

BRIEF ON THE HUMAN RIGHTS SITUATION IN SOUTH SUDAN

HIGHLIGHTS

- ❖ During the period between January and March 2022, the UNMISS Human Rights Division (HRD) recorded 173 incidents of violence affecting 754 civilians (300 killed, 266 injured, 125 abducted and 63 subjected to sexual violence).
- ❖ While this represents a 32% decrease in violent incidents (from 256 to 173), as compared to the same reporting period in 2021, the number of victims remains relatively stable (from 773 to 754).
- ❖ The proportion of those killed compared to the same reporting period of 2021 decreased by 36% (from 468 to 300) while injuries increased by 45% (from 184 to 266). However, abductions increased significantly by 34% (from 93 to 125) and sexual violence increased by 125% (from 28 to 63).
- ❖ In comparison to the previous quarter, the number of violent incidents remains stable (from 179 to 173), but the number of victims increased by 24% (from 608 to 754).
- ❖ The new scope of the quarterly brief of UNMISS Human Rights Division includes data on sexual and gender-based violence.

CONTEXT

This quarterly brief presents an overview of trends in violence affecting civilians between January and March 2022, by assessing four major forms of individual harm experienced throughout the conflict (killing, injury, abduction, and sexual violence). 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 also highlights key human rights concerns monitored by UNMISS Human Rights Division during the first quarter of 2022, including incidents of sexual and gender-based violence.

South Sudan is a State party to the African Charter on Human and Peoples' Rights and has ratified three core international human rights treaties.¹ Under this framework, South Sudan is legally bound to respect, protect, promote, and fulfil the human rights of all persons within its territory and/or under its jurisdiction.

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 2012, South Sudan incorporated the provisions of the Four Geneva Conventions and their additional Protocols² 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.

¹ South Sudan is a state party to (a) The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984; (b) The Convention on the Rights of the Child 1989; (c) The Convention on the Elimination of All Forms of Discrimination Against Women 1981.

² The Geneva Conventions of 12 Aug 1949 apply in all cases of declared war, or in any other armed conflict between nations. The Additional Protocols of 1977 and 2005 supplement 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 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 reported incidents, particularly those involving intercommunal violence, are deconflicted with incidents documented by the UNMISS Civil Affairs Division (CAD). 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.

This includes limited access due to security considerations, access denials by parties to the conflict and security actors, as well as inaccessibility due to road conditions. Challenges also include victims or survivors and eyewitnesses' unwillingness to speak due to fear of reprisals and underreporting of sexual and gender-based violence due to the stigma involved.

GENERAL TRENDS

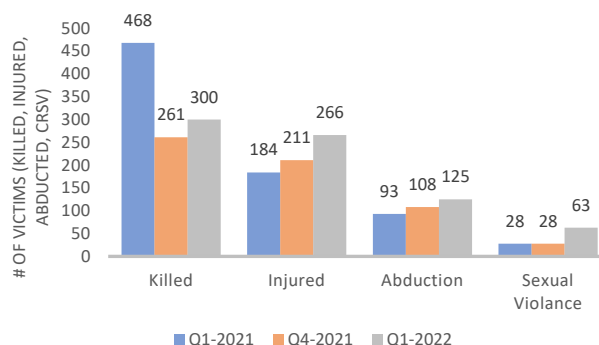
Between January and March 2022, HRD documented more than 173 incidents, involving at least 754 civilians who were subjected to one of the four major forms of harm (300 killed, 266 injured, 125 abducted, and 63 subjected to sexual violence). By comparison, between January and March 2021, 256 incidents were documented, involving at least 773 civilian victims (468 killed, 184 injured, 93 abducted, and 28 subjected to sexual violence), the majority arising from intercommunal or intracommunal violence. This corresponds to a two per cent decrease in the number of victims, and a 32 per cent decrease in the number of incidents between the first quarter of 2022 and the same period in 2021.

In comparison to the previous quarter, October - December 2021, there is a 3% decrease in violent incidents (from 179 to 173) and a 24% increase in victims (from 608 to 754).

