



# **No One to Intervene**

## **Gaps in Civilian Protection in Southern Sudan**

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## Map of Jonglei State



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## Recommendations

### To the Government of Southern Sudan (GoSS)

- Increase police recruitment, improve training, and speed up deployment throughout Southern Sudan, adjusting existing plans so as to prioritize areas that are particularly volatile.
- Until there is full deployment of the police, ensure that sufficient numbers of trained and equipped Sudan People's Liberation Army (SPLA) soldiers are deployed to areas that are prone to conflict, and that they are trained in methods of protecting civilians from conflict by *inter alia*, establishing buffer zones and rural security posts. Ensure that forces are ethnically mixed as appropriate to the context of their deployment.
- Ensure SPLA soldiers who are deployed to perform policing functions are trained in basic elements of policing and in human rights principles and are held accountable if they violate these.
- Ensure deployment of trained and equipped legal and judicial authorities as widely as possible throughout Southern Sudan, adjusting existing development plans so as to prioritize areas affected by high levels of conflict, possibly through mobile courts.
- Ensure senior community and government leaders pro-actively engage communities to address conflict and reduce the risk of human rights violations.
- Ensure that authorities planning and executing civilian disarmament campaigns adopt procedures that uphold international human rights standards, including being held accountable if violations of human rights, including the right to life, take place.

### To the United Nations Mission in Sudan (UNMIS)

- UNMIS should take all necessary steps, such as revising military directives, to make operational the mission's mandated civilian protection role. It should clearly define the mission's protection policy, identifying a range of possible interventions, and communicate the policy within the mission to national and regional government counterparts and to local communities.
- UNMIS should allocate assets so as to increase its ability to respond quickly to violence. It should increase its presence in areas likely to experience violence, including intercommunal fighting and violence related to the Comprehensive Peace Agreement (CPA) elections and referendum processes.
- UN police training programs should be measured for impact, and include law enforcement methods appropriate to cattle-raiding and other communal violence.

- UNMIS and the Office of the United Nations High Commissioner for Human Rights (OHCHR) should deploy additional human rights officers across Southern Sudan and ensure human rights officers have the means to investigate reports of large-scale crime and the state's responses, and offer recommendations to improve civilian protection.

## **To International Donors**

- International donors should support the GoSS to recruit, train, and deploy police beyond existing levels, prioritizing potential volatile areas.
- Donors should ensure training programs for SPLA soldiers and address methods of civilian protection, including in the context of intercommunal violence.
- Donors should ensure that elections support includes programs to support rule of law and protection of civilians in the lead up to elections and referendum.
- Donors should press the GoSS authorities involved in civilian disarmament campaigns to adopt procedures that uphold human rights.
- In addition to longer-term support for comprehensive justice sector development, donors should in the short-term support the GoSS in ensuring accountability for large-scale intercommunal violence in remote areas.

## Summary

In the most deadly spate of intercommunal violence since the end of the 21-year civil war in 2005, more than 1,000 men, women, and children were killed in attacks in Jonglei state in Southern Sudan in March and April 2009. The attacks starkly demonstrate the failure of both the Government of Southern Sudan (GoSS) and the United Nations Mission in Sudan (UNMIS) to protect civilians from violence, in particular from intercommunal violence that appears to be intensifying.

The recent surge in violence prompted UN officials to observe that in 2009 so far the death toll in Southern Sudan has been higher than in Darfur and to warn of its potential impact on elections scheduled in February 2010 and the referendum on southern self-determination in 2011.<sup>1</sup> Both are politically contentious milestones in the 2005 Comprehensive Peace Agreement (CPA) between the National Congress Party-led Government of Sudan and the Southern People's Liberation Army/Movement that could fuel local and national tensions and lead to further violence and human rights violations.

This report, based on Human Rights Watch's research in Southern Sudan in March and April 2009, documents the fighting in Jonglei between two ethnic groups and the failure of both the GoSS and UNMIS to protect civilians. Gaps in civilian protection are not unique to Jonglei. In Upper Nile state, 72 civilians, mostly women and children, were killed in May 2009.<sup>2</sup> In Central and Western Equatoria, civilians received little or no protection from Lord's Resistance Army rebels from Uganda, who continued to attack and kill southerners with impunity in 2009,<sup>3</sup> while civilians in Malakal received little protection from abuses by soldiers in the Sudan Armed Forces and Sudan People's Liberation Army (SPLA) who killed more than 30 civilians during and after military clashes in February 2009.<sup>4</sup>

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<sup>1</sup> Skye Wheeler, "UN: South Sudan Violence More Deadly than Darfur," Reuters, June 1, 2009, <http://www.alertnet.org/thenews/newsdesk/L1405220.htm> (accessed June 15, 2009).

