2) was in worryingly close proximity to the UN's protection of civilians sites in Jebel. In addition, Machar established a residence (SPLM/A-IO Site 1) behind Jebel Kujur, adjacent to the Gudele residential neighbourhood

<sup>2</sup> South Sudan's army is known as Sudan People's Liberation Army (SPLA), and armed opposition is known as the Sudan People's Liberation Army in Opposition (SPLA-IO).

<sup>3</sup> Violations of international human rights and humanitarian law during the conflict have been documented in a series of reports by Amnesty International, Human Rights Watch, the UN's Office of the High Commissioner for Human Rights, and the African Union, among others. See, for example, Amnesty International, 'Our hearts have gone dark': The mental health impact of South Sudan's conflict, AFR 65/3203/2016, July 2016; Amnesty International, 'We are still running': War Crimes in Leer, AFR 65/4486/2016, July 2016; Amnesty International, Nowhere safe: Civilians under attack in South Sudan, AFR 65/003/2014, May 2014; UNMISS, The State of Human Rights in the Protracted Conflict in South Sudan, December 2015; Human Rights Watch, "They Burned It All": Destruction of Villages, Killings, and Sexual Violence in Unity State, South Sudan, July 2015; African Union Commission of Inquiry in South Sudan (AUCISS), Final Report, October 2015.

<sup>4</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), South Sudan Humanitarian Bulletin, 22 September 2016.

<sup>5</sup> UNMISS PoC Update No. 138, 26 September 2016.

<sup>6</sup> See, for example, Lama Fakhri, "South Sudan's man-made hunger crisis," African Arguments, 24 February 2016; "Hiding from horror in the swamps of South Sudan," Al Jazeera, 4 November 2015; "South Sudan: Surviving on goat bones and water lilies," Al Jazeera, 14 September 2016.

<sup>7</sup> The peace agreement provides: "All military forces within Juba shall be redeployed outside a radius of 25km from the center of the national capital." Agreement on the Resolution of the Conflict in the Republic of South Sudan, 17 August 2015. The sole exceptions to this rule are for presidential guards, police, and limited guard forces to protect sites such as military barracks. The exact numbers of soldiers that were to be allowed under these exceptions were set out in a transitional security agreement settled upon in November 2015. See Outcome of the Meeting of the Principle Signatory Parties to the Agreement on Planning Implementation of the Provisions in Chapter II of the Agreement.

<sup>8</sup> See Closing Statement by the JMEC Chair, 24 March 2016. The Joint Monitoring and Evaluation Commission (JMEC), which began functioning in November 2015, is charged with monitoring and overseeing all aspects of the implementation of the peace agreement in South Sudan.

<sup>9</sup> JMEC, "Transport of 1,370 SPLA (In Opposition) troops complete," 11 April 2016.

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# 4. ABUSES DURING AND AFTER THE JULY FIGHTING

The July 2016 fighting began with a series of clashes between government and opposition forces in Juba. In the evening of 8 July, a deadly shootout involving Kiir's and Machar's bodyguards erupted outside the presidential palace, where the two men were meeting. The actual chain of events, and whether or not the outbreak of violence was planned, are unclear and disputed. While 9 July was relatively quiet, heavy fighting took place on 10 and 11 July. Both sides declared a ceasefire on 11 July in the evening.

It is evident that the subsequent military campaign against opposition forces was organized and directed at the highest levels of government.<sup>10</sup> Government forces deployed tanks, attack helicopters, and numerous infantry units, and fighting took place in several Juba neighbourhoods over the course of four days. The fighting in the Jebel neighbourhood, in particular, underscored the short-sightedness of the initial decision to station Machar's forces in such close proximity to civilian residences and UN protection of civilians sites.

Some 36,000 people fled to UN protection of civilians sites and aid group compounds during or immediately after the fighting.<sup>11</sup> Most of the displaced were women and children.

As in the past, ethnicity played a key role in the violence, either as an indicator of political allegiance, or as a trigger for hostility in itself. Victims and witnesses from a variety of ethnic groups consistently reported that the soldiers responsible for killings, rapes, and looting spoke Dinka and specifically sought out Nuer victims.

## 4.1 DELIBERATE KILLINGS AND ENFORCED DISAPPEARANCES

In some cases, government forces deliberately targeted Nuer men on the basis of ethnicity. On 10 July, for example, government troops swept through the Thongpiny neighbourhood and attacked homes where Nuer were known to live. A retired soldier told Amnesty International that a heavily-armed government military contingent attacked his house at 10:45 in the morning.<sup>12</sup> "We could hear the attackers shouting at the top of their lungs, 'Nuer kin,' which literally means, 'Nuer are here,'" he said. Two of his family members were wounded by gunfire in the attack, including his sister-in-law. He said that a civilian friend who was living with him had a gun and went outside to try to defend the family, but was shot in the head and died instantly.

As part of an extremely brutal and large-scale attack on the Terrain hotel complex on 11 July, in the immediate wake of fighting, government troops deliberately killed 32-year-old South Sudanese journalist John Gatluak Manguet Nhial on the basis of his ethnicity. Gatluak worked for Internews, a non-profit media organization that trains and supports local journalists in several countries. He had taken refuge in the Terrain complex on 9 July, after fighting had broken out around the city.

Witnesses said that after invading the compound in the mid-afternoon of 11 July a large group of government soldiers, some 80 to 100 men, rounded up hotel staff, residents, and visitors, and carried out massive looting, systematic beatings, and numerous gang rapes.<sup>13</sup>

<sup>10</sup> As the UN Panel of Experts recent report points out, only President Kiir and the SPLA's Chief of General Staff, Paul Malong, have the authority to deploy the country's attack helicopters. Report of the Panel of Experts on South Sudan extended pursuant to Security Council resolution 2290 (2016), pp. 4-5.

<sup>11</sup> South Sudan Humanitarian Bulletin, Issue 10, 22 July 2016.

<sup>12</sup> Amnesty International interview, Juba, 19 August 2016.

<sup>13</sup> Amnesty International telephone interviews, 3 August 2016, 9 August 2016, 18 August 2016, and 24 August 2016 (with separate interviewees); Amnesty International interview, Juba, 9 August 2016; Jason Patinkin, "South Sudan radio journalist shot dead," Associated Press, 13 July 2016; Jason Patinkin, "Rampaging South Sudan troops raped foreigners, killed local," Associated Press, 15 August 2016.

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After bringing Gatluak outside in front of a group of foreign aid workers, a soldier put a gun to Gatluak's head and shot him, as troops shouted "Nuer." Gatluak had traditional scars on his forehead that made it obvious that he was Nuer.

"He was shot and fell down," a witness recalled. "Then they shot him more. They said, 'This is our war. For us, life is nothing.' Another guy said, 'you all are working with him? I will shoot you too.' So we denied working with him."<sup>14</sup>

Gatluak's body stayed at the hotel for two days until the South Sudan Red Cross picked it up and buried it in the Jebel area. For security reasons, his friends were not able to attend the burial.

Another case in which government forces appear to have deliberately targeted civilians on the basis of ethnicity is that of Stephen Mading Chan. Mading Chan, a Nuer who worked for an oil company, was killed on 10 July just outside the Biedlla hotel, on Tombora Road in Juba's Atlabara neighbourhood. A large group of Nuer were staying at the hotel, where it was well known that several prominent Nuer politicians were staying.<sup>15</sup>

In the evening at about 5 pm at least two pickups full of government troops drove up. "They came out of the cars, and surrounded the hotel," said one survivor of the attack. "They began randomly shooting."

"We did not believe we would survive," he emphasised.

The troops shot at the hotel gate, and Mading Chan, apparently fearing they were about to enter the compound, jumped out of a window and tried to escape over a fence. He was shot by government forces as he was fleeing, his body later found outside.

The other Nuer men were rescued by members of the National Security Service (NSS), after one of the politicians staying at the hotel called an NSS contact of his. One of the men recalled that after NSS vehicles picked them up, "We were rushed to the NSS .... We spent some days in the NSS building and were locked inside. The Nuer officers told us to just stay there until they came to take us, if we wanted to use the toilet, for example. They said they could not trust their colleagues."<sup>16</sup>

Nuer civilians at the UN's protection of civilians sites were at times caught in the midst of crossfire between the opposing forces, but evidence also indicates that some of these sites were deliberately targeted. On the afternoon of 11 July, hours after armed opposition forces had fled the area, government soldiers continued firing on POC 1 and POC 3, the two protection of civilians sites at UNMISS's UN House base in the Jebel neighbourhood.<sup>17</sup> "They were spraying bullets at the camp," a woman in POC 3 recalled, "shooting randomly."<sup>18</sup> She and others said that there were at least two shooters, firing from a hill to the east of the camp, and that they believed that Ethiopian UNMISS soldiers later shot back at them, possibly killing or injuring one of them. After that, the shooting stopped. Occasional shooting at and around POC 1 reportedly continued for another day.

