

UNITED NATIONS



الأمم المتحدة

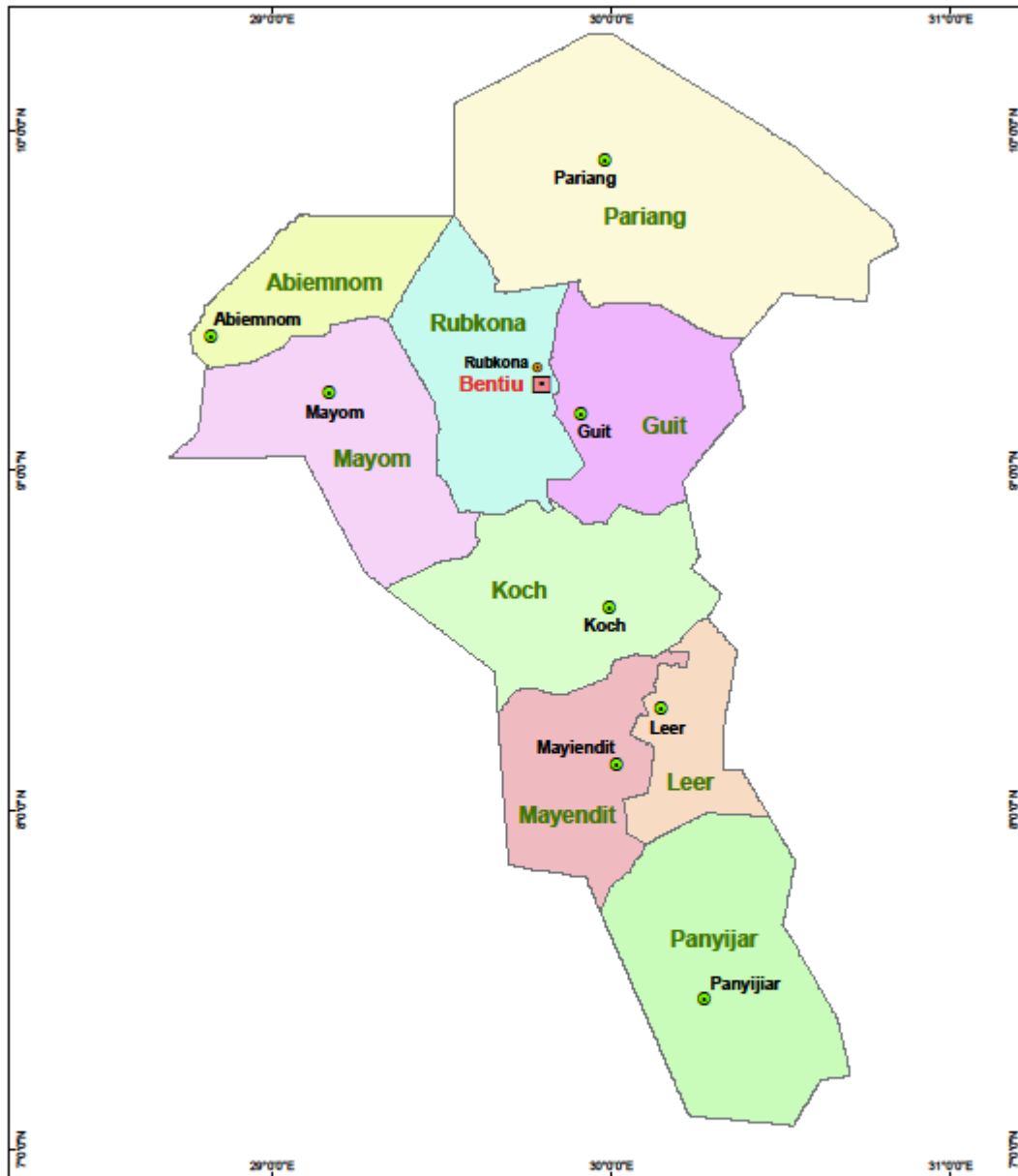
United Nations Mission in the Republic of South Sudan