<sup>2</sup> Skye Wheeler, "Up to 49 killed in South Sudan tribal violence," Reuters, May 11, 2009, <http://www.alertnet.org/thenews/newsdesk/LB625070.htm> (accessed June 15, 2009). UN staff confirmed to Human Rights Watch by e-mail on June 4 that the death toll increased to more than 72.

<sup>3</sup> United Nations Security Council, "Report of the Secretary General on the Sudan," S/2009/211, para. 68, April 17, 2009, <http://daccessdds.un.org/doc/UNDOC/GEN/No9/299/93/PDF/No929993.pdf?OpenElement> (accessed June 15, 2009).

<sup>4</sup> Human Rights Watch news release, "Sudan: Prevent Recurrence of Fighting in Southern Town," May 21, 2009, <http://www.hrw.org/en/news/2009/05/21/sudan-prevent-recurrence-violence-southern-town> (accessed June 15, 2009).

In this increasingly violent environment the GoSS lacks the tools to protect civilians.<sup>5</sup> The Southern Sudanese Police Service (SSPS) is not sufficiently deployed and lacks training and equipment to intervene in large-scale armed conflict. The SPLA, though more robustly deployed than police, is also untrained to handle the violence and appears to have adopted a policy of not intervening in intercommunal fighting. UNMIS—mandated to monitor the CPA’s ceasefire provisions and protect civilians—has only just begun to act on its civilian protection mandate some four years after its deployment.

The GoSS should immediately take steps to improve security and protect civilians from violence, including intercommunal fighting, by recruiting, training, and deploying more police especially to potential hotspots, and by training soldiers to protect civilians through targeted interventions and taking on other civilian policing functions when necessary.

A high-level conference on the implementation of the CPA, hosted by the Office of the US Special Envoy for Sudan on June 23, 2009, provides all stakeholders with the opportunity to address gaps in human rights and civilian protection for southerners. The UN and international donors should pledge to support GoSS efforts to improve security and civilian protection, and press UNMIS to increase its protection activities including patrolling and other preventive engagement in all potential conflict areas in Southern Sudan.

Research for this report included interviews with more than 50 victims and witnesses of attacks on Pibor county, dozens of officials in the Government of Southern Sudan and in the Jonglei state government, and staff of UN and other international organizations that work in Jonglei.

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<sup>5</sup> Human Rights Watch report, *“There is No Protection”: Insecurity and Human Rights in Southern Sudan*, ISBN: 1-56432-436-2, February 12, 2009, <http://www.hrw.org/en/reports/2009/02/12/there-no-protection-o> (accessed June 15, 2009).



## Inter-ethnic Fighting in Jonglei in March and April 2009

Jonglei is Southern Sudan's largest state, and among its least accessible, with vast swamplands and a lack of infrastructure. The state is home to several ethnic groups, including the Bor Dinka, the Lou Nuer, and Murle who populate adjacent territories. These groups have long been locked in conflict over serious cattle-raiding and other crimes for decades.

From March 5 to 12, 2009, thousands of armed members of the Lou Nuer ethnic group attacked 17 Murle settlements in Pibor county, killing 453 men, women, and children and abducting more than 120 women and children, according to UN and local authorities. On April 18 hundreds of armed members of the Murle ethnic group counter-attacked 13 settlements in Akobo county, burning villages, killing more than 250 people, and abducting more than 30 children.<sup>6</sup> Together, the attacks caused an estimated 26,000 civilians to flee their homes to Pibor and Akobo towns. Most of the civilians still remain displaced and revenge attacks and cattle-raiding between the two communities continues.<sup>7</sup>

### Attack on Pibor County, March 5-12

Starting on March 5 thousands of armed Lou Nuer civilians from Akobo, Wuror, and Nyirol counties launched a series of attacks on 17 Murle settlements in Pibor county.<sup>8</sup> Lou Nuer youth leaders told Human Rights Watch that they coordinated the attacks communicating by word of mouth with others in their age sets.<sup>9</sup> Other participants, including cattle-keepers and the elderly, told Human Rights Watch they decided to join in the attack when they heard the youth were planning it.<sup>10</sup>

