

Brief on Violence Affecting Civilians

HIGHLIGHTS

- ❖ Between October and December 2022, there was a 42 per cent increase in violent incidents registered by UNMISS (from 142 to 202) directly affecting 969 civilians as compared to the previous quarter: 450 killed, 224 injured, 203 abducted, and 92 subjected to conflict-related sexual violence (CRSV). Similarly, there was a 30 per cent increase (from 745 to 969) in the number of civilians affected.
- ❖ Violence involving parties to the conflict accounted for 61 per cent of victims while 37 per cent is attributed to community-based militias and/or civil-defense groups.
- ❖ In comparison to the same reporting period in 2021, this quarter represents a 29 per cent increase in violent incidents documented by the Mission (from 157 to 202). The number of victims increased by 87 per cent (from 517 to 969). The proportion of civilians killed increased by 79 per cent (from 252 to 450), while the number of victims injured increased by seven per cent (from 209 to 224). Abductions significantly increased by 464 per cent (from 36 to 203), and CRSV increased by 360 per cent (from 20 to 92).
- ❖ The scope of the brief includes data and trends on sexual and gender-based violence (SGBV).

CONTEXT

This brief presents an overview of trends in violence affecting civilians from October to December 2022, by assessing four major forms of individual harm (killing, injury, abduction, and CRSV) experienced throughout the conflict. While the impact of violence extends beyond these forms of harm, they have been the most common incidents documented throughout the conflict in South Sudan.

In addition, the brief highlights key human rights concerns monitored by the UNMISS Human Rights Division during the fourth quarter of 2022, including their impact on civilians.

In accordance with its mandate, UNMISS has issued this quarterly brief as an advocacy tool to reduce the impact of armed violence on civilians. UNMISS also continues to urge national authorities to hold all perpetrators accountable.

South Sudan is a State party to the African Charter on Human and Peoples' Rights and has ratified three core

United Nations human rights treaties. Under this framework, South Sudan is legally bound to respect, protect, promote, and fulfill the human rights of all persons within its territory or under its jurisdiction or control.

International human rights law applies both in times of peace and armed conflict. South Sudan is also bound by norms of international human rights law that have attained the status of customary law.

International humanitarian law applies to the non-international armed conflict in South Sudan. All parties to the conflict are obligated to abide by the relevant rules of customary international law applicable in non-international armed conflicts, including the principles of distinction, proportionality, and precaution. In addition, in 2012, South Sudan incorporated the provisions of the four Geneva Conventions and its Additional Protocols into domestic law. As a result, there can be prosecutions for acts that have a nexus with a non-international armed conflict before the South Sudanese courts for breaches of Common Article 3 of the Geneva Conventions.

METHODOLOGY

The UNMISS Human Rights Division (HRD) has developed an incident-based tracking mechanism to document conflict-related violations and abuses. This data is disaggregated by the sex and age of victims. Sources of information include victim and eyewitness accounts, as well as reports from secondary sources identified during field missions, including service providers, community leaders, and local authorities. All incidents, particularly those involving intercommunal violence, are deconflicted with incidents documented by the UNMISS Civil Affairs Division. Incidents determined as cases of conflict-related sexual violence are corroborated in consultation with the Office of the Senior

Women's Protection Advisor.

Nevertheless, the data presented in this brief should not be considered as comprehensive due to challenges faced by HRD in monitoring and reporting on violations of international human rights and humanitarian law. These include limited access to various locations due to security considerations, access denials by parties to the conflict, as well as inaccessibility due to road infrastructure conditions. Challenges also include victims and eyewitnesses' unwillingness to report due to fear of reprisals and underreporting of sexual and gender-based violence due to associated stigma.

GENERAL TRENDS

Between October and December 2022, HRD documented 202 incidents involving at least 969 civilians who were subjected to one of the four major forms of harm (450 killed, 224 injured, 203 abducted, and 92 subjected to CRSV).

