



United Nations Mission in South Sudan (UNMISS)

Media & Spokesperson Unit
Communications & Public Information Office

PRESS RELEASE

Juba, 8 May 2014

UNMISS RELEASES COMPREHENSIVE PUBLIC HUMAN RIGHTS REPORT ON SOUTH SUDAN CRISIS

The United Nations Mission in South Sudan (UNMISS) has today released a public report on the gross violations of human rights and serious violations of international humanitarian law that have occurred since the conflict in the world's newest nation began on 15 December 2013. The report, entitled "*Conflict in South Sudan: A Human Rights Report*", follows and substantiates the interim report issued by UNMISS on 21 February.

The report describes the widespread negative impact that the conflict has had on the human rights situation in many parts of the country, following violations committed since violence erupted.

Based on thorough documentation and investigations, there are reasonable grounds to believe that gross violations of international human rights and humanitarian law have been committed by both parties to the conflict. Violations include extrajudicial killings, enforced disappearances, rape and other forms of sexual violence, arbitrary arrests and detention, targeted attacks against civilians, and attacks on hospitals as well as against UN facilities and the peacekeeping mission and its staff. In light of the widespread and systematic nature of many of these attacks, and information suggesting a degree of coordination and planning in some incidents, there are reasonable grounds to believe that certain crimes against humanity may have been committed, including murder, rape and other acts of sexual violence, enforced disappearance, and imprisonment.

These conclusions call for further investigations and UNMISS welcomes both national and regional initiatives along these lines. Such investigations must move quickly and lead to the arrest and prosecution of perpetrators. They must also be conducted independently and in a transparent manner consistent with international standards and principles.

"Accountability is critical to end the legacy of impunity in South Sudan and prevent similar atrocities in the future. There can be no reconciliation without accountability. We call for a credible peace process that will lead to national healing and reconciliation," says Special Representative of the United Nations Secretary General in South Sudan, Hilde F. Johnson.

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In keeping with its human rights mandate, UNMISS will continue to investigate any future human rights violations. The calls for restraint and an end to the violence by the Secretary General of the United Nations, Ban Ki Moon in South Sudan this Tuesday, must now be heeded.

The report, which includes seven recommendations to the parties to the conflict, the IGAD-mediation and the African Commission of Inquiry, is based on over 900 interviews with victims, witnesses, sources, Government and military officials, as well as visits to the sites of reported incidents.

The full report can be viewed:

<http://www.unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>

Executive Summary

1. This report presents the findings of investigations and documentation conducted by the Human Rights Division of the United Nations Mission in the Republic of South Sudan (UNMISS) since 15 December 2013. It follows from the UNMISS Interim Report on Human Rights, released on 21 February 2014. Based primarily on over 900 interviews with victims and witnesses, among others, the report finds that from the very outset of the violence, gross violations of human rights and serious violations of humanitarian law have occurred on a massive scale. Civilians were not only caught up in the violence, they were directly targeted, often along ethnic lines.

2. Fighting started in the capital, Juba, on the evening of 15 December, initially among members of the Presidential Guard. The Sudan People's Liberation Army (SPLA) split between forces loyal to the Government and forces loyal to former Vice-President Riek Machar. Fighting moved rapidly to various military installations and, by the next morning, into civilian neighbourhoods. After forces loyal to Mr. Machar were defeated, Government forces entered neighbourhoods primarily populated by civilians of Nuer origin and began targeting Nuer men. Multiple witnesses told the Human Rights Division that mixed groups of security forces went house-to-house killing Nuer men or taking them away. Thousands fled their homes and neighbourhoods were left emptied and often destroyed by security forces. In one incident, at least 300 men of Nuer origin were rounded up from the Gudele neighbourhood and detained and then killed in a facility used by several security forces as a joint operations centre.

3. Following the events in Juba, the SPLA in Jonglei, Unity, and Upper Nile States disintegrated, with large numbers of defections to the armed opposition reported. The capitals of these three States fell to opposition forces in quick succession: Bor on 18 December, Bentiu on 19 December, and Malakal on 25 December. However, each capital subsequently changed hands several times and fighting continues to date. Fighting has also reportedly occurred in rural areas, although little information is available on the extent and consequences.

4. In Jonglei State, when opposition forces initially took Bor town, civilians fled and, according to local authorities, more than 300 civilians, mainly women and children, died while trying to cross the river into Lakes State. After Government forces re-took Bor town on 25 December, reports were received that civilians seeking protection at the UNMISS Protection of Civilians site in Bor were attacked or killed after leaving. When opposition forces returned to Bor town on 31 December, the town was almost completely empty of civilians. Everyone who could leave, did, with only the vulnerable left behind. Any remaining Dinka civilians were at risk of being killed if found. Widespread destruction took place and the market was burned to the ground.