Nuer civilian men were also subjected to enforced disappearances. Some Nuer civilian men who were picked up by government forces during the July fighting remain missing, and their family members fear that they are dead. A 24-year-old Dinka woman married to a Nuer man described how her husband and his brother were detained by soldiers on the morning of 10 July.<sup>19</sup> Soldiers entered her family's compound, she said, and "asked my husband whether he was Nuer or Dinka." She said that her husband replied that he and his brother were Nuer, and the soldiers took the men away by force. All the soldiers spoke in Dinka.

The woman said that she followed the soldiers, asking where they were taking her husband. She told the soldiers that her husband and his brother worked for the government, but she said that the soldiers responded that even if they worked for the government, they were Nuer, and "Nuer are rebels." Then one soldier pulled her aside as the others took the detained men away. That was the last she saw of her husband and his brother.

"My life is shattered because my husband was my hope and all of my life," she told Amnesty International. "I loved him so very much. Life without him is hopeless."

## 4.2 INDISCRIMINATE ATTACKS

Numerous witnesses told Amnesty International how government troops fired indiscriminately in civilian neighbourhoods and around UN protection of civilians sites (POCs). Government forces deployed tanks and artillery in several densely populated neighbourhoods, including Gudele, Munuki, Jebel and Thongpiny, and also bombed some of those neighbourhoods using helicopter gunships armed

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<sup>14</sup> Amnesty International telephone interview, 24 August 2016.

<sup>15</sup> Amnesty International telephone interview, 2 August 2016.

<sup>16</sup> Amnesty International telephone interview, 18 August 2016.

<sup>17</sup> Amnesty International interviews, Juba, 11 August 2016, 13 August 2016.

<sup>18</sup> Amnesty International interview, Juba, 11 August 2016.

<sup>19</sup> Amnesty International interview, Juba, 21 August 2016.

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with unguided rockets. Multiple civilian sources reported that the government forces relied heavily on these gunships, keeping at least one of them in the air throughout the fighting.<sup>20</sup>

Opposition forces, too, fired from civilian areas. While opposition forces lacked the kinds of heavy weaponry used by the government, and numerous civilians said that opposition fighters specifically warned people in several neighbourhoods to flee the fighting, they still put civilians at risk by deploying in the midst of residential areas.

Most egregiously, opposition fighters were reported to have entered the protection of civilians sites in Jebel several times on 10 and 11 July, at least once in large numbers. It is not clear whether in doing so the fighters intended to shield themselves from attack or impede military operations—which would constitute the war crime of using human shields—but regardless of their intention, the impact of such maneuvers was to endanger the thousands of civilians sheltering in the sites. By deploying in and around the protection of civilians sites, and by, in some cases, abandoning their weapons and taking shelter in the sites themselves, opposition forces also bolstered the perception that the sites serve as rebel sanctuaries.



A drainage ditch in which dozens of people took shelter from indiscriminate fire at one of the UN's protection of civilians sites in Juba's Jebel neighbourhood. © Amnesty International

On 10 and 11 July, there was serious fighting between the government and armed opposition forces around the UN base in Juba's Thongpiny's neighbourhood, and around the UN base in Juba's Jebel neighbourhood. Both bases host thousands of civilians living in adjacent protection of civilians sites, and their civilian inhabitants were placed in grave danger by the fighting. Both the protection of civilians sites in Jebel and in Thongpiny were hit by automatic weapon fire and explosive devices such as mortars and unguided rockets, with the Jebel protection of civilians sites being especially hard hit.

Amnesty International did not learn of any civilian deaths at the POC site at the UN's Thongpiny base, although at least two explosive devices—shells or rockets—landed there on 11 July, the second of which injured several people. At the two protection of civilians sites at the UN base in Jebel, POC 1 and POC 3, at least 50 civilians were killed between 10 and 12 July and many more were injured.<sup>21</sup> In addition, two Chinese peacekeepers were killed after an explosive device struck their armoured vehicle on 10 July.<sup>22</sup>

Government troops and opposition fighters were engaged in combat quite close to the camp on 10 July. At various moments, opposition troops were positioned immediately adjacent to POC 1, and some fighters entered and exited the camp, attracting government fire into it.

People in both camps described the terror of being exposed to fighting with only the flimsiest of physical protection. Most of the shelters at POC 1 and POC 3 are constructed of plastic sheeting, while some are of hardened mud—little defense against the shelling, artillery fire and bullets that were raining down. Many people took cover for hours in filthy drainage ditches to avoid the shooting.

<sup>20</sup> The South Sudan government is believed to have at least three Mi-24 helicopter gunships, which were bought from a Ukrainian company in 2014 at a cost of nearly \$43 million. See Letter dated 22 January 2016 from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) addressed to the President of the Security Council, UN Doc. S/2016/70 (22 January 2016), pp. 3 and 27.

<sup>21</sup> In early August, an Amnesty International delegate saw a long line of new graves along the perimeter of POC 3, where people killed during the July violence were buried.

<sup>22</sup> See Josh Chin, "Violence in South Sudan Kills Two Chinese U.N. Peacekeepers," Wall Street Journal, 11 July 2016; Matt Wells, "The UN has failed its peacekeepers in S Sudan," Al Jazeera, 10 September 2016.

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One woman recounted how her daughter was shot in the arm while hiding under the bed with her three siblings. Some people were injured by high caliber bullets that were as long as a person's finger.<sup>23</sup> A high proportion of those killed may have survived had they been able to receive immediate, quality medical care: several died of loss of blood or of preventable infections. Many others who survived were operated on by traditional healers without modern tools or anesthesia at the protection of civilians sites.<sup>24</sup>

Biel Gat Kuoth, age 26, was among the civilians who was killed in POC 3. In the early afternoon of 10 July, Kuoth was at his grandfather's shelter not far from the edge of the camp. "The bullet came out of nowhere," said one of the men who was with Kuoth when he was killed. "We were all sitting down on chairs because it was calm; it was during a break in the shooting. Suddenly the bullet flew through the window."<sup>25</sup>

The bullet hit Kuoth in his right shin, breaking the bone. His family took him to the clinic at the camp, where there were no doctors, just volunteers to dress his wound. Because of the large influx of patients, there were no available beds and his family brought him home. The bone became infected, and two days later he was brought to the Level 1 clinic on the UN base, where he died. He was buried on the edge of the camp.

Another young man who was killed in POC 3 was Changkuoth Makuach, age 22. It was on the morning of 11 July, as opposition forces were retreating. SPLA forces were on one side of the camp, shooting toward the camp, and opposition forces were on the other. "The SPLA came very close," one of Makuach's uncles said. "There was lots of shooting, and my nephew was hit in the left side by a bullet."<sup>26</sup>



A Nuer man who was badly injured in the leg by indiscriminate fire on 11 July 2016 at one of the UN's protection of civilians sites in Jebel. More than a month after the attack, he was still recovering. © Amnesty International

Makuach's family immediately brought him to the camp clinic, and from there, because of the seriousness of his injury, he was taken to the Level 1 clinic on the UN base. He died the next day, and was buried at the camp.

James Khan Keek, age 48, was killed in POC 3 on 10 July at approximately 1 pm. During a lull in the fighting, he was sitting outside his shelter and was hit in the forehead by a bullet. Witnesses thought that the bullet came from the area of the checkpoint, outside of the camp, but it was impossible to know for certain. There was no doctor to treat Keek, and he died at 8 pm the same day.

One of the youngest victims was Nyamuch, a two-and-a-half-year-old girl whose family lived in POC 1. On the morning of 10 July, terrified by ongoing fighting, Nyamuch, her mother, and several of her siblings were trying to reach the main section of the UN base because it was better protected and had fortified buildings. Unable to enter the base, they were resting on the ground at the edge of the POC when an explosive device hit—a shell or a rocket. Nyamuch's father, who was some distance away, heard the blast and came running. "All of my children were unconscious," he told Amnesty International. "I didn't know who was dead and who was alive."<sup>27</sup>

Shrapnel from the blast had hit Nyamuch behind her left ear and exited via her forehead. The other children had injuries on their legs, arms, and torsos. Nyamuch was brought to the Level 1 facility on the main UN base but died the next day; the other children, who were much less seriously injured, survived.