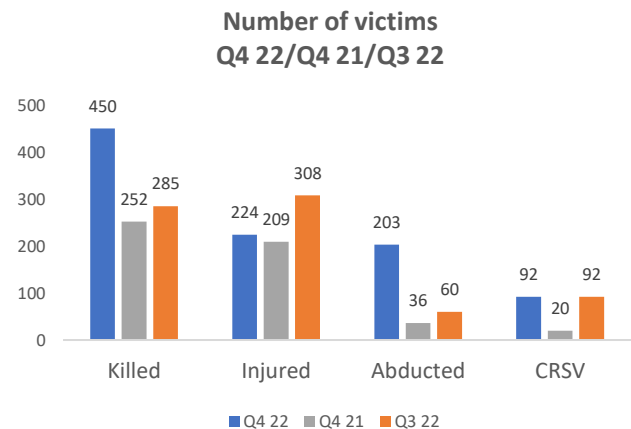
By comparison, between October and December 2021, 157 incidents were documented, involving at least 517 civilian victims (252 killed, 209 injured, 36 abducted, and 20 subjected to CRSV). This corresponds to a 29 per cent increase in violent incidents (from 157 to 202) and an 87 per cent increase in the number of victims (from 517 to 969) between the fourth quarter of 2022 and the same period in 2021, which can be largely attributed to the increase in civilian casualties due to the armed conflict in Greater Upper Nile states.

In comparison to the previous quarter, between July and September 2022, there is a 42 per cent increase in violent incidents (from 142 to 202) and a 30 per cent increase in the number of victims (from 745 to 969).

✓ *Conventional parties*

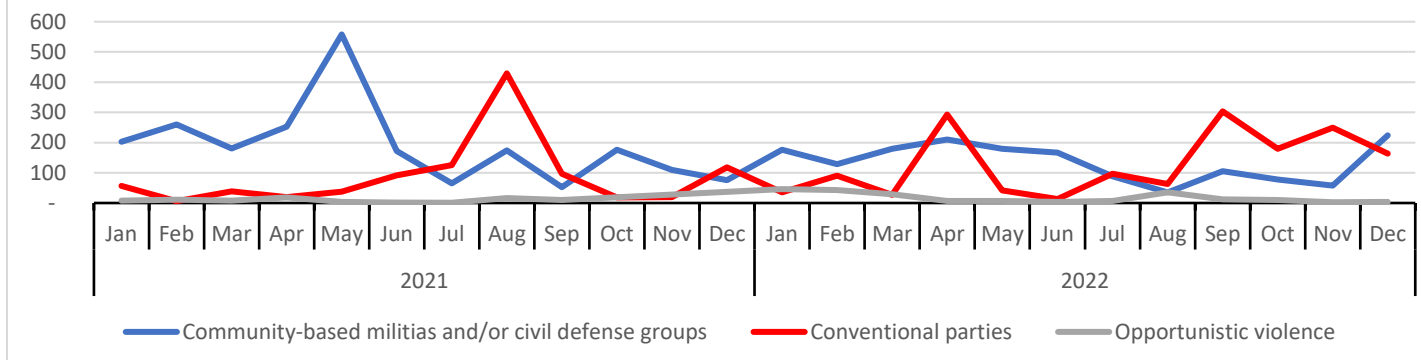
Since the signing of the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), the overall number of violent incidents reported, as well as the impacted civilians attributed to conventional parties to conflict, notably declined due to a reduction in incidents of clashes between Government forces and organized armed groups. However, during the fourth quarter of 2022, the incidents of violence involving conventional parties significantly

increased by 54 per cent (from 68 to 105) as compared to the same period in 2021 and 78 per cent (from 59 to 105) in comparison to the third quarter of 2022. These groups were responsible for the 61 per cent of the overall civilian casualties documented during the period, involving at least 592 victims (278 killed, 100 injured, 134 abducted and 80 subjected to CRSV), a destabilizing factor undermining the peace in South Sudan.