Special Report:

Attack on Bentiu, Unity State
29 October 2014

19 December 2014




UNITY STATE

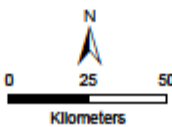




Production Agency: UNMISS GIS Section
Production Date: April 2014

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	State capital
	County capital
	Payam capital



Projection: Geographic
Datum: WGS84

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map Location



I. Introduction

1. After a long period of Government control, since May 2014, opposition forces attacked Bentiu, the capital of Unity State, on 29 October 2014. As has often been the case during the conflict in South Sudan, the attack was accompanied by reports that civilians were deliberately targeted by armed elements. Reports were also received that women were abducted by opposition forces and that conflict-related sexual violence took place.

2. This report offers preliminary findings concerning allegations of gross abuses of human rights and serious violations of international humanitarian law committed by opposition forces when they attacked Bentiu on 29 October 2014. It is based on investigations conducted by the Human Rights Division of the United Nations Mission in the Republic of South Sudan (UNMISS).

3. Based on information available at the time of writing, there is reason to believe that at least 11 civilians were killed by opposition forces, apparently based on a perceived association with Government forces. As fighting began, civilians sought sanctuary in areas they thought would be safe. In one instance, 14 men were taken from a church and walked to a nearby cemetery, where at least eight of them were shot and killed, two were wounded, while four were not harmed. In another incident, two women and a baby were killed in their homes.

4. Reports of such gross human rights abuses are all too common in the current conflict and involve all sides. They form part of a now familiar and disturbing pattern in which civilians are targeted and killed during hostilities for perceived or actual affiliation with a group different to the armed element in control. While this targeting has often been on the basis of ethnicity, the abuses described in this report demonstrate that the animosity has reached deeper into communities, with a growing expectation that everyone must choose sides.

II. HRD Investigations

5. Information included in the report was gathered in accordance with human rights monitoring and investigations methodology developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Information was reported only if informed consent was obtained from the source, and only if no protection risk was posed by its disclosure. As noted above, the conclusions included in this report are preliminary as Human Rights Division investigations are ongoing.

6. As of 27 November 2014, Human Rights Officers had conducted 21 interviews with victims, witnesses, and other sources including Government and opposition officials. Human Rights Officers visited the alleged incident sites and retraced the alleged sequence of events. GPS coordinates and photographs were taken. A list of civilians who were reportedly abducted was obtained from the South Sudan National Police Service and is on file with the Human Rights Division.

7. Investigations were hampered by the security situation which seriously impacted on the freedom of movement of Human Rights Officers. Other challenges included a lack of interpreters, which occasionally made interviewing difficult, as UNMISS interpreters could not leave the UNMISS compound to assist investigations without jeopardizing their safety.

III. Context

8. Unity State has been the subject of continuous fighting since the beginning of hostilities in South Sudan in December 2013. Although Government forces, the Sudan People's Liberation Army (SPLA), supported by several other pro-Government armed groups,¹ have been in control of the State capital, Bentiu, since 8 May 2014, its control has been tenuous. The Government has little control of the southern counties and skirmishes in areas outside Bentiu have been frequent. Rumors of an impending attack by opposition forces on Bentiu and Rubkona had circulated for months.

9. On 25 October 2014, clashes were reported to the north of Bentiu in Rubkona County. On 26 and 27 October 2014, UNMISS received reports of fighting in the Unity Oil Field and a location known as Kilo 30. On 27 and 28 October, with rumors of an impending attack on Bentiu and Rubkona, civilians started fleeing those areas for the UNMISS Bentiu protection of civilians (PoC) site, which is near Rubkona town. SPLA soldiers also transported members of their families to the gates of the PoC site, where they sought protection. On 27 October 2014, there were approximately 47,000 civilians seeking protection at the site. At least 100 additional civilians, mainly women who were related to SPLA soldiers, came to the PoC site by the evening of 28 October 2014.