<sup>23</sup> An Amnesty International delegate saw some of these bullets, which appeared to be .50 caliber machine gun rounds.

<sup>24</sup> A traditional healer living in POC 3 told Amnesty International that he operated on 47 people during and in the wake of the July fighting. Some of the people he treated had extremely serious injuries such as stomach wounds from high caliber bullets. Amnesty International interview, Juba, 11 August 2016.

<sup>25</sup> Amnesty International interview, Juba, 11 August 2016.

<sup>26</sup> Amnesty International interview, Juba, 11 August 2016.

<sup>27</sup> Amnesty International interview, Juba, 14 August 2016.

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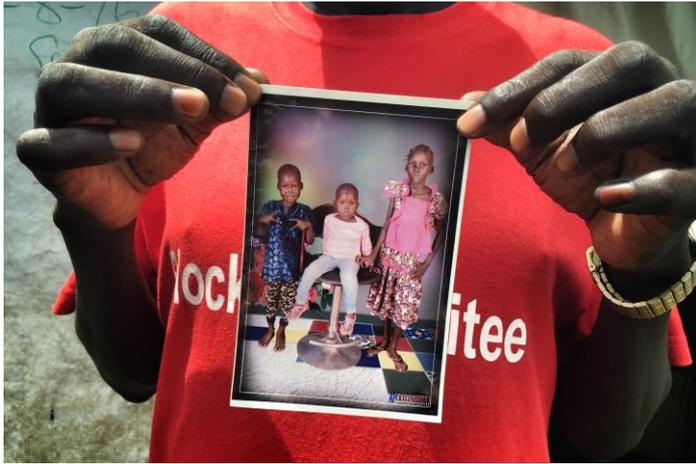


Photo of a two-and-a-half girl named Nyamuch and her two siblings. Nyamuch (centre) was killed on 10 July 2016 by an explosive device in one of the UN's protection of civilians sites in Jebel; her siblings were injured. © Amnesty International



A child looks on as a traditional healer shows a high-calibre bullet that he removed from the stomach of a woman who was shot 10 July 2016 at one of the UN's protection of civilian sites. © Amnesty International

Some victims survived despite suffering potentially deadly injuries. A 27-year-old woman was hit by two high calibre machine gun bullets at 9 am on 11 July, while she was inside her shelter in POC 3 preparing food for her family.<sup>28</sup> One round hit her in the leg, badly damaging the bone, the other hit near her heart. Brought to the clinic in POC 1, she was operated on by a traditional healer on 12 July without anaesthesia. Eight days later, she was operated on by a trained surgeon. When an Amnesty International delegate met her at the clinic in mid-August, she was still extremely tired and confined to her bed, though beginning to heal.

Both POC 1 and POC 3 have medical clinics, but there were no doctors on site during the July fighting. The clinic in POC 3 is normally an out-patient clinic, lacking beds for patients to sleep in; it developed an in-patient capacity out of necessity during the fighting. Medical staff at the POC 3 clinic said that they treated 120 people during that period, including four children. One woman died right in front of the clinic as she was being brought in for care. There was no trained doctor on site until 20 July.

Medical staff at POC 1 said that they treated 150 people during the fighting, even while bullets were flying, and another 45 people as soon as the fighting stopped. They too lacked a trained doctor, and 23 of their patients died, including a child.

The most serious cases were brought to the main UN base, which had a Level 1 medical support facility.<sup>29</sup> Several of the patients who were brought to the Level 1 facility died.

Certain civilian neighbourhoods were also extremely hard hit by fighting. The Gudele neighbourhood was one of them, especially certain sections of it near the main road. On the morning of 10 July, a woman known as Lili was killed when the house in which she was sheltering, in Block 9 of the Gudele neighbourhood, was run over by a tank or armoured personnel carrier. Several neighbours witnessed the incident, which took place just after heavy fighting between government and armed opposition forces.<sup>30</sup> They described

<sup>28</sup> Amnesty International interviews, Juba, 14 August 2016.

<sup>29</sup> A Level 1 medical support facility "is the first level of medical care which provides primary health care, and immediate lifesaving and resuscitation services." In other words, Level 1 is the lowest level of the UN's four levels of medical facilities. Nikolay Chulkov, Review of the Medical Service in the United Nations System, JIU/REP/2011/1 (2011), Annex III.

<sup>30</sup> Amnesty International interviews, Juba, 12 August 2016, 15 August 2016, 22 July 2016, and 20 August 2016.

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seeing a handful of opposition troops fleeing on foot, and soon after, hearing the firing of heavy guns. Within an hour, a tank arrived. One witness recalled: “The tank advanced toward us; we thought it was going to run through our home .... It passed not 10 meters away from where our house was and where we were hiding.” At that moment, the tank ran over the kitchen of a neighbouring house, killing Lili and injuring two Ugandans. It took days for the woman’s body to be recovered



A photo of six-year-old Joy Kamisa, killed on 10 July 2016 at her grandmother’s house in Gudele neighbourhood, when the room was hit by a rocket shot from a government helicopter. © Private

The shrapnel-scarred wall of the room in which six-year-old Joy Kamisa was killed. © Amnesty International

A six-year-old girl named Joy Kamisa was killed by a rocket shot from a helicopter gunship at her grandmother’s house in Block 9 of the Gudele neighbourhood. Five others sheltering in the same room as her were badly injured. The attack occurred at 2 pm on 10 July, during fighting between government and opposition forces. “We were inside the house together, and we could hear bullets flying,” a member of the family recalled. “Then we heard the sound of a helicopter, and five seconds later we were hit.”<sup>31</sup> One rocket hit the room in which the group of family members was sheltering; another rocket hit an adjacent building, which was empty.

Joy was hit in the stomach by shrapnel. Bleeding severely, she needed immediate medical care, but it was not possible for the family to take her and her injured relatives to the hospital because of the fighting. She died at approximately 5 pm, apparently due to loss of blood. One of her relatives who was also hit in the blast spent a week and a half in the hospital, undergoing surgery to remove shrapnel that was embedded in her side.



The shrapnel-scarred wall of the room in which six-year-old Joy Kamisa was killed. © Amnesty International

<sup>31</sup> Amnesty International interviews, Juba, 12 August 2016.

## 4.3 RAPE

Government soldiers raped a large number of women both during and after the fighting in July. Women were singled out for sexual violence based on their ethnicity and, in many cases, their youth—indeed, some victims were children. The UN announced in early August that it had documented more than 200 alleged cases of rape in Juba since July 8.<sup>32</sup> A chronic and widespread element of the armed conflict in South Sudan, sexual violence causes serious physical and psychological harm.<sup>33</sup>

Amnesty International interviewed nine rape survivors, as well as several other people who witnessed rapes or saw women being taken away by soldiers to be raped. The circumstances of the rapes, and statements made by the perpetrators, indicate that rape was used as a tool of ethnic intimidation. Nuer women were raped in order to hurt and subjugate them, punish their husbands, and humiliate their wider ethnic group.

In an especially systematic pattern of sexual violence, many dozens of women from the UN's protection of civilians sites in Jebel were raped by government soldiers during an approximately one-week period that began just after the fighting ended. Because there was almost nothing to eat in the POCs, and because if Nuer men left the protection of the sites they would be at grave risk of being killed, Nuer women would leave the POCs in groups to walk to the market to buy food.<sup>34</sup>

Yei road, which led to the market and passed through government military checkpoints and other areas with groups of soldiers, was extremely dangerous. Women were aware of the dangers, but felt that they had no choice because their families needed to eat.

As one woman described it: "We spent two days and two nights without food. For this reason many ladies decided to accept the risk of being killed, abducted, or raped by SPLA soldiers .... We looked to God for guidance."<sup>35</sup>

Some of the rapes occurred very close to the main gate of the UN House compound, on the Yei road, in Jebel. At least one attack on 17 July allegedly took place as UN peacekeepers and private security personnel watched. The 24-year-old survivor told Amnesty International that she left for the market at 9 am to obtain food for her family.<sup>36</sup> Government soldiers grabbed her, pulled her by the hair, and took her phone. She said that one of them told her: "I want to have sex with you; I've never had sex with a Nuer girl or Nuer woman in my life!"