The majority of the incidents documented is linked to the conflict dynamics and the extended fighting in Greater Upper Nile between the Sudan People's Liberation Army-in Opposition (SPLA-IO) splinter groups - the *Agwelek* Forces alongside Shilluk armed elements led by Gen. Johnson Olony on one side versus the *Kitgwang* group and its allied Nuer armed groups, headed by Gen. Simon

Trends in the number of victims, January 2021 to December 2022



Gatwech Dual on the other side. While the *Agwelek* Forces reportedly received support from South Sudan People’s Defence Forces, the *Kitgwang* group was supported by the SPLA-IO. The fighting that erupted in Tonga on 10 August 2022 rapidly escalated and spread to its neighboring locations, including other areas of Jonglei State. Since the beginning of the conflict, HRD documented 211 civilians killed, 289 injured, and 116 cases of abduction, including 87 women, and 19 women subjected to sexual violence, during the fighting.¹

In Warrap, incidents of violence linked to the government security forces’ response to the 25 June 2022 armed clashes between the South Sudan People’s Defence Forces and the armed Rual-Bet youths in Tonj North County continued to be documented. During this quarter, HRD recorded at least 20 casualties (five injured and 15 cases of CRSV).

Operations by the conventional parties to the conflict remained active in the southern areas of Central Equatoria State. Allegations of abductions by the National Salvation Front for forced recruitment, forced labor, and as punitive measures against civilians perceived for collaborating with the government remain a concern. Between October and December 2022, abductions in the areas of Lasu, Otego and Tore payam of Yei County, Mukaya payam of Lainya County, and Lojulo of Morobo County by National Salvation Front accounted for 19 victims in eight incidents. Separately, South Sudan People’s Defence Forces operations in the area, aimed at dislodging National Salvation Front, continue to undermine the human rights and protection situation while displacing affected civilians.

✓ ***Community-based militias and/or civil-defense groups***

Sub-national violence, particularly “intercommunal violence” for cattle-raiding, is historically rooted in the pastoralist communities in South Sudan and involved community-based militias and/or civil-defense groups with a level of organization, capable of conducting planned and coordinated military style attacks, independently as well as with the support of members of Government or opposition forces. Political and administrative elites at local and national levels have contributed to this intensification of violence, including through instigating and/or participating in the planning of attacks, financial and logistical support, as well as provision of weapons and ammunition. This localized violence, exacerbated by pre-existing communal tensions, constitutes a destabilizing factor undermining peace in South Sudan, and therefore cannot be dissociated from national political and military dynamics.

During the fourth quarter of 2022, intercommunal violence by community-based militias and/or civil-defense groups accounted for more than 37 per cent (360) of the overall civilian casualties. Persistent incidents of cattle raiding, as well as violent attacks and revenge attacks in Warrap State between Dinka sub-clans and the prolonged intercommunal dispute between the Dinka Twic Mayardit and Dinka Ngok communities in the Abyei Administrative Area resulted in 135 civilian casualties (73 killed and 58 injured). The clashes between the Dinka sub-clans accounted for 67 per cent of civilian casualties in the region while Dinka Twic Mayardit and Dinka Ngok are responsible for the remaining number of casualties despite the signing of the Cessation of Hostilities Agreement in April 2022.

¹ Incidents and number of civilian casualties documented prior to the fourth quarter are not included in the overall data presented in this brief.

In Jonglei and Greater Pibor Administrative Area, an upsurge of conflict undermined the recent peace achieved through a rapprochement between the respective community leaders of the areas. On 24 December 2022, the human rights and protection situation of civilians were threatened by a violent attack carried out on the Bichbich area in Greater Pibor Administrative Area by armed elements from Jonglei State, provoking armed Murle community-based militias to mobilize and launch a counterattack, causing displacement of affected civilians. However, prior to the offensive, HRD documented at least 13 incidents of persistent small-scale attacks primarily perpetrated by the armed Murle elements in various areas of Jonglei State. These armed Murle incursions accounted for 45 civilian casualties (17 killed, including, 11 injured, and 17 cases of abductions) including 13 women and 15 children.

In Eastern Equatoria State, inter-communal violence involving civil-defense elements from Buya, Didinga, Logir, Lotuko and Toposa communities, as well as cross-border armed elements from Turkana community of neighboring Kenya (southeast of South Sudan) and armed Murle elements from Greater Pibor Administrative Area (north of Eastern Equatoria State) continued to pose threats to the civilians in the region. Tensions between these armed groups accounted for 18 per cent (28 incidents) of violent incidents that resulted in the killing of 32 civilians (including five women and four children), 17 injuries and eight abductions.