10. On the early morning of 29 October 2014, opposition forces – advancing from the north, east, south, south-east, and south-west directions – engaged Government forces in Bentiu and Rubkona. By early afternoon, heavy fighting was occurring around Rubkona and the vicinity of the UNMISS compound. Mortar shells landed approximately 500 meters from the compound, and one landed in an unpopulated area of the PoC site.² During the fighting, a nine-year-old boy in the PoC site was killed by a stray bullet to his chest, and six other internally displaced persons (IDPs) suffered gunshot wounds. It was not possible to determine the source of the bullets that struck the victims.

11. By approximately 1300hrs, Government forces began withdrawing from Bentiu. Before doing so, Government officials reportedly told civilians to seek protection at the Catholic Church in Dere, perhaps hoping the sanctity of the Church would be respected as no Government forces remained behind to provide protection. By approximately 1400hrs, opposition forces gained control of parts of Bentiu, moving into the Souq Sabi, Nywenpiew, Kalibalek, Ariap, and Dere areas. They held these positions for approximately five hours before being dislodged by Government forces. Many witnesses have reported that Sudan People's Liberation Army in Opposition (SPLA/IO) forces targeted civilians, committing killings and conflict-related sexual violence during the period they fleetingly controlled Bentiu.

12. Although the conflict in South Sudan has largely been characterized as one pitting the Dinka and Nuer ethnic groups against each other, the reality is far more complicated. Unity State is dominated by the Nuer ethnic group, which has been divided by the hostilities. Alliances and affiliations of various Nuer groups are complex and based on multiple factors, including deep-rooted inter-clan differences dating from far before December 2013.

¹ See UNMISS, Conflict in South Sudan: A Human Rights Report, 8 May 2014.

² It is unclear which party launched the shells. MONBATT forces reported that the mortar shells which landed nearby and inside the UNMISS compound were fired from an SPLA position at the airstrip.

13. The chain of command of Government forces in Unity State is mainly composed of persons of Nuer ethnicity and a high proportion of the rank and file soldiers are also of Nuer ethnicity. Nuer civilians residing outside of the UNMISS PoC site are therefore often perceived to be in support of the Government. On several occasions during the attacks described herein, alleged perpetrators reportedly referred to Nuer victims as Dinka, apparently to denote their perceived support for the Government.

IV. Reports of Attacks on Civilians

Bentiu Catholic Church

14. Witness testimony and observations by Human Rights Officers indicate that approximately 150 people, mainly women and children, had taken refuge in the Catholic Church in Dere, an area where Government forces had been stationed, when the fighting started on 29 October 2014. Between 1430 and 1700hrs, at least four groups of SPLA/IO forces came to the Church. The forces were identified as SPLA/IO by witnesses in light of the direction of their arrival, the withdrawal of Government forces and their advice to civilians to seek protection at the Church, and the fact that one group of fighters was accompanied by an opposition official who identified himself as such.

15. The first group arrived from the north-west (see Fig. 1, E1). These SPLA/IO fighters appeared to have swum across the River Nam from Jezira Island, as some fighters were in wet underwear and/or had trousers around their necks.³ Upon their arrival, they entered the Church, greeted the civilians, assured them not to worry, and left.

16. A second group approached the Church from the west and south-west directions (see Fig. 1, E2 and E3). They also greeted the civilians. The fighters asked if Government forces were around and if anyone in the Church was an SPLA soldier. When told that there were only civilians in the Church, they left.

17. A third group, of at least two dozen fighters, then arrived from the west (see Fig. 1, E2). Witnesses reported that they looked angry and agitated. One witness reported that the fighters asked if the people in the Church were Nuer or Dinka – the latter term denoting, in this context, Nuer who support the Government – and were told that everyone inside was Nuer.