She said that she tried to escape by running toward the main gate of the UN base, and that she could see UN peacekeepers and private security personnel, and they could see her. When a government soldier tripped her, "I fell down and cried, but nobody was trying to help me, including UN peacekeepers." Other soldiers came to her and beat her until she stopped fighting, she said. Then five soldiers raped her, leaving her unconscious on the road. Some old women helped her get back to the protection of civilians site, where she was taken to the medical clinic.

An older woman who witnessed the gang rape of a younger woman said that the victim was among a group of Nuer women who were walking back from the market to the UN House base in Jebel on 14 July.<sup>37</sup> As the group passed a partially destroyed tank, they were stopped by government soldiers, who said: "Do you see this tank, Nuer women? This tank was burned by your husbands!" One soldier ordered a young woman, about age 20, to come to him; when she failed to comply he dragged her into an empty shop by force. Other soldiers were searching the bags of the remaining women, stealing cigarettes and other goods. After a little while, the women saw the first soldier come out of the shop, and a second soldier enter; then, not long after, a third.

"The woman was raped in our presence. We were less than 20 feet away from the shop; we could hear it all. It was terrible," the older woman said.

A 35-year-old rape survivor told Amnesty International that before government soldiers gang-raped her on 19 July, one said, "Your husband is a Nuer man, our enemy."<sup>38</sup> The men told her the Nuer were cowards and had been defeated, and that she could either be raped or be killed. She said that she was violently raped by three government soldiers. "When they released me," she recounted, "my clothes were full of blood."

<sup>32</sup> Office of the High Commissioner for Human Rights, "SPLA committed widespread violations during and after July fighting in South Sudan – Zeid," 4 August 2016.

<sup>33</sup> See, for example, Amnesty International, "Our hearts have gone dark": The mental health impact of South Sudan's conflict, AFR 65/3203/2016, July 2016, pp. 29.

<sup>34</sup> Camp leaders told Amnesty International that the POCs were short of food even before the violence broke out. They claimed that there are lots of unregistered people at the POCs, and that the amount of food that is provided does not take their numbers into account. Also, food is delivered on a monthly basis, and a food delivery was apparently scheduled for 15 July. That delivery was canceled due to the violence and the massive looting, leaving displaced people in the camps in desperate straits. Amnesty International interviews, 7 August 2016.

<sup>35</sup> Amnesty International interview, Juba, 26 July 2016.

<sup>36</sup> Amnesty International interview, Juba, 19 August 2016.

<sup>37</sup> Amnesty International interview, Juba, 11 August 2016.

<sup>38</sup> Amnesty International interview, Juba, 22 July 2016.

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Two women described how two other women who were walking with them from the UN House POC site to the market on 16 July were abducted and likely raped by government soldiers.<sup>39</sup> They said that the soldiers stopped the group of women at a checkpoint and harassed them verbally, saying that their husbands were fighting with the rebels. When the women responded that the conflict was between men, not women, the soldiers replied that women, too, were part of the conflict, because the children that they fed would grow up to be fighters.

The two women who were targeted knew the Dinka language and said that they were not Nuer, they were Dinka. The soldiers told them, “if you’re Dinka, and you’re with these Nuer women, you must be married to Nuer men—that means you’re traitors!” Fearing the wrath of the soldiers, the women then admitted that they were Nuer, but the fact that they had lied made the soldiers angry. “The soldiers told us, ‘these two women who lied will remain with us; you others can go.’”

The women who were allowed to leave said that on their return from the market a couple of hours later, they arrived at the same checkpoint and found aid workers helping the two women into a car. “They couldn’t walk without help,” recalled one. The two women were reportedly brought to the medical clinic at the protection of civilians site.

Gang rapes by multiple soldiers seemed to be the rule. A 15-year-old Nuer girl told Amnesty International how she was raped by five government soldiers on 18 July.<sup>40</sup> A resident of the UN House protection of civilians camp, she had decided to join a large group of other women to go to the market because her family had no food and her older sister was seriously ill. On her return from the market, when she was in the midst of a group of about 20 women, soldiers grabbed her by the hand and pulled her away. “There was no one who could try to help me,” she said. “When I was calling for help, all the women were running away. A soldier pointed his gun at me, threatening to kill me if I didn’t stop crying.”

She said that the soldiers brought her to a shop about five minutes away from the checkpoint. There she was raped by five soldiers ranging in age from about 20 to 40 years old. The first soldier who raped her also stole 400 South Sudanese pounds (about US \$10) that she had hidden in her bra.<sup>41</sup>

Government soldiers raped and gang-raped several women, including foreign aid workers, during their 11 July attack on the Terrain hotel complex, in Juba’s Jebel neighbourhood. As the Associated Press described in its report on the incident, the military’s assault on the complex lasted hours.<sup>42</sup> Soldiers began entering in the afternoon, but it took nearly an hour for them to break into the two-story building that served as the complex’s safe house. After entering, soldiers killed journalist John Gatluak (as described above), beat and threatened the approximately 20 foreign aid workers and journalists who were sheltering there, looted valuables systematically, and took women away to be raped. One woman was reportedly raped by 15 soldiers; another by five. A woman who was digitally penetrated by a soldier said that the two soldiers who were guarding her both hit her in the face.<sup>43</sup> The victims were rescued not by UN peacekeepers but by government security forces, specifically officials from the National Security Service (NSS).<sup>44</sup>

Government soldiers also raped non-Dinka women and girls while they were looting civilian homes in Juba. A resident of Juba’s Munuki neighbourhood, who lived very near the western gate of the UNMISS Tongpiny base, described how his two underage sisters were raped on 11 July.<sup>45</sup> Government soldiers entered the compound to loot, and pulled aside the two girls, ages 14 and 17, questioning them about where to find the keys to nearby cars.

The man said that several soldiers dragged his 14-year-old sister into the house at gunpoint, laid her down on the floor, and raped her. Everyone knew what was happening because the girl was screaming. “I felt helpless,” the girl’s older brother told Amnesty International. “It was too painful.”

Next, three soldiers brought the 17-year-old girl outside of the compound and threw her on the ground at the side of the road. At least one of the three soldiers raped her, as her family members looked on helplessly through the fence.

The victims were members of the Kuku ethnic group, and the brother said that the soldiers told them afterwards that the rapes were “a lesson to them” for supporting Riek Machar—a support that was presumed based on their ethnicity. “If you continue supporting Machar,” the soldiers reportedly warned them, “we’ll come back and clear you off.”

Government troops also used the threat of rape to facilitate looting and robbery. Amnesty International spoke to several people who said that they had to pay soldiers not to rape their female relatives. A Bari man living in the Munuki neighbourhood told Amnesty International that government soldiers broke into his house early in the morning on 11 July.<sup>46</sup> “They held us at gun point,” he said, “asking are you Nuer?” While looting all of the family’s food and household goods, they took the man’s nine-year-old sister hostage. The

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<sup>39</sup> Amnesty International interview, Juba, 11 August 2016.

<sup>40</sup> Amnesty International interview, Juba, 26 July 2016.

<sup>41</sup> The exchange rate has dropped steadily over the past year. In July 2016, it was approximately 85 SSP to US \$1.

<sup>42</sup> Jason Patinkin, “Rampaging South Sudan troops raped foreigners, killed local,” Associated Press, 15 August 2016

<sup>43</sup> Amnesty International telephone interview, 3 August 2016.

<sup>44</sup> See Center for Civilians in Conflict, *Under Fire: The July 2016 Violence In Juba and UN Response*, October 2016, p. 54-55.

<sup>45</sup> Amnesty International interview, Nairobi, 23 August 2016.

<sup>46</sup> Amnesty International interview, Juba, 13 August 2016.

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soldiers “threatened to rape her in front of us if we cannot give them money,” the man said. “The girl you see here—we paid those soldiers 1,500 South Sudanese pounds for her release.”

Another Bari man in the same neighbourhood said that government soldiers arrived at his house at 4 pm on 11 July, threatening to kill his son and rape his 14-year-old daughter.<sup>47</sup> “They pointed their guns at me,” he said. “They were speaking in Dinka, saying ‘who are you?’ If you’re not Dinka, you’re in trouble. I had to pay them 10,000 South Sudanese pounds to avoid her rape.” He said that many of the soldiers were drunk, compounding their abusiveness.

The post-fighting epidemic of rape lessened after the UN increased its patrolling of the road from the Jebel protection of civilian sites to the market, but it has not ended. A government soldier abducted a 27 year-old woman from the Yei road checkpoint on the afternoon of 27 July, when she was returning to the POC from the market. She was taken to a government military base outside of Juba, in Luri, where she was repeatedly raped. She said, “When we reached Luri, this soldier took me inside his room and raped me many times. He raped me immediately when we arrived; he raped me again after one hour and again in the middle of the night.”<sup>48</sup> After three days, she was handed over to another soldier, who raped her five times before she was released on 4 August. Amnesty International has received other reports of women being abducted from the checkpoint area, and is concerned that some may still remain in situations amounting to sexual slavery.