Relatedly, abductions of 11 civilians in Western Equatoria State by the remnants of armed Seleka group from Central African Republic, noted for crossing into South Sudan through Tambura County threatened the protection of civilians in the area.

Relatively, the renewed presence and violence by armed Dinka-Bor cattle keepers and Murle armed elements in the areas of Lokiliri, Mangala and Liria payam in Juba,

Central Equatoria State posed threats and protection concerns to the local population. During the reporting period, these groups were responsible for the killing of eight civilians and injury of eight others.

✓ *Sexual and gender-based violence*

During the fourth quarter of 2022, HRD documented at least 14 incidents of rape or gang rape in six states, which affected 15 victims (three women and 12 children, including one boy). In comparison to the third quarter of 2022, this represents a 35 per cent decrease in SGBV incidents. These 14 incidents (15 victims) are in addition to 17 CRSV incidents (92 victims, including 42 girls) affecting a total of 107 civilians, in which cases of sexual violence are linked to the ongoing armed conflict.

Most of the incidents happened within the community, however, the majority of the alleged perpetrators were not known to the victims and the sexual violence incidents were perpetrated with force, intimidation and intent to take advantage of the victims. This demonstrates that victims and potential victims require more protection in community settings, where they remain vulnerable due to the lower status of women and girls in South Sudanese society exacerbated by harmful traditional practices.

HRD considers that cases and incidents of SGBV are underreported due to various factors, including stigma, trauma, and fear of retaliation, that prevent victims and families from reporting. The dearth of formal justice structures across most of South Sudan impedes survivors' access to justice. Consequently, many families are compelled to instead resort to adjudication by traditional leaders. Furthermore, intersectional vulnerabilities faced by the victims often result in families preferring the immediate economic benefits from compensation ordered through customary courts and the perceived reduced stigma by addressing sexual violence through marriage between the perpetrator and victim rather than filing criminal charges for the prosecution of offenders.

GEOGRAPHICAL TRENDS

Most of the victims were documented in Upper Nile, Warrap, and Jonglei. Consistent with the preceding quarter, Upper Nile is the most affected by the violence, accounting for 53 per cent of the victims recorded throughout South Sudan during the quarter, followed by Warrap, Jonglei, and Eastern Equatoria states. While Upper Nile is generally impacted by the parties to conflict, Warrap, Jonglei and Eastern Equatoria states are the areas most affected by intercommunal violence involving community-based militias and civil-defense

groups, which together accounted for approximately 33 per cent of the victims.

However, it is important to note that these incidents of violence were concentrated in specific counties, affecting 88 (out of 540) payams. Some of the violence also occurred in areas where longstanding grievances persist among communities and where pastoralists compete for vital grazing areas and access to water. The devastating effects of climate change, severe food insecurity,

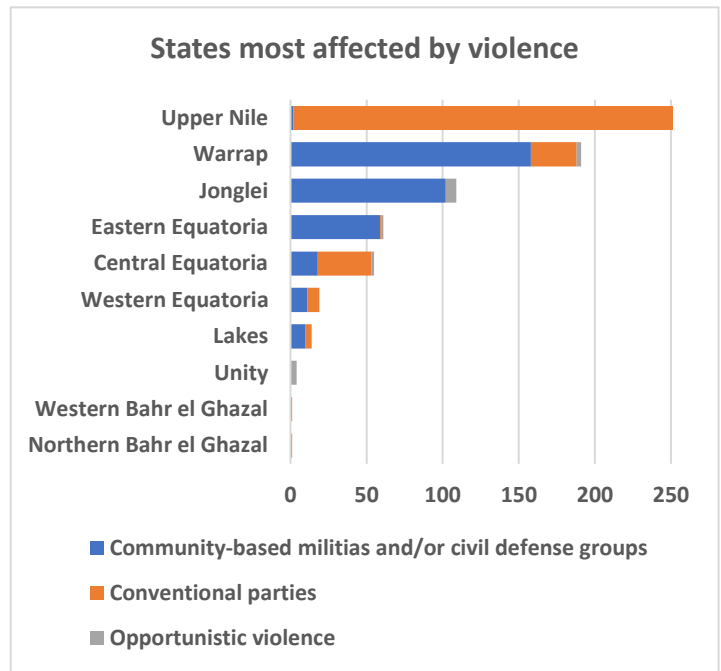
disruption of livelihoods, the price increase of food commodities, and devaluation of local currency factored increased inter-communal violence and cattle-raiding as communities attempted to recoup and secure food sources prior to the next rainy season.