On the date planned for the attack, Lou Nuer community members gathered at agreed locations in each county and formed up in lines of attack according to family or sub-clan. A

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<sup>6</sup> UNMIS unpublished weekly report dated April 26, 2009, on file with Human Rights Watch. See also the UN Office for the Coordination of Humanitarian Affairs' Humanitarian Action in Southern Sudan Report, Week 17, <http://ochaonline.un.org/sudan/SituationReports/SouthernSudanReports/tabid/3369/language/en-US/Default.aspx>.

<sup>7</sup> See Thon Philip Aleu, "27 people die in cattle rustling in Jonglei – officials," *Sudan Tribune*, May 21, 2009, <http://www.sudantribune.com/spip.php?article31229> (accessed June 12, 2009).

<sup>8</sup> Government of Southern Sudan investigation committee, "Fact-finding committee report," March 20, 2009, on file with Human Rights Watch.

<sup>9</sup> Interviews with Lou Nuer detainees who participated in the attack on Likwongole, Bor town, April 8, 2009. Age sets, or groupings by age, are an organizing structure in many Southern Sudanese communities.

<sup>10</sup> Ibid.

26-year-old man from Nyirol county told Human Rights Watch that 300 attackers gathered at one location, forming seven lines, while a 50-year-old man from Wuror county told Human Rights Watch “millions” from all three counties convened at the gathering point he went to.

The attackers then proceeded in the direction of Likwongole, stealing cattle and clashing with Murle civilians in settlements along the way.<sup>11</sup> The Lou Nuer attackers used spears and automatic weapons including AK-47s, machine guns, and rocket-propelled grenades, which have only recently begun to feature in intercommunal fighting.<sup>12</sup> On March 8 a group of the attackers reached the town of Likwongole, where they looted livestock and destroyed property including the hospital, shops, *payam* administration offices,<sup>13</sup> and NGO offices.

The attackers also abducted approximately 120 Murle women and children, many of whom were located by local authorities but have yet to be returned.<sup>14</sup> The abduction of children has long been associated with the Murle ethnic group, but other ethnic groups also employ the practice in Jonglei.<sup>15</sup> According to witnesses interviewed by Human Rights Watch, Murle residents took up arms to defend the town against the attackers and clashed with the attackers at a water point and in town.<sup>16</sup>

A delegation of UN and local officials that visited the attack site after the attack in mid-March found 42 dead bodies on the ground in and around Likwongole town.<sup>17</sup> The bodies included men in police and military uniforms, prompting some Murle leaders to claim that Lou Nuer members of the SPLA participated in the conflict.<sup>18</sup>

A GoSS fact-finding committee composed of 36 regional and Jonglei state officials visited Pibor county following the attack and found that 453 Murle civilians had been killed, the majority in small remote settlements that are not accessible by road, while 6,000 civilians were displaced to Pibor town.<sup>19</sup>

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<sup>11</sup> Participants in the attack told Human Rights Watch they battled Murle armed civilians at the villages of Kunkun, Biem, and Nyargeni. Interviews with attack participants, Bor, April 8, 2009.

<sup>12</sup> Interview with UNMIS staff, Juba, March 13, 2009.

<sup>13</sup> In Southern Sudan, *payams* are the administrative units that sub-divide counties within each state.

<sup>14</sup> UNICEF unpublished report, received March 26, 2009, on file with Human Rights Watch.

<sup>15</sup> Interviews with UNICEF, Pact Sudan and UNDP staff (names withheld), Juba, March 25-27, 2009.

<sup>16</sup> Interview with group of victims of attack on Likwongole, Bor, April 8, 2009.

<sup>17</sup> Interview with UNMIS staff, Bor, April 7, 2009, and unpublished UNMIS briefing paper on file with Human Rights Watch.

<sup>18</sup> Murle and Lou Nuer groups have often accused one another of using soldiers and police from their ethnic groups to participate in communal fighting.

<sup>19</sup> “Fact-finding committee report,” March 20, 2009, on file with Human Rights Watch.

In addition, Jonglei state authorities estimated that an additional 240 Lou Nuer attackers died, many from spear wounds, thirst, or fatigue on the three-day walk from their villages to attack Pibor county.<sup>20</sup> The casualty figures in the attacks have not been independently confirmed by the United Nations, in large part because of the difficulty in accessing these remote areas.