A woman who is now living in one of the POCs said that she was raped when she tried to return to her house in the Gudele neighbourhood in the early afternoon of 1 September.<sup>49</sup> She found four men, including one who was armed and dressed in military fatigues, staying inside her house. She said that she tried to flee but the man with the gun threatened to kill her. She said that he raped her for hours, until 8 pm in the evening, and that the three other men raped her during the night. The men left at about 5 am and she managed, with the help of a stick, to escape to a neighbour’s house.

The consequences for raped women are extremely serious. They face the possibility of HIV transmission and unwanted pregnancy. Survivors spoke of insomnia and continuing nightmares—of waking up in the middle of the night believing that they were being raped again.<sup>50</sup> They also face severe societal stigma, to the extent that some survivors of rape have avoided seeking medical treatment out of fear their situation could become known. “I don’t want other people to know what happened because they will not respect me,” one rape survivor told Amnesty International.<sup>51</sup> She also said that she feared her husband might reject her because of the rape, and take another wife.

## 4.4 LOOTING AND DESTRUCTION OF PROPERTY

Both during and after the fighting, government troops engaged in massive and systematic looting of civilian goods. “They looted everything, including toilet paper,” one person remarked.<sup>52</sup>

Government troops appeared to target non-Dinka ethnic groups perceived as supportive of the opposition—particularly the Nuer, but also Equatorians—and neighbourhoods associated with those groups. Because of challenging security conditions, it was not possible for Amnesty International to visit all of the neighbourhoods that were targeted, but delegates visited areas of Jebel, Gudele, and Munuki that were hard hit by looters from the government armed forces, and interviewed people from other areas. Soldiers looted both stores and houses, threatening, beating and even raping the rightful owners of pillaged goods.

The most dramatic single incident of looting was the systematic plunder of the immense World Food Programme (WFP) compound and Food and Agriculture Organization (FAO) compound in Juba’s Jebel neighbourhood, on the Yei road near the UNMISS base. More than 4,500 metric tons of food was stolen from the WFP compound, enough to feed about 220,000 people for a month.<sup>53</sup> In addition, numerous vehicles, generators, and other equipment were stolen, stripped, dismantled and destroyed. Thousands of files were scattered to the wind. A witness who visited the site on 13 July said he saw both government soldiers and civilians there “carrying away heavy-duty generators, parts of vehicles, food, and goods, getting fuel out of fuel tanks, and cutting tents with knives to take them away.”<sup>54</sup> The scale of the pillage and destruction was so enormous that it could not have been done without, at a minimum, a large degree of command acquiescence; too many troops and vehicles were needed to transport the looted goods.

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<sup>47</sup> Amnesty International interview, Juba, 12 August 2016.

<sup>48</sup> Amnesty International interview, Juba, 11 October 2016.

<sup>49</sup> Amnesty International interview, Juba, 2 September 2016.

<sup>50</sup> Even witnesses of rapes mentioned having nightmares about rape. A 44-year-old woman told Amnesty International about witnessing a rape near the main SPLA checkpoint on the road from the UN House protection of civilians site to the market. She heard the raped woman crying out, “oh my God, I’m dying.” She said that afterwards she had nightmares in which she was captured and raped with her daughter at the same place. Amnesty International interview, Juba, 26 July 2016.

<sup>51</sup> Amnesty International interview, Juba, 22 July 2016.

<sup>52</sup> Amnesty International telephone interview, 11 August 2016.

<sup>53</sup> See “WFP Condemns Looting Of Food Warehouse In Juba, Still Assists Thousands Affected By Fighting,” 14 July 2016.

<sup>54</sup> Amnesty International interview, Juba, 27 July 2016.

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An empty wooden savings box, broken into by government soldiers who carried out massive looting in the Munuki neighbourhood. The family that owned the box lost more than a year's worth of savings. © Amnesty International

Several markets were also looted, including the Jebel market, Gudele market, Customs market, and Juba Nabari market. A business owner based in the Jebel market said that he saw troops from the presidential guard, known as the Tiger Division, breaking into shops on 10 July and carrying goods away on their vehicles.<sup>55</sup> He claimed that he had lost his entire capital investment, and that many other business owners had fled the country.

A business owner in the Gudele neighbourhood, whose shop is located near the market, said that he tried to stay at his shop to protect it. Sleeping inside his shop on the night of 10 July, he was told by government troops the following morning to leave for his own safety. He said that he saw soldiers break into neighbouring shops and heard them threaten the shops' owners. When he locked up his shop and walked a slight distance down the road, the soldiers immediately broke down his shop's door, he said. "They loaded all the goods in the shop into a vehicle, making three trips."<sup>56</sup>

"I personally witnessed the looting in Customs market," a local journalist told Amnesty International.<sup>57</sup> He visited the area on 11 July at about midday. "There were soldiers in uniform breaking into the shops ... The soldiers would shoot in the air to scare away boys so they could loot themselves. You could see people in uniform holding generators or bags. At that time, they knew that no one could stop them."

Countless other civilians suffered soldiers breaking into their homes and stealing all of their valuables, particularly on 11 July as the combat wound down. "They broke down the doors of our house," a 19-year-old student who lives in the Munuki neighbourhood recounted, describing an attack that took place on 11 July at about 8:30 am.<sup>58</sup> "They took our three motorbikes, our money, clothes, my mother's mattress, our books—everything! They left us only our old clothes."

He said that the family had a wooden savings box that each family member had put money into every day for over a year. The soldiers broke open the box and took the money, then demanded more. "They stole our neighbour's flock of goats," he added.

Several residents of the Munuki neighbourhood described how soldiers arrived in a large military truck, together with Dinka women and children. The women and children helped load the truck with looted goods, and in some cases the people whose houses were being looted were forced to give a hand. Soldiers beat some people, saying they were allied with the Nuer.

"My husband is a soldier," said a Madi woman whose house in the Munuki neighbourhood was looted.<sup>59</sup> "But he didn't want to tell them he was a soldier, because the government troops who came were all Dinka. This has become a tribal issue, like in 2013."

<sup>55</sup> Amnesty International interview, Juba, 18 August 2016.

<sup>56</sup> Amnesty International interview, Juba, 20 August 2016.

<sup>57</sup> Amnesty International telephone interview, 4 August 2016.

<sup>58</sup> Amnesty International interview, Juba, 12 August 2016.

<sup>59</sup> Amnesty International interview, Juba, 12 August 2016.

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The looted WFP compound in Juba's Jebel neighbourhood. More than 4,500 metric tons of food was stolen from the compound, enough to feed about 220,000 people for a month. © Amnesty International



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# 5. THE UN'S RESPONSE

UN peacekeeping forces in South Sudan face a difficult and dangerous operating environment. The government's formal consent to their presence in South Sudan is contradicted, on a daily basis, by its increasingly hostile rhetoric and the continuing obstacles it places in the way of the effective functioning of the peacekeeping force.<sup>60</sup> Yet even given these serious challenges, the UN's response to the July violence was disappointing and inadequate. The UN faltered in its mission of protecting civilians, with peacekeepers standing by as people were raped and killed, and even at one point forcing people back into a situation of greater vulnerability.

Peacekeeping troops at the UN base in Thongpiny were slow to assist Nuer civilians seeking protection on 10 July. Civilians who fled to the base's protection of civilians site found the western gate blocked by government troops, who did not hesitate to shoot.<sup>61</sup> People managed to cut an opening through one of the fences at the side of the base, at about 8 or 9 am, yet UNMISS peacekeeping troops initially did not allow people to enter further into the compound, past the additional fences; instead they made everyone lie down on the ground. Later in the day, however, Rwandan UNMISS soldiers allowed the waiting civilians to enter the site, showing them an open area where they could camp out.

The behaviour of UN security forces at the UNMISS base in the Jebel neighbourhood, on the other side of the city, appears to have been even more problematic. Chinese and Nepalese peacekeeping troops guarding POC 1 abandoned their positions under fire on 10 July. "The people that we trust to protect us were the first to run away," said an elderly Nuer man who saw them flee.<sup>62</sup> "They left us behind."