18. The fighters started beating the civilians in the Church with sticks, telling everyone to stand up. They apparently recognized some of the civilians. According to one witness, they asked some men why they had left the UNMISS PoC site to come and stay with “Dinka” (again, referring to the mainly Nuer Government forces). An SPLA/IO fighter who apparently commanded the group of fighters accused the civilians of supporting the “Dinka”.

19. Between 1600 and 1630hrs, the fighters selected at least 15 male civilians and told them to sit on one side of the Church, near a stack of seats (see Fig. 1, P1). The group of men were taken out of the Church, although one man managed to hide under the seats. The group included one boy between 15 and

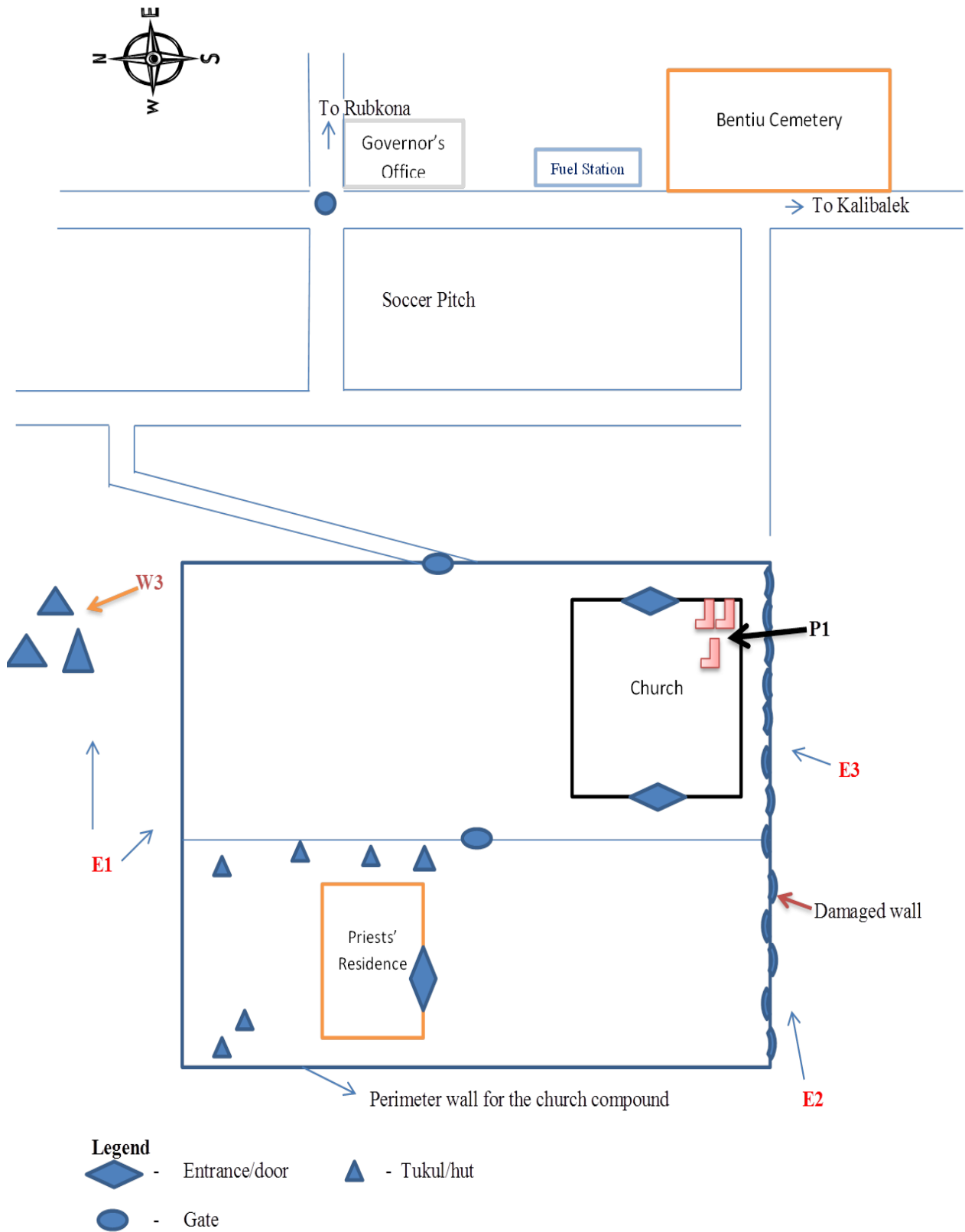
³ The River Nam flows to the north, north-west, and west of the Catholic Church compound, approximately 900 meters from the Church.