Despite calls for ceasefire and respect for the implementation of R-ARCSS, the confrontations that broke out between the *Agwelek* Forces and *Kitgwang* group eventually evolved with ethnic undertones and continued to exacerbate the human rights and humanitarian situation in the Upper Nile region.

Conventional parties to the conflict remain active in Yei (Central Equatoria State) where the incidents primarily involved government forces and elements of the National Salvation Front. Separately, the presence of Dinka-Bor cattle keepers in Juba County poses grave concerns due to conflict with host communities and the negative impact on civilians.

Notwithstanding, military operations and activities involving government forces, organized armed groups and their respective proxy armed elements, have continued to place civilians at risk in these areas, as well

as in parts of Lakes, Unity and Western Bahr el Ghazal States.

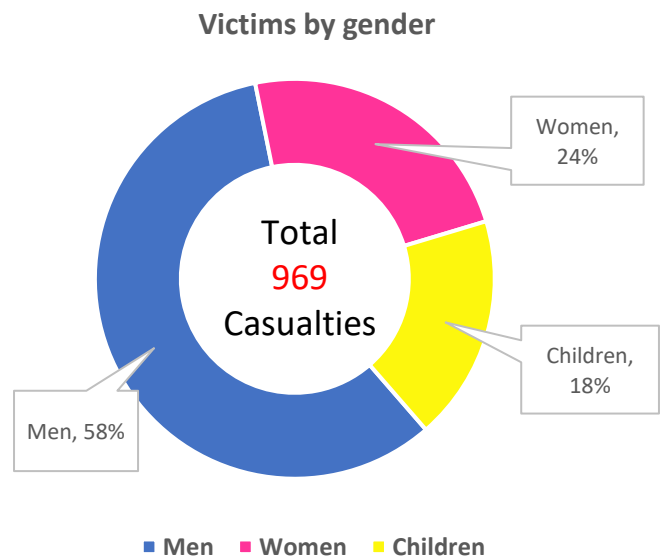


VICTIMS

HRD’s findings indicate that men, particularly young men, comprise the majority of victims (58 per cent, or 564 individuals). Women are the second-largest group of victims, at 24 per cent (228 individuals), while children account for the remaining 18 per cent. However, beyond the direct impact of violence, women and children are disproportionately affected by the effects of conflict, particularly in terms of access to health care, education, and livelihoods in volatile areas.

According to HRD’s findings, most adult male victims (52 per cent) were either killed, injured, or abducted largely in the context of armed confrontations and violence attributable to the parties to the conflict and splinter groups. Women were primarily subjected to CRSV (54 per cent), abductions (52 per cent) and killing (23 per cent). Most of the cases of conflict-related sexual violence, including rape and gang rape, occurred in seven States (Warrap, Jonglei, Unity, Western Equatoria, Upper Nile, Central Equatoria and Northern Bahr el Ghazal). Children were primarily killed (31 per cent) or abducted

(41 per cent). According to HRD’s findings, 42 girls (36 per cent of children casualties) were subjected to CRSV.



PERPETRATORS

HRD's investigations have identified three major categories of perpetrators involved in conflict-related violence affecting civilians: i) conventional parties to the conflict; ii) community-based militias and/or civil defense groups; and iii) unidentified (but related) armed elements.