Elizabeth Chester, a spokeswoman for UNMISS, later told Amnesty International that peacekeepers were not ordered to leave their posts, although she acknowledged that it was possible that some troops "took cover" under heavy fire.<sup>63</sup>

"There was a lot of shooting," another woman remembered, "including big guns."<sup>64</sup> She said that people ran to take shelter in Hangar 5, a metal structure that was better protected than people's homes, and that later in the day they broke through the fence into the main section of the UN base, an area usually reserved for UNMISS troops and staff. It was largely women and children who fled to the base, thousands of them, including some who had to scramble over barbed-wire barriers to get there. (Dozens of people, including elderly women, later showed an Amnesty International delegate scratches and cuts they sustained during their flight.) According to the POC 1 camp leadership, thousands of people managed to enter the main section of the base.<sup>65</sup>

The displaced families who fled to the UN base were forced to stay outdoors. "It rained hard in the evening and we wanted to take shelter inside the buildings," a 22-year-old woman explained.<sup>66</sup> "But the UN didn't let us. Big guys in blue uniforms, carrying batons, stopped us. We spent the whole night outside. Everyone and everything was soaked. The children were cold."

The following day, 11 July, fighting continued, and the families were allowed to remain on the UN base. After the ceasefire was announced in the afternoon, fighting subsided, although the shooting did not entirely end. People did not want to leave the better protected area at the UN base because of the continued shooting, and because they feared that more serious fighting could break out again at any moment.

On the morning of 12 July, displaced people said, a large number of uniformed men whom they believed to be UN police ordered them to return to the protection of civilians site. "They came out with megaphones and told us to return to the camp," an elderly man told

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<sup>60</sup> See, for example, United Nations Mission in South Sudan, "The State of Human Rights in the Protracted Conflict in South Sudan," 4 December 2015, pp. 12, 24; see also Michael Boyce, "Vicious Attacks on Humanitarians in South Sudan Demand Full Accountability," 18 August 2016.

<sup>61</sup> Amnesty International interviews, Juba, 4 August 2016, 8 August 2016, and 15 August 2016.

<sup>62</sup> Amnesty International interview, Juba, 9 August 2016.

<sup>63</sup> Email from Elizabeth Chester to Amnesty International, 18 August 2016.

<sup>64</sup> Amnesty International interview, Juba, 9 August 2016.

<sup>65</sup> Amnesty International interview, Juba, 7 August 2016.

<sup>66</sup> Amnesty International interview, Juba, 9 August 2016.

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Amnesty International. “We insisted on staying; we didn’t know if the fighting was really over and we were scared. We asked, how can we return when people are being killed?”



A woman showing where she ripped her hand on barbed wire while trying to flee from a protection of civilians site to the main UN base, after UN peacekeepers abandoned their posts during the July fighting. © Amnesty International

In the face of this refusal, the uniformed men allegedly shot tear gas canisters into the crowd. “We heard the sound—boom—and then we saw the fumes,” said the 22-year-old woman. “Everyone began crying. Children couldn’t breathe. Women were afraid their children were going to die.”

“One [canister] landed quite near me,” the elderly man recalled. “I saw it rolling, and I saw the fumes coming out of it. People immediately began coughing, sneezing and crying. My eyes hurt for three days.” A medical supervisor in the camp later told Amnesty International that he and his staff treated several people for tear gas inhalation that day.<sup>67</sup>

Asked about the use of tear gas at the UNMISS base in Jebel, a UN spokesperson initially claimed that it was not used against displaced persons. She did state, though, that “an accidental tear gas explosion” was reported in the UN compound at 9:11 am on the morning in question—precisely when the camp inhabitants claim they were being forcibly returned to POC 1.<sup>68</sup> In later correspondence with the Center for Civilians in Conflict, UNMISS acknowledged that the use of tear gas was deliberate, stating that an UNMISS internal investigation had confirmed this fact. The letter tried to justify the use of tear gas, claiming that two tear gas cannisters were employed “as a non-lethal deterrent measure when security personnel were overwhelmed with an influx of external elements into the UN House compound.”<sup>69</sup>

Tear gas may be known as a riot control tool, but it is far from a benign weapon, and its utilisation under some circumstances may constitute excessive or unnecessary use of force.<sup>70</sup> Children, the elderly, pregnant women, and people with asthma can be quite severely affected by the toxic fumes. In the absence of an emergency, it is difficult to imagine how the use of tear gas at the UN base in Jebel could have been justified.

While the tear gas story is one of questionable UN actions, the overriding narrative about UN peacekeepers during the July fighting is one of inaction. Besides failing to protect civilians in POC 1, UN peacekeepers failed to take active measures to protect Nuer women from rape in the week following the July fighting, during a period when dozens of women were raped by government soldiers on the road between the protection of civilians sites and the market. As described above, at least one such attack, on 17 July, allegedly took place as UN peacekeepers and private security personnel watched.

<sup>67</sup> Amnesty International interview, Juba, 14 August 2016.

<sup>68</sup> Email from Elizabeth Chester to Amnesty International, 18 August 2016.

<sup>69</sup> Center for Civilians in Conflict, *Under Fire: The July 2016 Violence In Juba and UN Response*, October 2016, p. 44.

<sup>70</sup> See Physicians for Human Rights, *Weaponizing Tear Gas: Bahrain’s Unprecedented Use of Toxic Chemical Agents against Civilians*, August 2012; Amnesty International, *Bahrain’s use of tear gas against protesters increasingly deadly*, 26 January 2012; Amnesty International, *Israel and the Occupied Territories: The Misuse of Tear Gas by Israeli Army Personnel in the Israeli Occupied Territories*, AI Index MDE/15/26/88, June 1988.

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Women walking past a destroyed tank on Yei road, near the checkpoint where many dozens of women were raped by government soldiers in mid to late July 2016. © Amnesty International

A 45-year-old woman who witnessed the rape of two younger women on the Yei road on 15 July told Amnesty International: “I blame the UN. They were right there, driving nearby, as women were being beaten. We thought maybe they were coming to rescue us, but they didn’t.”<sup>71</sup> According to her account, two UN armoured vehicles drove close to where the group of women were being held by SPLA soldiers—perhaps 100 meters away—but turned onto the road to the eastern gate of the UN base rather than continuing toward them. Several sources told Amnesty International that UN armoured vehicles are barred by the government from crossing the military checkpoint on that road.<sup>72</sup>

UNMISS’s lack of response to the 11 July assault on the Terrain hotel complex, located only a kilometre away from the UNMISS base in Jebel, provides a yet more glaring story of inaction. According to a damning report by the Associated Press, multiple units of UN peacekeepers refused to deploy to the hotel after having received repeated phone calls from people in grave danger there.<sup>73</sup>

The extensive and detailed press coverage of the horrors of the Terrain hotel attack pushed the UN to respond. In a statement issued on 16 August, UN Secretary General Ban Ki-moon announced that there would be an independent special investigation of the incident and UNMISS’s handling of it, saying that he was concerned about allegations that UNMISS “did not respond appropriately to prevent this and other grave cases of sexual violence committed in Juba.”<sup>74</sup> Since the investigation is mandated to evaluate the overall response of the UN mission to the July violence, it should look into the situations described in this report. In examining UNMISS actions in Jebel, in particular, the investigation should investigate whether the use of tear gas against frightened civilians seeking refuge from violence was justified. The wider question the investigation should answer is whether UNMISS’s response to the fighting was consistent with the mission’s stated mandate of protecting civilians.

<sup>71</sup> Amnesty International interview, 11 August 2016.

<sup>72</sup> Amnesty International interviews, 9 August 2016, 10 August 2016, and 13 August 2016.

<sup>73</sup> Jason Patinkin, “Rampaging South Sudan troops raped foreigners, killed local,” Associated Press, 15 August 2016; see also Human Rights Watch, “South Sudan: Killings, Rapes, Looting in Juba,” 15 August 2016. One of the survivors of the attack told Amnesty International that she made contact with several people requesting assistance when the attack started, including the UNMISS Joint Operations Centre.

She said that she was “extremely angry about the lack of UNMISS response.” Email to Amnesty International, 14 September 2016.

<sup>74</sup> “Statement attributable to the Spokesman for the Secretary-General on South Sudan,” 16 August 2016.