✓ *Conventional parties to the conflict*

Since the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in September 2018, the overall number of civilian casualties (defined as individuals who have either been killed and or injured) attributed to conventional parties to the conflict has declined due to the relatively lower number of clashes between Government forces and organized armed groups. In the first quarter of 2022, conventional parties were responsible for 34 per cent (52) of civilian deaths and injuries.

*Number of victims
Q1 21/Q4 21/Q1 22*



Such recorded incidents include clashes in the southern part of Unity State between SPLM/A-iO, SSPDF and affiliated armed youth from Koch, particularly at Mirmir cantonment site, which resulted in the killing of six civilians, and 47 cases of CRSV. Separately, following the signing of the peace agreement between the SPLM/A-iO Kitgwang faction led by Gen. Simon Gatwech Dual with the Sudan People's Liberation Movement (SPLM) in Khartoum on 17 January 2022, civilian casualties from clashes between the SPLM/A-iO factions in Upper Nile State declined. However, armed confrontations between the SSPDF and SPLM/A-iO forces in Maiwut on 09 January, 15 and 16 February 2022, undermined the MoU on cessation of hostilities, signed by both parties on 29 January 2022 in Maiwut, and led to the suspension of the SPLM/A-iO participation in the security mechanisms.

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



Allegations of forced military recruitment of civilians remain a concern, particularly those designed to boost troop numbers of the R-ARCSS signatory parties in areas surrounding cantonment and training sites. For example, HRD documented incidents of forced recruitment involving 15 individuals, including nine boys, by the SSPDF in Unity State and, separately, the abduction of civilians in Central Equatoria State by NAS for the purpose of forced recruitment. Abductions by National Salvation Front accounted for more than 56 per cent of incidents (125 victims) in the first quarter of 2022.

✓ ***Community-based militias and self-defense groups***

Entrenched patterns of violence affecting civilians persist in South Sudan. This includes incidents commonly referred to as “intercommunal violence,” which are often perpetuated by community-based militias and self-defense groups. Although violence among tribes and sub-clans is historically rooted in traditional societal practices, particularly among pastoralist societies (such as protecting cattle from attacks), over the years it has taken on an increasingly militarized character, with the involvement of elements of conventional parties to the conflict. Furthermore, political and administrative elites at local and national levels have contributed to this intensification of violence, including through instigating and/or participating in planning of attacks, financial and logistical support, and provision of weapons and ammunition. It therefore cannot be dissociated from local and national political and military dynamics.

During the first quarter of 2022, intercommunal violence by community-based militia constituted the primary source of violence affecting civilians and accounted for more than 64 per cent (484) of civilian casualties (754).

The nature of intercommunal conflict is evolving and is now often carried out with military-style tactics and military grade weapons. During the reporting period, 112 incidents of attacks involving community-based militias claimed the lives of more than 253 civilians.

Persistent cattle raiding and revenge attacks in Jonglei State and the Greater Pibor Administrative Area (GPAA) involving Dinka Bor, Gawaar Nuer, Lou Nuer, and Murle have caused significant civilian casualties. HRD documented 38 incidents of attacks and counterattacks, leaving 107 killed, 95 injured, seven abducted and two subjected to sexual violence. A particularly deadly attack in Badit, Jonglei State, allegedly carried out by armed Murle elements on 23 January, resulted in civilian casualties (32 civilians killed, 26 injured), temporary displacement, and destruction and looting of civilian property. Attacks allegedly by armed Murle elements continued throughout the first quarter of 2022, including a series of attacks in March in Twic East, Duk, Urur, Nyirol and Akobo counties, resulting in heightened tension among the Lou Nuer and Dinka communities, with reports of a potential revenge attack on the GPAA.

In addition, tensions between Dinka Bor cattle keepers and the host community in Magwi county, Eastern Equatoria State, have resulted in the killing of 28 civilians, injury of 42, destruction and looting of civilian property, as well as the displacement of 10,547 people. Intercommunal violence escalated after an incident on 13 January 2022 in Torit County, which resulted in the burning of about 300 houses and displacement of nearly 500 civilians. Between January and March 2022, 13 incidents of separate attacks in Magwi and Torit County were documented.