17 years old. At least half a dozen men were left behind in the Church together with the women and children.⁴

20. After the men were taken from the Church, as discussed further below, a fourth group of SPLA/IO fighters arrived at around 1700hrs. These fighters beat the people in the Church and referred to them as “Dinkas”. One fighter threatened to kill them. At that point, a Government tank, reinforced by soldiers in trucks mounted with machine guns, approached the Church, causing the SPLA/IO fighters to flee. One SPLA/IO fighter was shot and killed. In a visit to the Church on 17 November 2014, Human Rights Officers saw remains in a military uniform approximately 200 meters from the Church.

⁴ The men left behind in the Church ranged in age between approximately 48 and 70 years old.

Fig. 1: The Catholic Church in Dere



March to Bentiu Cemetery

21. After the 14 men were taken from the Catholic Church by SPLA/IO fighters, they moved east, surrounded by fighters. The group walked to the cemetery, making three stops along the way.⁵ The SPLA/IO fighters informed the men that they were being taken to their commander.

22. The group first stopped near a school, approximately 350 meters from the Catholic Church (see Fig. 2, S1). Three men were released at this point, for unknown reasons, although they had been asked by the fighters where they came from and about their occupations in Bentiu. These three men returned to the Church.

23. The remaining 11 men were then tied together using their shirts, and told to hold on to each other's shoulders. They resumed walking, stopping after about 250 meters, where they were ransacked for money and other valuables (see Fig. 2, S2). After a further 300 meters, at the corner of a soccer pitch and a road, one witness reported that a boy between 15 and 17 years old was shot in the chest and killed (see Fig. 2, S3). The reasons for this killing are unknown.

24. The remaining 10 men were taken to a road that borders the Bentiu cemetery to the east. Between 1630 and 1700hrs, the group met an alleged SPLA/IO local official, who was also reported to be one of the commanders of the SPLA/IO operation (see Fig. 2, S4). This official asked one of the fighters where they were taking the 10 civilians. The fighter reportedly replied that the civilians were being brought to the official, implying that they had been brought to him as the commander to make a determination regarding their fate.