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# 6. INTERNATIONAL LEGAL OBLIGATIONS

South Sudan is bound by international humanitarian law, including the four Geneva Conventions of 12 August 1949 and their Additional Protocols, which it ratified in 2012. The conflict in South Sudan is a non-international armed conflict that is governed by Article 3 common to the Geneva Conventions, which applies to all parties to the conflict, including government and opposition forces. Additional Protocol II, which provides for more detailed protection of victims of non-international armed conflict, also applies. Many of the specific rules included in these and other treaties form part of customary international humanitarian law and are thus binding on all parties to the conflict.<sup>75</sup>

Fundamental to international humanitarian law is the principle that parties to a conflict must distinguish between combatants and civilians and may not deliberately target civilians or civilian objects. Other rules bar rape and other forms of sexual violence, outrages upon personal dignity, enforced disappearance, and pillage.<sup>76</sup> Many of the acts detailed in this report, including the deliberate killing of civilians, rape and other forms of sexual violence, and the looting and destruction of civilian homes and businesses, are serious violations of these rules and therefore constitute war crimes.<sup>77</sup>

In this report, Amnesty International uses the term “civilians” to refer to people who are not taking a direct part in hostilities. Civilians are protected against attack unless and for such time as they take a direct part in hostilities.<sup>78</sup> Civilian objects are all objects (that is, buildings, structures, places, and other physical property or environments) that are not “military objectives,” and military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”<sup>79</sup> Civilian objects are protected against attack, unless and for such time as they become military objectives because all of the criteria for a military objective just described become temporarily fulfilled.<sup>80</sup>

Parties to the conflict are required to take precautions both in conducting attacks and in protecting civilians under their control against the effects of attacks. They must avoid, to the extent possible, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>81</sup>

Senior military commanders and civilian officials bear command responsibility for violations committed by their subordinates, including war crimes and crimes against humanity, to the extent that they knew or should have known of the crimes but failed to take action to prevent or punish them.<sup>82</sup>

In addition, even though South Sudan has yet to ratify key international human rights treaties such as the International Covenant on Civil and Political Rights, it is a party to the African Charter on Human and Peoples’ Rights, and is also bound by customary international human rights law.<sup>83</sup> Both the African Charter and customary international human rights law protect, among other things,

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<sup>75</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Vol. I: Rules, Cambridge University Press, 2005 (hereinafter ICRC Customary IHL Study).

<sup>76</sup> ICRC Customary IHL Study, Rules 93, 90, 98.

<sup>77</sup> ICRC Customary IHL Study, Rule 156.

<sup>78</sup> CRC Customary IHL Study, Rule 6.

<sup>79</sup> ICRC Customary IHL Study, Rules 8 and 9.

<sup>80</sup> ICRC Customary IHL Study, Rule 10.

<sup>81</sup> ICRC Customary IHL Study, Rules 15-24.

<sup>82</sup> See Rome Statute, article 28 (responsibility of commanders and other superiors).

<sup>83</sup> South Sudan has also ratified the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women.

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the right to life and the right to be free from torture, including rape.<sup>84</sup> South Sudan is required to take effective measures to prevent violations of these rights and to conduct prompt, independent and impartial investigations into reports of unlawful killings, rape and other forms of sexual violence.<sup>85</sup> Those suspected of committing such acts must be prosecuted in proceedings that meet international fair trial standards without recourse to the death penalty, and the government must provide fair and adequate reparations to victims.<sup>86</sup>

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<sup>84</sup> See, for instance, Theodore Meron, "Human Rights and Humanitarian Norms as Customary Law," Clarendon Press, 1989.

<sup>85</sup> See, for instance, UN Principles on the Effective Prevention and Investigation of Extra- Legal, Arbitrary and Summary Executions, Economic and Social Council resolution 1989/65 of 24 May 1989.

<sup>86</sup> See, for instance, UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147 of 16 December 2005.

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# 7. CONCLUSION

Juba has remained relatively calm since the ceasefire was declared on 11 July, but real peace in South Sudan seems remote. At the time of writing fighting continues in several regions, including parts of Equatoria and Upper Nile.<sup>87</sup>

On 25 July President Kiir named Taban Deng Gai as his new First Vice President, replacing Machar, a move denounced by Machar and his allies. In August Machar fled South Sudan for the Democratic Republic of the Congo.<sup>88</sup> He later went to Sudan, and then South Africa; it is unclear whether, and in what capacity, he might return to Juba.<sup>89</sup> At the end of September, the SPLM/A-IO issued a statement saying their forces would “wage a popular armed resistance” against the current government, strengthening the likelihood of sustained fighting.<sup>90</sup>

In the wake of the July violence, the South Sudanese government announced the establishment of a ministerial committee to make recommendations on accountability, as well as the formation of a court martial to try soldiers responsibility for crimes committed.<sup>91</sup> After the attack on the Terrain hotel was covered in the media, the government also established a presidential committee to specifically investigate events there.<sup>92</sup> On 23 September, the court martial reportedly sentenced 77 soldiers convicted of offences including murder, theft, rape and looting. One man was sentenced to death by firing squad.<sup>93</sup>

Amnesty International contacted South Sudanese government representatives to learn more about the military trials, but has yet to receive a substantive response. It should be clear, at any rate, that military trials are unsuitable for charges of human rights violations and crimes under international law against civilians.<sup>94</sup> Rather than rely on courts that are staffed by military officials within the military chain of command, justice is best served by adjudicating such crimes in independent and impartial civilian courts.<sup>95</sup> Indeed, South Sudanese law recognizes this principle, with article 37(4) of the SPLA Act requiring that offences by military personnel against civilians or civilian property be tried in civilian courts.<sup>96</sup>

Amnesty International also has serious concerns about the reach of the current investigations. Given the country’s past record, there is good reason to believe that senior officials responsible for the key decisions behind the abuses will never be brought to justice.

Decades of impunity for violations of human rights and international humanitarian law in South Sudan, and before that southern Sudan, have not served the country well. The optimism that was so evident five years ago, when South Sudan gained independence, has long since disappeared—in its place is ethnic division, fear, and despair.

To turn the situation around, the government must take urgent steps to ensure that its forces cease violating international human rights and humanitarian law, permit humanitarian aid operations, and ensure prompt, effective and impartial investigations into past

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<sup>87</sup> See, for example, “Fighting around South Sudan town of Malakal kills 56: government,” Reuters, 16 October 2016; “10 people killed in Chukudum attack: official,” Radio Tamazuj, 20 October 2016.

<sup>88</sup> “DRC: UN mission extracts hundreds from national park on humanitarian grounds,” 11 September 2016.

<sup>89</sup> “Riek Machar leaves Khartoum for South Africa,” Radio Tamazuj, 12 October 2016.

<sup>90</sup> “South Sudan rebel chief urges armed resistance to Juba govt,” Associated Press, 24 September 2016.

<sup>91</sup> “Response of TGoNU to AU Head of States and Government and IGAD Plus,” 1 August 2016. The government’s statement said that a ministerial committee had been established to investigate the violence, and that its report would be made public (or, specifically, made available to “IGAD, the AU and the international community”). Amnesty International telephone interviews with Brig. General Henry Oyay, Director of Military Justice, and Lul Ruai, SPLA spokesperson, 14 September 2016.

<sup>92</sup> Republican Order No. 20/2016 for the Formation of investigation committee to investigate into the alleged incidences of murder, rape, and looting of property at Terrain Hotel Complex, Juba, 2016, 16 August 2016.

<sup>93</sup> “Military Court Condemns Soldier to Death,” Eye Radio, 23 September 2016. Amnesty International opposes capital punishment in all circumstances.

<sup>94</sup> Amnesty International believes that military courts should not be used to try members of the military for human rights violations against civilians, given the high potential for impunity.

<sup>95</sup> See Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN Doc. E/CN.4/2005/102/Add.1 (8 February 2005).

<sup>96</sup> The Sudan People’s Liberation Army Act, 2009.

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violations. In addition, the chronic problem of impunity in South Sudan for crimes by military personnel underscores the need for the speedy establishment of the Hybrid Court for South Sudan (HCSS), which would have jurisdiction over such offenses.<sup>97</sup>

Until effective reform measures are implemented, the international community must ensure that it is not, by its own actions, complicit in abuses. Perhaps the most crucial means of doing so is to impose a comprehensive arms embargo that bars the transfer of weapons and other military equipment to South Sudan.<sup>98</sup>

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<sup>97</sup> See Agreement on the Resolution of the Conflict in the Republic of South Sudan, 17 August 2015, pp. 43-45 (describing the court, its jurisdiction, its composition, etc.). For more information about the planned hybrid court, see Amnesty International and FIDH, *Looking for justice: Recommendations for the establishment of the Hybrid Court for South Sudan*, AFR 65/4742/2016, October 2016.