## Motivations for the Pibor Attack

According to Lou Nuer participants in the attack interviewed by Human Rights Watch, the primary motivation for the attack on Pibor was revenge for Murle attacks in late January 2009 in which armed Murle men killed scores of Lou Nuer civilians, abducted children, and looted thousands of cattle in attacks on villages in Akobo county.<sup>21</sup> Lou Nuer leaders in Jonglei and Juba explained that those attacks had violated assurances made by Murle leader Sultan Ismail Kony (who serves as a presidential adviser on peace and security in the GoSS) in December 2008 that Murle would no longer attack Lou Nuer villages.<sup>22</sup>

“Our cattle were raided by Murle who killed our children and women and abducted our children. We were fed up. Even though my hair is white I attacked them back,” explained one man from Wuror county detained in Bor with 39 others.<sup>23</sup> The sole female Lou Nuer participant in the Pibor attack interviewed by Human Rights Watch, said that she joined in the attack because Murle had killed or abducted her husband and children and took her *durra* [grain] and, “I have no more reason to live.”

The attacks are not the first examples of armed communities targeting women and children in revenge for past crimes, but their scale and severity shocked many.<sup>24</sup> As one long-term Jonglei observer said of the fighting, “this is the culmination of continuous irritation. The two sides are hardened and dehumanizing each other.”<sup>25</sup>

A combination of factors, including the legacy of a long civil war, proliferation of small arms, and absence of security or justice institutions in the South help explain the escalation of

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<sup>20</sup> Interview with deputy governor of Jonglei state, Hussein Mar Nyout, Bor, April 7, 2009.

<sup>21</sup> Interview with group of Lou Nuer detainees, Bor, April 8, 2009. The group of 40 told Human Rights Watch they had turned themselves in to the SPLA barracks near Likwongole because they were hungry and thirsty.

<sup>22</sup> Lou Nuer Community Peace Council press release dated February 1, 2009. Murle community members told Human Rights Watch the January attack was in retaliation for a previous Lou Nuer attack in October 2007 on Nyerenge village.

<sup>23</sup> Interview with a group of detainees, Bor, April 8, 2009.

<sup>24</sup> Reports of an October 2007 attack on the Murle village of Nyaregeny, for example, describe a similar pattern of targeting women and children. Assessment by Pact Sudan, on file with Human Rights Watch.

<sup>25</sup> Interview with UNDP staff (name withheld), Juba, March 27, 2009.

fighting. Jonglei state, like most of Southern Sudan, remains severely underdeveloped and justice institutions are largely absent outside the capital town of Bor, with too few police to maintain law and order. Many government officials interviewed by Human Rights Watch pointed to the proliferation of arms in civilian hands. “There are too many weapons in civilian hands. The tribes are killing themselves,” said one Lou Nuer leader.<sup>26</sup>

Many southerners also blame northern forces for supplying weapons to southern groups in a strategy to destabilize the South and disrupt the CPA.<sup>27</sup> During the two-decade civil war, both the Murle and Lou Nuer communities received support from northern Sudan Alliance Forces (SAF) at different times.<sup>28</sup> The Sudanese government’s support for southern militia groups was part of its notorious “divide and rule” strategy. Although both Lou Nuer and Murle groups have denied receiving external support in the recent attacks, the widespread perception by southerners that the Khartoum government is assisting southern groups to fight among themselves is by itself damaging, breeding mistrust and divisions nationally and within the South.

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<sup>26</sup> HRW interview with Lou Nuer leader, Hon. Gabriel Yoal Dok, Juba, March 28, 2009.

<sup>27</sup> GoSS President Salva Kiir has frequently attributed violence to “enemies of peace,” a term that is commonly understood to mean those who oppose Southern Sudanese secession.

<sup>28</sup> The Nuer youth “white army,” a protection force, received support both from northern forces and the SPLA. Murle groups also formed militias and were at times supported by the SAF. See John Young, *The South Sudan Defence Forces in the Wake of the Juba Declaration*, Small Arms Survey, ISBN: 2-8288-0077-6, November 2006, [http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\\_pdf/SWP%201%20SSDF.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SWP%201%20SSDF.pdf) (accessed June 15, 2009); and Richard Garfield, *Violence and Victimization after Civilian Disarmament: The Case of Jonglei*, Small Arms Survey, ISBN: 2-8288-0091-1, December 2007, [http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\\_pdf/SWP%201%20Jonglei%20violence.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SWP%201%20Jonglei%20violence.pdf) (accessed June 15, 2009).