5. Heavy fighting in Upper Nile State resulted in the destruction of approximately 20 percent of the State capital, Malakal. Civilians were targeted through house-to-house searches by both parties to the conflict and widespread looting occurred. Opposition forces reportedly attacked the Malakal Teaching Hospital on 18 and 19 February. There is information that individuals from the Dinka and Shilluk communities were targeted in the attack, with many people killed and the Hospital heavily looted. Opposition forces also left a path of destruction through Baliet County, which they attacked several times as they fought for control of Malakal. Reports of widespread killing of hundreds of civilians, destruction of entire villages, and looting of livestock, food items, and other personal possessions were received. Witnesses report moving from one location to another in search of safety. Those who survived the initial attacks were left isolated and without food, water, shelter, or basic medical supplies.

6. In Unity State, fighting initially took place in various SPLA barracks, but then quickly spilled over into civilian areas. Nuer soldiers and civilians reportedly attacked Dinkas and foreigners in nearby villages. In early January, as Government forces advanced towards Bentiu to re-take control, multiple incidents of killings, ill-treatment, looting, and destruction of property occurred, with targeting of Nuer men. As in other States, significant fighting took place in rural areas, with assaults in Guit and Leer Counties.

7. The consequences for the civilian population have been devastating. There have been attacks on hospitals, churches, mosques, and United Nations bases. All parties to the conflict have committed acts of rape and other forms of sexual violence against women of different ethnic groups. Over one million South Sudanese have been displaced by the conflict. Despite the signing of a cessation of hostilities agreement on 23 January, fighting continues with little hope that civilians will see any respite from the relentless violence.

8. On the basis of the Human Rights Division's documentation and investigations, there are reasonable grounds to believe that violations of international human rights and humanitarian law have been committed by both parties to the conflict. These violations include extrajudicial killings, enforced disappearances, rape and other acts of sexual violence, arbitrary arrests and detention, targeted attacks against civilians not taking part in hostilities, violence aimed at spreading terror among the civilian population, and attacks on hospitals as well as personnel and objects involved in a peacekeeping mission. In light of the widespread and systematic nature of many of the attacks, and information suggesting coordination and planning, there are also reasonable grounds to believe that the crimes against humanity of murder, rape and other acts of sexual violence, enforced disappearance, and imprisonment have occurred.

9. These conclusions call for further investigations. They also impose an obligation on the Government of the Republic of South Sudan to investigate violations and to prosecute and punish those found to be responsible. Although the Government has acknowledged that violations were committed and has established several accountability measures in response, there are serious questions concerning whether these mechanisms are sufficient to provide real accountability in South Sudan.

Recommendations

South Sudan has never undertaken a comprehensive, independent, and effective accountability process since it attained independence. Longstanding impunity and the failure to treat killings, sexual and gender-based violence, and other gross human rights and humanitarian law violations as crimes reinforces the cycle of conflict.

Recommendation one: The parties must immediately comply with the Cessation of Hostilities Agreement, immediately end attacks on civilians, and immediately suspend from command positions and discipline all senior and lower-level combatants responsible for violations. In light of the parties' failure to abide by the Cessation of Hostilities Agreement to date, the IGAD Monitoring and Verification Mechanism must be immediately deployed and strengthened to ensure its presence across all conflict-affected areas.

Recommendation two: The parties must be strongly urged to abandon their current determination to pursue the military option and to engage in the peace process in good faith. The IGAD peace process

must ensure that appropriate respect for human rights principles, including non-discrimination and the rights of victims to justice and reparations, are reflected in the outcome of the talks.

Recommendation three: Efforts to protect civilians must be enhanced. UNMISS' capacity should be strengthened, notably the additional troops authorized by the Security Council must be urgently deployed.

Recommendation four: Further comprehensive and credible investigations must be undertaken to establish the scope of violations in South Sudan and the responsibility of perpetrators. A credible accountability mechanism, consistent with international standards, must be put in place to hold the perpetrators of violations individually accountable. The Government must ensure that its investigation committees are independent, transparent, credible, and meet international standards. In addition, the judiciary should establish serious investigations into allegations of violations of international human rights and humanitarian law.

Recommendation five: A credible legal framework must be established in South Sudan. The capacity of judicial institutions and of law enforcement should be enhanced and their independence respected. Should the Government prove unwilling or unable to pursue genuine accountability, a special or hybrid tribunal with international involvement should be considered.

Recommendation six: South Sudan's security apparatus, including the SSNPS and SPLA, must be reformed and restructured to ensure that they operate under Constitutional order and in accordance with international best practice. Such reform efforts should include a vetting process that ensures these institutions are led and staffed by suitably qualified personnel, and exclude alleged perpetrators of serious human rights and humanitarian law violations. Such reform and restructuring should include the establishment of special police units to investigate sexual violence, in accordance with international standards. The authorities must protect human rights defenders and the media as guaranteed under the Constitution and international law.

Recommendation seven: The African Union Commission of Inquiry should compile information to assist in identifying perpetrators of human rights violations, and make recommendations on credible mechanisms to promote accountability, reconciliation, and healing. Such mechanisms should include South Sudanese civil society and faith-based organisations, whose full engagement in the process will encourage its long-term acceptance, efficacy, and durability. South Sudan should undertake a process of national reconciliation to reduce inter-communal tension, and create a climate conducive to the return of those displaced. Customary processes may complement these efforts.