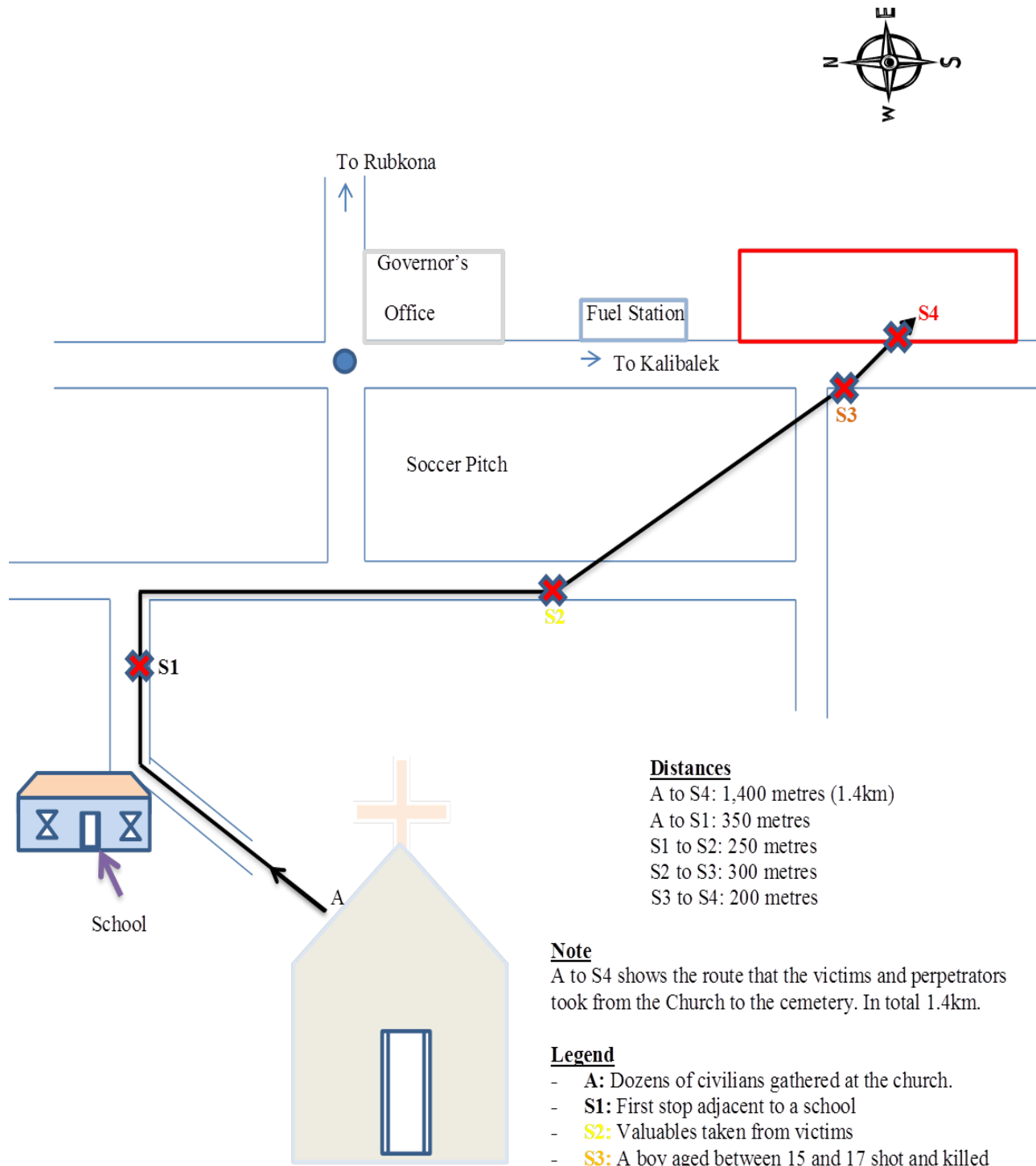
25. One witness indicated that the official replied: "I don't want to see the faces of or talk to Dinka". The SPLA/IO fighters then reportedly started shooting at the group of civilians. Another witness stated that, before the shooting started, he heard an SPLA tank approaching and, at that point, the SPLA/IO fighters started shooting at the group of civilians.

26. Information indicates that seven men were killed and two men were injured in the shooting. One man was reportedly unhurt, as two victims fell on him, protecting him from the shooting. After the shooting, the man lay silent as Government forces approached and the SPLA/IO fighters fled. Shooting between the two forces ensued. At approximately 1900hrs, the man pushed off the dead bodies on top of him and walked into the bush. Along the way, he met two women and they walked toward the vicinity of Government forces.

27. The Human Rights Division visited the site of the alleged killing on 30 October and 5, 6, and 20 November 2014. On 30 October, Human Rights Officers observed three individual graves and three unburied bodies. The bodies were in civilian clothing and one body had characteristics consistent with a description of a victim given by several witnesses. On that day, people were at the scene burying bodies. When Human Rights Officers returned on 20 November 2014, an additional individual grave was observed, as well as the three unburied bodies. A list of the names of the victims is on file with the Human Rights Division.