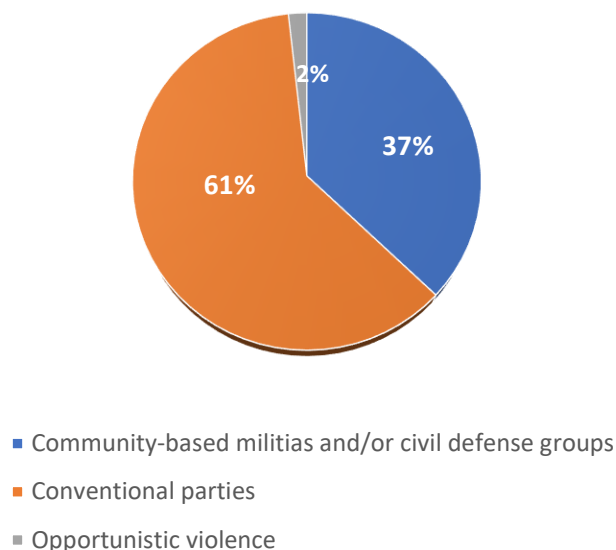
In the fourth quarter of 2022, HRD investigations attributed responsibility for 61 per cent of victims to conventional parties to the conflict. This category of perpetrators includes government security forces, as well as organized opposition armed groups, and their allied militias or groups. These allied militias are categorized as conventional parties because military and government officials were involved in the mobilization and direct command and control of these armed militia/groups, a marked difference from the existing trend of political and military elites supporting community-based militias and civil defense groups through indirect means, such as instigation of violence, political backing, and provision of ammunition and financial incentives.

Amongst government forces, acts of violence targeting civilians were mainly attributed to the South Sudan People's Defence Forces, the South Sudan National Police Service, and the National Security Service. The National Salvation Front - which is not a signatory to the R-ARCSS, also committed abuses against civilians, primarily in the areas of Yei, Morobo and Lainya counties in Central Equatoria. SPLM/A-IO splinter groups, the *Agwelek* Forces led by Gen. Johnson Olony and the *Kitgwang* faction headed by Gen. Simon Gatwech Dual, were responsible for major violent incidents in Greater Upper Nile region.

The distinction between government forces and organized armed groups should not obscure the extreme fluidity between and within these entities, whose loyalties may shift according to the formation of alliances of convenience, defections, and buy-offs.

During the reporting period, the second category of perpetrators, community-based militias and/or civil defense groups, were responsible for 37 per cent of civilian victims. These groups are a longstanding feature of pastoralist communities across South Sudan. Traditionally, their main objective was to protect herds of cattle from external attacks. However, as a result of years of armed conflict and the resultant illicit proliferation of