## Failure to Protect Civilians

Intercommunal fighting is a form of criminal activity that the state has a responsibility to prevent and punish. More generally, the state has a responsibility to protect civilians from violence, and to ensure accountability for crimes committed and compensation to victims.<sup>29</sup> After decades of war and underdevelopment, in many parts of Southern Sudan this is a huge challenge.

Human Rights Watch found that the local, state, and regional GoSS authorities knew a conflict was brewing. As early as February 1, 2009, Lou Nuer leaders publicly threatened they would attack if the authorities did not disarm the Murle, whom they described as “the primary cause of insecurity in Jonglei state.”<sup>30</sup> In early March Lou Nuer youth sent a warning message to Murle youth, who in turn informed the Pibor commissioner and state authorities.<sup>31</sup> The commissioner of Wuror county told Human Rights Watch he also informed state authorities that armed Lou Nuer youth had mobilized, and requested more police support but received no answer.<sup>32</sup> Police authorities in Bor told Human Rights Watch they received notice of the attack four days before it occurred.<sup>33</sup>

GoSS and state-level authorities did not take steps to prevent the conflict or protect civilians. High-level political and community leaders did not visit the communities to calm tensions, or take other steps that could have prevented the conflict. The police were insufficient to address the conflict. Their presence in locations outside of Bor is minimal, with only 50 police in some counties and fewer than 10 police officers in Likwongole *payam* at the time of the attack.<sup>34</sup>

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<sup>29</sup> These fundamental human rights are guaranteed in Sudan’s national and southern interim constitutions, the 2005 Comprehensive Peace Agreement, and the human rights treaties Sudan has ratified including the International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976 and the African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986.

<sup>30</sup> Lou Community Peace Council press release, February 1, 2009.

<sup>31</sup> Interviews with Murle youth, Juba, March 15, 26, and 27, 2009.

<sup>32</sup> Interview with Commissioner Galwak Rieth, Yuai, April 3, 2009.

<sup>33</sup> Interview with public security director of police, Bor, April 9, 2009.

<sup>34</sup> Interview with Murle witnesses to Likwongole attack, Juba, March 15, 2009.

The Southern Sudan Police Service (SSPS) is to comprise 33,000 police with 3,000 per state, regardless of population.<sup>35</sup> Jonglei has an estimated population of 1.3 million.<sup>36</sup> SSPS deployment is patchy, however, and police need better equipment, transportation, and training in methods for enforcing law in the context of cattle-raiding communities.<sup>37</sup>

The SPLA, an over-sized military that the GoSS is trying to downsize in line with CPA requirements, is more numerous in Jonglei in part because the GoSS deployed them to prepare for a previous disarmament campaign. Hundreds of soldiers now man several bases at locations close to where the fighting occurred in March and April. However, during both the attack and counter-attack, SPLA authorities instructed the commanders not to intervene.<sup>38</sup> “There was no SPLA protection,” recalled one Murle witness to the attack on Likwongole.<sup>39</sup> Lou Nuer witnesses and victims of the attack on Likwongole described how the SPLA provided them with shelter but did not intervene to stop the attacks.<sup>40</sup> The commander in Akobo reportedly received similar instructions when armed Murle counter-attacked in April.<sup>41</sup>

GoSS and state authorities told Human Rights Watch the SPLA have standing orders to not intervene, arguing that the armed civilians would have out-numbered and out-gunned the soldiers.<sup>42</sup> Indeed, SPLA soldiers have come into conflict with armed civilians on many occasions. In June soldiers came under heavy attack from armed Nuer groups in Upper Nile resulting in more than 40 deaths.<sup>43</sup> Authorities also speculated the Lou Nuer soldiers, among the ranks of the SPLA in Likwongole, would have joined the attackers based on their

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<sup>35</sup> E-mail communications with UN Police Adviser (name withheld), June 15, 2009.

<sup>36</sup> The fifth population census, conducted in 2008, found Jonglei’s population to be 1,358,602. The Government of Southern Sudan has objected to the census results.