⁵ Visits to the site by Human Rights Officers indicate that the distance between the Church and the Bentiu cemetery is 1.4 kilometers.

Fig. 2: Route Taken By the Victims and Perpetrators



Killing near Catholic Church

28. Several witnesses reported that two women and a six-month old baby were killed in their homes by SPLA/IO forces, about 200 meters away from the Church (see Fig. 1, W3). One witness suggested that the fourth group of SPLA/IO fighters who came to the Catholic Church may have been the perpetrators, as he heard shooting from the south or south-west of the Church, and later learned that two women were killed in that area.

29. The SPLA/IO fighters reportedly accused the two women of supporting the “Dinka”, and asked the women where their husbands were. There is some information to indicate that the SPLA/IO fighters suspected the women’s husbands to belong to the SPLA, but this has not been confirmed. A witness indicated that one of the victims, a new mother, was dragged into her tukul⁶ and was subsequently shot twice in her genital area. The other woman was also shot, outside of her tukul.

30. On 30 October 2014, when visiting the scene of the incident, Human Rights Officers were shown two fresh graves where the victims were reportedly buried.

31. During a visit to Nhialdiu on 24 November 2014, local authorities affiliated with opposition forces denied allegations that SPLA/IO forces had targeted any civilians in any location in Bentiu. The authorities said that civilians may have been caught in the cross-fire, which was unintended and regrettable.

Conflict-Related Sexual Violence

32. During the brief period of SPLA/IO occupation of Bentiu on 29 October 2014, their areas of control included the Governor’s residence in Dere as well as his office. Many civilians, particularly women and children, considered these areas to be safe due to the large presence of SPLA soldiers to protect state officials.

33. The Human Rights Division has received multiple testimonies indicating that women from these areas were the victims of abduction and rape by SPLA/IO forces after Government forces withdrew. State officials allege that at least 20 women were abducted from Souq sabi, Dere, and Lich University and taken to Guit and Nhialdiu. These women were reportedly forced to carry wounded SPLA/IO fighters or were told that they were being taken to their husbands. One witness reported that they were beaten or stripped naked for being in Bentiu town instead of being in the UNMISS PoC site; some were accused of being wives of “Dinkas” (denoting Nuer Government soldiers).

34. One witness reported that as women were being taken out of Bentiu, some were reportedly picked from the group by SPLA/IO fighters and taken into the bush, where they may have been sexually assaulted. Some women reportedly escaped, while others were released by the SPLA/IO after having carried wounded fighters to Nhialdiu. Another survivor described how on the way to Guit, some women were forced to have sex with multiple armed elements at night, otherwise they would have been killed. It took three days and two nights for this group to reach Guit. Alleged perpetrators were identified as Nuer elements coming from the Nassir area due to their accent. The names of 14 alleged victims of abductions are on file with the Human Rights Division.

⁶ A tukul is a small, thatched hut (usually made of mud walls). It is a single-family dwelling.

35. During a visit to Nhialdiu on 24 November 2014, local authorities affiliated with opposition forces stated to Human Rights Officers that no women had been taken against their will from Bentiu but had left willingly to join their husbands who were members of opposition forces, and had only been in Bentiu with Government forces because they were vulnerable, having been living in the UNMISS PoC site with no financial support.

V. Conclusion

36. Information gathered by the Human Rights Division in the course of its investigation appears to indicate that SPLA/IO forces committed gross human rights abuses and serious violations of international humanitarian law which may amount to war crimes, including the killing of persons who were taking no active part in the hostilities, summary executions, intentionally directing attacks against civilians, and conflict-related sexual violence.

37. As noted above, these acts fit into a disturbing trend in which civilians have become targets. Women and children have not been spared and safe havens such as places of worship and UNMISS PoC sites have not been respected. There is little hope that such attacks will cease, unless the parties to the conflict end hostilities and begin to take accountability seriously. Credible accountability mechanisms must urgently be put in place to put an end to the environment of total impunity which currently governs South Sudan.