Similarly, intercommunal violence, particularly cattle-related conflict due to seasonal migration, makes up for a

significant percentage (58 per cent) of civilian casualties in the Greater Bahr el Ghazal region. Cross border intercommunal conflict between Lakes and Warrap States, involving clashes between the Manuer Section of the Dinka Pakam of Malueth payam in Rumbek North and the Dinka Luanyjang of Tonj East, as well as between the Manuer, Gak and Luanyjang communities in addition to cross-border movement by Misseriya nomads from Sudan leading to clashes with the Dinka Malual community in Aweil, have contributed to the increase in civilian casualties.

✓ **Sexual and Gender-Based Violence**

In the first quarter of 2022, HRD documented at least 28 SGBV incidents in three states, including 20 cases of rape and gang rape, three attempted rape, and nine cases of forced marriages. The 28 incidents affected 32 victims (one man, 12 women, 15 girls, and four boys). Given the new inclusion of SGBV incidents in the quarterly brief, there is no baseline data for trend analysis. These 28 incidents are in addition to conflict-related sexual violence incidents affecting 63 victims, in which cases of sexual violence are linked to the ongoing armed conflict.

At least 75 per cent of the alleged perpetrators were family members, fellow community members or neighbors well known to the victims and usually trusted by the families. This demonstrates that victims and potential victims require more protection in family and community settings, where they remain vulnerable due to the lower status of women and girls in South Sudanese society. As stipulated in R-ARCSS, the Government of South Sudan must exercise measures to combat SGBV and ensure that justice will be served to the victims.

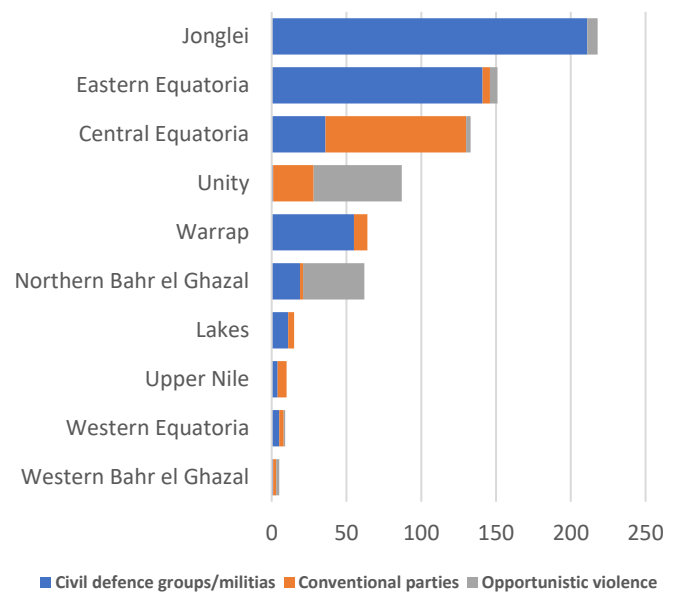
HRD considers that the cases and incidents are underreported due to various factors, including stigma, trauma, shame, and guilt attached to being labeled and viewed as a victim and fear of retaliation from the perpetrator(s) or from their friends/family. The dearth of the formal justice structures across most of South Sudan impedes survivor’s access to justice and compels families 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