<sup>37</sup> These methods could include, for example, cattle registration. A shortcoming of existing UN police training programs is the lack of indicators to measure the success of existing programs. Human Rights Watch e-mail communication with UN police adviser (name withheld), June 15, 2009.

<sup>38</sup> “Fact finding committee report,” March 20, 2009. Also, interviews with UN staff, Juba, March 25, 26, and 30 and in Bor, April 7, 2009.

<sup>39</sup> Interview with Murle witnesses to the Likwongole attack, Juba, March 15, 2009.

<sup>40</sup> SPLA soldiers gave refuge to a group of Murle civilians and several hundred Lou Nuer civilians who had been living in Likwongole for over a decade and feared they would be targeted by Murle gunmen based on their ethnicity. Interview with Lou Nuer former residents of Likwongole, Bor town, April 8, 2009.

<sup>41</sup> Telephone interview with Jonglei state peace adviser, John Jok Chol, May 22, 2009.

<sup>42</sup> Interview with Jonglei deputy governor, Hussein Mar Nyout, Bor, April 7, 2009. SPLA sources (names withheld) told Human Rights Watch the SPLA does not intervene in civilian affairs.

<sup>43</sup> “Armed tribesmen clash with SPLA after attack on relief barges,” *Sudan Tribune*, June 14, 2009, <http://www.sudantribune.com/spip.php?article31495> (accessed June 15, 2009).

ethnicity had they been allowed to intervene.<sup>44</sup> The SPLA forces in Likwongole and Pibor are majority Nuer and Dinka, both of which have had a historically difficult relationship with the Murle. The GoSS fact-finding committee reported that some Lou Nuer soldiers did participate in the looting of Likwongole.<sup>45</sup>

Notwithstanding these reasons for non-intervention, there are many examples in which the SPLA did deploy soldiers to address intercommunal fighting.<sup>46</sup> The SPLA routinely deploys soldiers to perform law and order functions where police are insufficient to do the job in many parts of Southern Sudan.<sup>47</sup>

The GoSS's policy response to these intercommunal conflicts has been to focus on disarming civilian populations. President Salva Kiir announced in May that the GoSS intends to conduct a region-wide disarmament campaign to stop intercommunal killing.<sup>48</sup> Forcible disarmament has in the past led to more violence and human rights abuses, notably in Jonglei, in 2006, when an SPLA-led disarmament campaign brought soldiers and "white army" militia into conflict, killing an estimated 1,600 people while recouping only twice as many weapons.<sup>49</sup> GoSS authorities told Human Rights Watch they are currently planning a peaceful process in consultation with local communities but details have yet to be announced.<sup>50</sup>

However, disarmament alone does not address all causes of violence. Intervention by political and community leaders is key. GoSS and Jonglei state authorities did not intervene before the conflict to calm tensions despite being warned of the likelihood of violence. It was only after the April counter-attack on Akobo that UNMIS, GoSS, and state authorities significantly increased visits to promote peacebuilding between the communities. As of June the Southern Sudan Peace Commission and state authorities were working with UN and

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<sup>44</sup> Interviews with Jonglei deputy governor, Bor, April 7, 2009 and GoSS minister of energy and mining, Juba, April 3, 2009.

<sup>45</sup> "Fact-finding committee report," March 20, 2009.

<sup>46</sup> Human Rights Watch, *There is No Protection*, pp. 22-24.

<sup>47</sup> Although primary law enforcement authority lies with civilian police, applicable law provides limited authority for the armed forces to engage in law enforcement activities. The Interim Constitution of Southern Sudan, Art. 154(c) provides that civil authorities may request armed forces to maintain internal law and order functions where necessity requires. Section 9 of the 2009 SPLA act defines the role of soldiers to include assisting in providing law and order. The Criminal Procedure Act of 2008, arts. 163-165, allow soldiers to make arrests in some circumstances.

<sup>48</sup> Skye Wheeler, "South Sudan to disarm civilians to end tribe clashes," Reuters, May 26, 2009, <http://www.alertnet.org/thenews/newsdesk/HEA659185.htm> (accessed June 16, 2009).

<sup>49</sup> Richard Garfield, *Violence and Victimization*, December 2007, p. 17.