<sup>98</sup> The UN Security Council warned South Sudan about the possibility of an arms embargo in its latest resolution on the country, passed in the wake of the July violence. Resolution 2304 provides that if the South Sudanese government obstructs UNMISS's operations or creates impediments to the deployment of a planned regional protection force, the Security Council "shall consider appropriate measures including those measures described in the draft resolution in Annex." An arms embargo is the first measure listed in the Annex to the resolution. UN Security Council Resolution 2304 (12 August 2016).

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# 8. RECOMMENDATIONS

## TO THE GOVERNMENT OF SOUTH SUDAN:

- Ensure that members of the security forces immediately cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, acts of sexual violence, and looting and destruction of public and private property;
- Ensure that members of the security forces immediately stop committing violence against humanitarian personnel and obstructing humanitarian assistance;
- Issue explicit orders to local civilian and military authorities to grant immediate and unhindered access to all areas of South Sudan, including areas of the country's south in which movements are now severely restricted, to UN agencies and humanitarian organizations for the purposes of providing assistance to civilians affected by the conflict;
- Issue explicit orders to local civilian and military authorities to grant immediate and unhindered access to all areas of South Sudan to the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) Monitoring and Verification teams;
- Give the security forces clear orders to ensure they are aware of conduct prohibited under international law, and put in place mechanisms to adequately monitor the conduct of these forces;
- Remove from the ranks anyone suspected of responsibility for ordering or committing violations of international human rights and humanitarian law;
- Institute a vetting process of security forces to ensure that individuals for whom there is credible information that they have they committed crimes under international law or other serious violations or abuses of human rights are excluded from service, until allegations concerning them can be independently and impartially investigated;
- Initiate prompt, effective and impartial investigations into allegations of violations of human rights law and crimes under international law. Rather than using military courts, bring those suspected of criminal responsibility to justice in open, accessible civilian courts and in fair trials without recourse to the death penalty;
- Ensure that members of the armed forces take all feasible precautions when carrying out and responding to attacks, and do not carry out indiscriminate or disproportionate attacks. In particular, forbid the use of artillery or other imprecise weapons in populated civilian areas;
- Provide immediate and effective support and protection to survivors of human rights violations;
- Allow immediate and unhindered access to international human rights monitors, including UN monitors, to all conflict-affected areas in South Sudan;
- Stop using visa delays and denials to obstruct the work of human rights and humanitarian personnel;
- Take concrete steps to stop the proliferation of weapons, including immediate steps to safely store all national stockpiles of the armed forces, police and any other security agency; mark all weapons and related articles to facilitate effective tracing and accountability, and ensure an effective system of end-use certificates and licenses to control all imports and exports of arms and security equipment;

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- Facilitate the expeditious establishment of the Hybrid Court for South Sudan (HCSS), including by enacting the legislation necessary to establish it;
- Ratify or accede, without reservation, to international and regional human rights treaties, particularly the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol.

## **TO THE SPLM/A IN OPPOSITION AND ITS ALLIED FORCES:**

- Ensure members of the armed group immediately cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, acts of sexual violence, and looting and destruction of public and private property;
- Ensure members of the armed group immediately stop committing violence against humanitarian personnel and obstructing humanitarian assistance;
- Ensure members of the armed group immediately stop committing violence against humanitarian personnel and obstructing humanitarian assistance;
- Grant immediate and unhindered access to all areas of South Sudan under your control;
- Remove from the ranks anyone suspected of responsibility for ordering or committing violations of international human rights and humanitarian law;
- Take care not to set up military bases in civilian areas, whose presence might endanger civilians if fighting breaks out;
- Put in place measures to prevent further violations. In particular, armed groups should ensure that mechanisms exist for monitoring the conduct of their forces. They should also provide their forces with appropriate training and clear orders to ensure that they are aware of what conduct is prohibited.

## **TO THE JOINT MONITORING AND EVALUATION COMMISSION (JMEC):**

- Closely monitor the human rights and humanitarian situation in South Sudan and condemn violations of international human rights and humanitarian law by parties to the conflict;
- Ensure that the CTSAMM effectively monitors and reports on the parties' respect for humanitarian law;

## **TO THE UN SECURITY COUNCIL**

- Call on parties to the conflict to respect international human rights and humanitarian law, and to grant UN agencies and humanitarian organizations immediate and unhindered access to all areas of South Sudan;
- Impose a comprehensive arms embargo on the direct or indirect supply, sale or transfer, including transit and trans-shipment, of weapons, munitions, military vehicles and any other forms of military assistance, including technical and financial assistance, equipment maintenance and training, to South Sudan;
- Impose targeted sanctions, including travel bans and asset freezes, against South Sudanese civilian and military officials who have violated human rights and humanitarian law.

## TO THE UN MISSION IN SOUTH SUDAN (UNMISS) AND THE UN SECRETARIAT

- Take all possible additional measures to ensure the effective protection of civilians, particularly those who have sought refuge in UNMISS protection of civilians sites. Expand the frequency of foot and motorized patrols and provide escorts to individuals needing to leave the sites for essential purposes;
- Review policies on the use of tear gas and ensure that all security forces are trained in the rules regulating tear gas use;
- Ensure that prompt, thorough, effective and independent investigations take place into security incidents in and around UNMISS bases with a view to improving civilian protection measures and ensuring that perpetrators of criminal acts are held accountable;
- Continue human rights investigations, particularly into cases of civilians who were killed, injured, or raped, and provide regular and timely updates on human rights incidents of concern;
- Release publicly the full report, not just the summary, of the special investigation into the February 2016 violence at the UN base in Malakal;
- Ensure the rigorous implementation of the UN human rights due diligence policy.

## TO THE AFRICAN UNION

- Ensure the speedy establishment by the AU Commission of the Hybrid Court for South Sudan (HCSS) in a format that complies with international law, prioritizing the effective operationalization of investigatory units, and victim and witness protection units;
- Encourage UN and other efforts to collect and preserve evidence for future proceedings before the Hybrid Court and cooperate with bodies undertaking this work;
- Call on the Government of South Sudan to initiate independent criminal investigations into allegations of crimes committed by members of the security forces;
- Call for a comprehensive vetting process of security forces to ensure that individuals for whom there is credible information that they have committed crimes under international law or other serious violations or abuses of human rights are excluded from service, until allegations concerning them can be independently and impartially investigated;
- Call on the Government of South Sudan to adequately protect internally displaced populations, ensure their security, and help create conditions that would allow them to return home in safety;
- Support the establishment of the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparations Authority and Fund (CRA and CRF), provided for in the Agreement on the Resolution of the Conflict in South Sudan.

## TO THE INTERNATIONAL COMMUNITY

- Using all diplomatic and political tools at your disposal, put pressure on the parties to the conflict to cease violations of international human rights and humanitarian law;
- Call on the Government of South Sudan to initiate independent criminal investigations into allegations of crimes committed by members of the security forces;
- Call for a comprehensive vetting process of security forces to ensure that individuals for whom there is credible information that they have committed crimes under international law or other serious violations or abuses of human rights are excluded from service, until allegations concerning them can be independently and impartially investigated;
- Call on the Government of South Sudan to adequately protect internally displaced populations, ensure their security, and help create conditions that would allow them to return home in safety;
- Support the establishment of the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparations Authority and Fund (CRA and CRF), provided for in the Agreement on the Resolution of the Conflict in South Sudan.

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# “WE DID NOT BELIEVE WE WOULD SURVIVE”

## KILLINGS, RAPE AND LOOTING IN JUBA

Over four days in July 2016, government forces loyal to South Sudan’s President Salva Kiir, and opposition forces loyal to then-First Vice President Riek Machar, engaged in active combat in Juba. Hundreds were killed during the fighting, including numerous civilians.

This report describes the serious violations of international human rights and humanitarian law that took place. Government soldiers deliberately killed Nuer civilians, and fired indiscriminately in civilian neighbourhoods and around UN protection of civilians sites. Both during and after the fighting, government forces engaged in a massive campaign of looting. And over a roughly one-week period that began just after the fighting ended, government soldiers raped dozens of Nuer women, gang-raping many of them.

The UN’s response to the July violence was disappointing and inadequate. The UN faltered in its mission of protecting civilians, with peacekeepers standing by as people were raped and killed. Peacekeepers guarding one of the UN’s protection of civilians site fled their positions under fire, leaving civilians exposed to crossfire, with flimsy shelters of plastic sheeting or mud as their only cover. UN police later used tear gas to force civilians to leave a safe area for a less protected area.