Civilian casualties by type of perpetrators



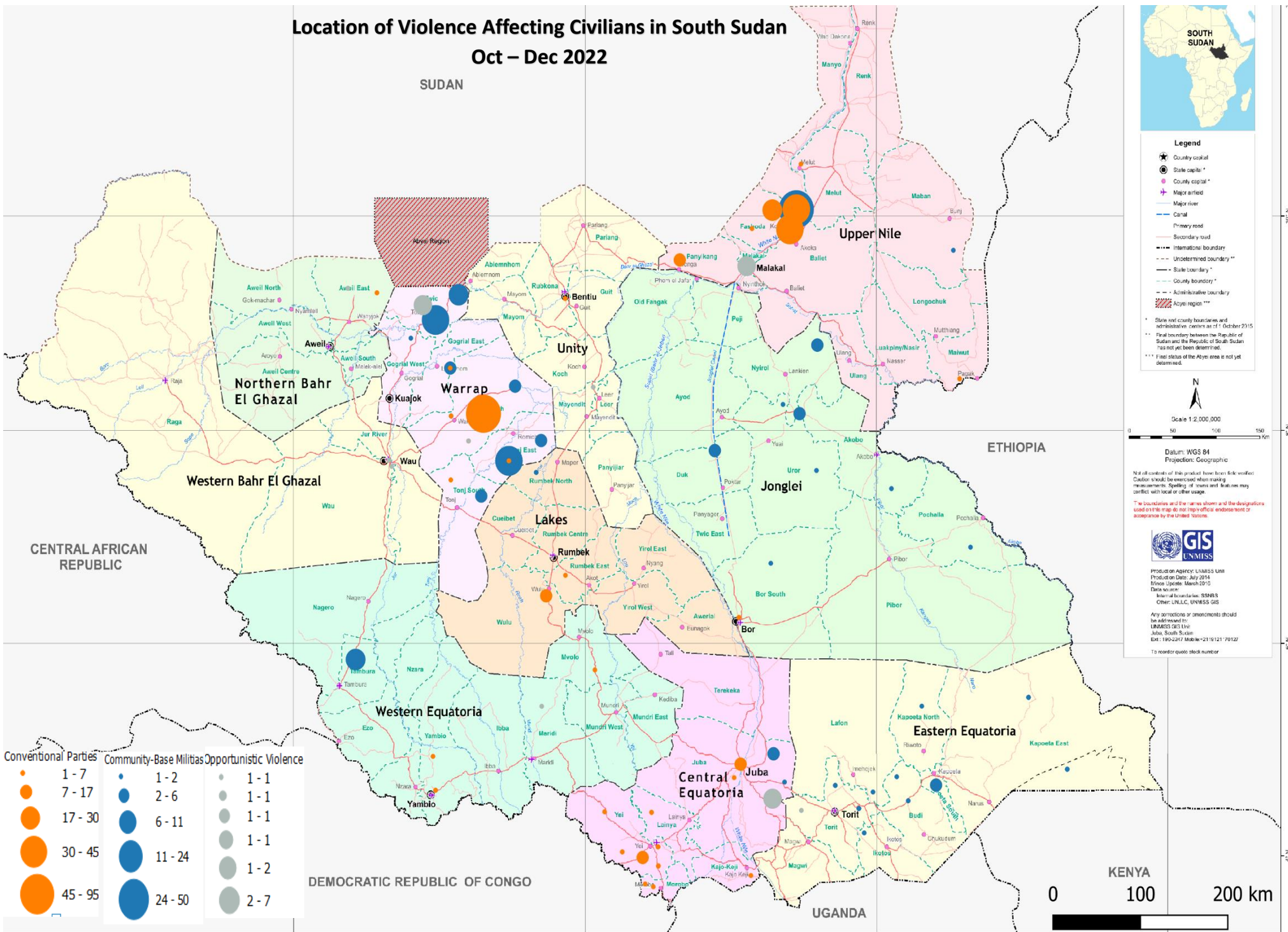
small arms amongst local communities, members of these community-based militias and/or civil-defense groups have been co-opted, armed, and used as proxy armed elements by all parties to the conflict and by local actors, which has contributed to the progressive militarization of intercommunal violence.

In Warrap, Jonglei and Eastern Equatoria States, HRD found that these groups were armed with AK-47 type guns, PKM and light machine guns. Some elements were also reportedly equipped with rocket-propelled grenades and demonstrated a certain degree of planning and coordination. The increased militarization of these groups is one of the main factors behind the high numbers of civilian casualties by intercommunal clashes during the period.

A third category is comprised of unidentified but related armed elements. These actors, who often have a historical affiliation with community-based militias and/or civil-defense groups, have progressively acquired autonomy from their sponsors and now carry out acts of violence against civilians from their own or rival communities, without any clear strategic or military objectives. In a context of extreme economic deprivation, coupled with the breakdown of the rule of law and the loss of power of traditional institutions, these unchecked elements contribute to a normalization of insecurity, affecting civilians in their daily lives.

Location of Violence Affecting Civilians in South Sudan

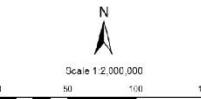
Oct – Dec 2022



Legend

- Country capital
- State capital
- County capital
- Major airfield
- Major river
- Canal
- Primary road
- Secondary road
- International boundary
- Undetermined boundary
- State boundary
- County boundary
- Administrative boundary
- Azay region

* State and county boundaries and administrative centers as of 1 October 2015
 ** Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
 *** Final status of the Azay area is not yet determined.



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