<sup>50</sup> Telephone interview with Hon. Ezekiel Lol Gatkuoth, June 12, 2009.

international agencies and traditional authorities toward a peace conference and on the return of abducted persons.<sup>51</sup>

While these efforts are critical, Jonglei peace conferences in the past have not been sufficient to end the cycle of cattle-raiding and other violence between the communities. The near total absence of accountability is another important factor perpetuating the violence. To date, possibly preoccupied with plans for a peace conference, GoSS and state authorities have not taken steps to legally prosecute any individual members of the communities for organizing and carrying out the March and April attacks. In spite of the lack of judicial institutions in the affected areas, GoSS authorities could, for example, dispatch judicial personnel to work with local police and traditional authorities.

### **Role of the United Nations Mission in Sudan**

UNMIS, a UN peacekeeping force deployed to Sudan in 2005, is mandated to monitor the CPA and protect “within its capabilities” civilians who are “under imminent threat of physical violence.”<sup>52</sup> However, to date, UNMIS has primarily focused on its “good offices” and CPA monitoring functions. As of June 2009 the mission was still in the process of defining its civilian protection activities.

UNMIS staff knew about the conflict between Lou Nuer and Murle in the months and weeks prior to the March and April violence, but did not foresee the scale and severity.<sup>53</sup> With their base in Bor more than 150 kilometers from the attack sites, they were not present in the communities. UNMIS increased its engagement by visiting locations in Lou Nuer and Murle territories several times following the March attack. However, these visits were not sustained or frequent enough to prevent the April counter-attack by Murle on Akobo county, or to investigate the effects of the violence in Pibor county. UNMIS did not use its air assets to visit the dozens of other attack sites in Pibor county that are inaccessible by road. The death toll of 453, reported by local authorities, therefore remains unconfirmed by the UN.

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<sup>51</sup> Human Rights Watch telephone interview with Jonglei peace adviser, John Jok Chol, May 22, 2009, and updated by e-mail communications with staff of Pact Sudan, June 11, 2009.

<sup>52</sup> United Nations Security Council Resolution 1590 (2005), S/Res/1590 (2005), March 24, 2005, art. 16(i), <http://www.unmis.org/english/documents/resolutions/res1590.pdf> (accessed June 16, 2009).

<sup>53</sup> Interview with UN staff (name withheld), Juba, March 25, 2009.



UNMIS' response following the April counter-attack on Akobo county was more pro-active. It deployed some 120 civilian and military staff to temporary team sites at Pibor and Akobo.<sup>54</sup> This higher level of engagement is critical for UNMIS to protect civilians, as it is mandated to do. Its protection activities could include, for example, support to mediation, provision of safe havens, and helping the GoSS and local counterparts establish rule of law.<sup>55</sup> In Pibor, the UNMIS presence helped prevent escalation of a clash between armed Murle youth and SPLA soldiers, sparked by an argument over fishing on May 19.<sup>56</sup>

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<sup>54</sup> UNMIS press release, "120 UNMIS personnel will be deployed to Jonglei State," May 13, 2009, <http://www.unmis.org/english/2009Docs/PR-13May.pdf> (accessed June 15, 2009).

<sup>55</sup> UNDP is helping to build new police posts in Jonglei as part of an overall stabilization plan for the state.

<sup>56</sup> UNMIS provided critical assistance to local authorities in reconciliation efforts that prevented an escalation of violence. Human Rights Watch e-mail communication with UNMIS staff (name withheld) May 25, 2009 and telephone interview with UNMIS staff (name withheld), June 16, 2009.

## **Impact on Comprehensive Peace Agreement Implementation**

Large-scale communal violence involves human rights violations; it also interferes in CPA implementation, retarding development and democratic transformation as envisioned in the agreement. Insecurity also undermines the political rights of southerners to the extent it restricts freedom of movement and prevents civilians from meaningful participation in the CPA-mandated elections and referendum.

UN and international donors as CPA stakeholders should tailor their support to improve security and human rights. They should increase support for the Southern Sudan Police Service and help it to deploy more widely and in potentially volatile areas. UN and donors should also press the Sudan People's Liberation Army to train soldiers in methods of civilian protection to the extent they are deployed in the absence of police.

The United Nations Mission in Sudan should urgently step up its protection activities, especially in volatile areas, and increase its capacity to react rapidly to violence and investigate large-scale crimes. The UN and donors should also ensure that any steps to prevent conflict that could lead to further violence, such as civilian disarmament campaigns, are planned carefully and uphold human rights.