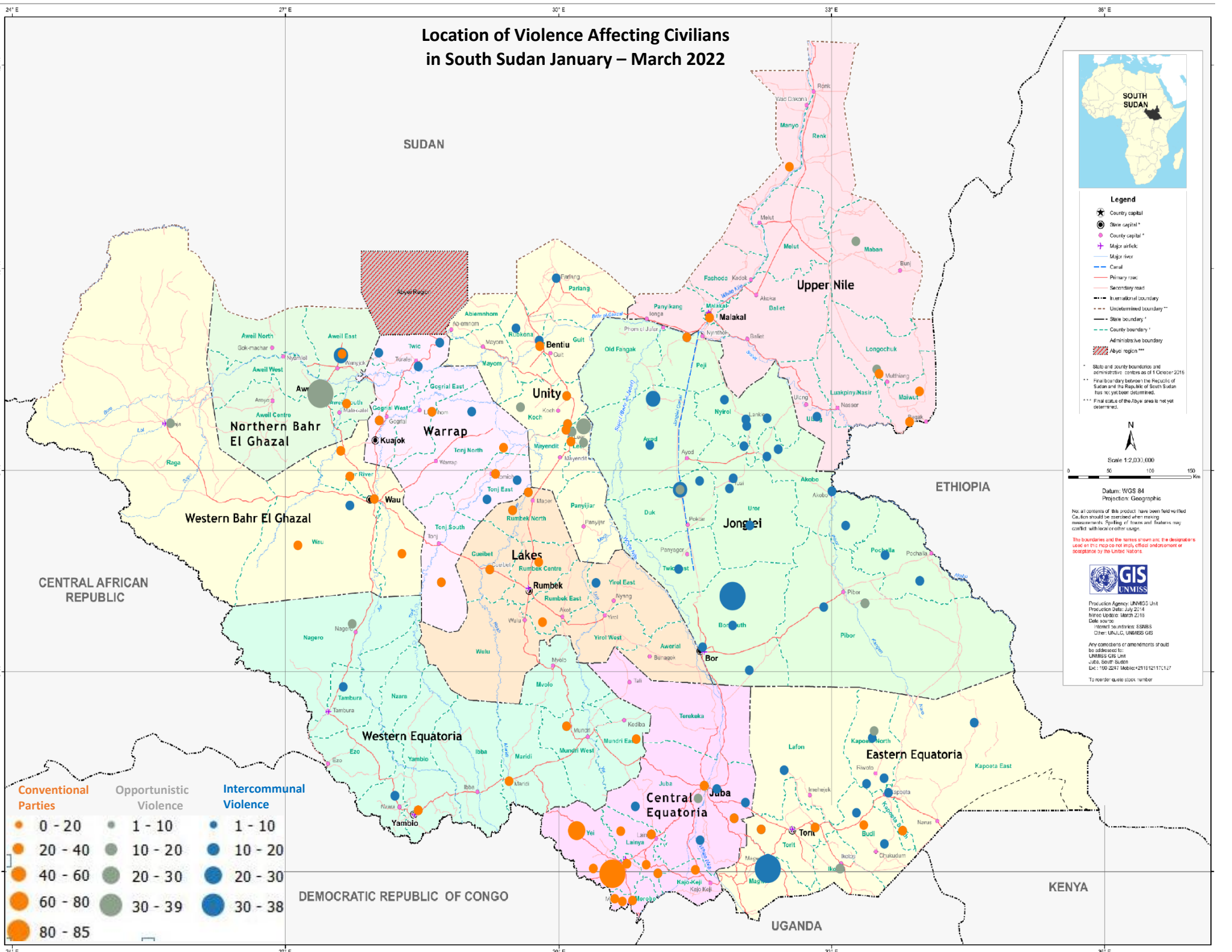
The majority of victims were documented in Eastern Equatoria, Central Equatoria and Jonglei states, which are also the areas most affected by intercommunal violence during the dry season. Incidents of intercommunal violence was concentrated within 36 (of 79) counties where pastoralists compete for vital grazing areas and access to water in areas that are subject to extreme weather patterns as a result of climate change. The heavy flooding that occurred during the rainy season in 2021 led to greater food insecurity and disruption of livelihoods in many areas, which in turn may have prompted increased cattle-raiding during the dry season, as communities attempted to recoup losses and secure food sources prior to the return of the rainy season (typically arriving in April or May).

Despite overarching adherence to the ceasefire and cessation of hostilities agreement in most parts of the country, conventional parties to the conflict remained active in the areas of Yei, Central Equatoria State, primarily involving Government forces and elements of the National Salvation Front and in Unity state, primarily involving SSPDF and SPLM/A-iO.

States most affected by violence



Location of Violence Affecting Civilians in South Sudan January – March 2022



SOUTH SUDAN

Legend

- ★ Country capital
- State capital *
- County capital *
- ✚ Major arrief
- ✚ Major river
- Canal
- Primary road
- Secondary road
- International boundary
- Uncetermined boundary **
- State boundary *
- County boundary *
- Administrative boundary
- ▨ Abyei region ***

* State and county boundaries and administrative control 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 Abyei area is not yet determined.

N
 Scale 1:2,033,000
 0 50 100 150 Km

Datum: WGS 84
 Projection: Geographic

No. all contents of this product have been field verified. Caution should be exercised when making measurements. Spelling of names and features may conflict with local or other usage.

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Conventional Parties	Opportunistic Violence	Intercommunal Violence
● 0 - 20	● 1 - 10	● 1 - 10
● 20 - 40	● 10 - 20	● 10 - 20
● 40 - 60	● 20 - 30	● 20 - 30
● 60 - 80	● 30 - 39	● 30 - 38
● 80 - 85		

DEMOCRATIC REPUBLIC OF CONGO

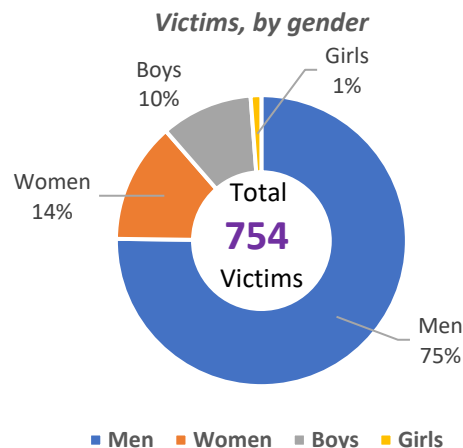
UGANDA

KENYA

VICTIMS

HRD found that men, particularly young men, comprise the majority of victims (75 per cent, or 567 individuals). Women are the second largest group of victims, at 14 per cent (101 individuals), while children account for the remaining 11 per cent (86 individuals). However, beyond the direct impact of violence, women and children are disproportionately affected by the indirect 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 (86 per cent) were either killed or injured, largely in the context of intercommunal violence. The remaining 14 per cent of adult male victims were sexually abused or abducted, chiefly for the purpose of forced military recruitment. Children were primarily abducted (48 per cent) and killed or injured (47 per cent). Most of these abductions occurred in the context of intercommunal violence. HRD also documented that 10 girls were subjected to sexual violence.



Of 101 adult women victims, 54 per cent were subjected to sexual violence, including rape, gang rape, and forced marriage. Twenty-two per cent were killed, 15 per cent injured, and nine per cent were abducted. Most of these occurred in the context of intercommunal violence

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 self-defence groups; and iii) unidentified (but related) armed elements.

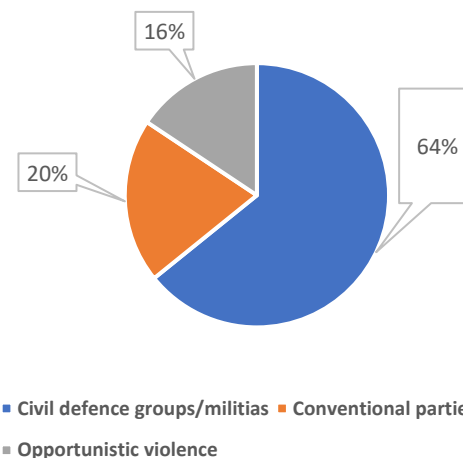
In the first quarter of 2022, HRD’s investigations attributed responsibility for 20 per cent of victims to conventional parties to the conflict. This category of perpetrators includes government defence and security forces, as well as organized opposition armed groups.

Amongst government forces, acts of violence targeting civilians were mainly attributed to the South Sudan People’s Defence Forces (SSPDF), the South Sudan National Police Service (SSNPS) and the National Security Service (NSS). As for organized armed groups, acts of violence targeting civilians were attributed to the SPLM/A-iO, which is a signatory to the R-ARCSS.

In addition, the National Salvation Front and affiliated armed elements, who are not signatories to the R-ARCSS, but are signatories to the 2017 Cessation of Hostilities Agreement, also committed abuses against civilians, primarily in the areas of Yei, Central Equatoria State.

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.

Victims, by category of perpetrators



During the reporting period, a second category of perpetrators—community-based militias and self-defence groups—was responsible for 64 per cent of civilian casualties. These groups are a longstanding feature of pastoralist communities across South Sudan. Traditionally, their main objective was to protect herds of cattle from external attack. However, as a result of years of armed conflict and the proliferation of small arms amongst local communities, members of these community-based militias and self-defence 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.

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