

WORSENING RISK OF MASS ATROCITIES IN SOUTH SUDAN

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UNITED STATES
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SIMON-SKJODT CENTER
FOR THE PREVENTION OF GENOCIDE

THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM teaches that the Holocaust was preventable and that by heeding warning signs and taking early action, individuals and governments can save lives. With this knowledge, the **Simon-Skjodt Center for the Prevention of Genocide** works to do for the victims of genocide today what the world failed to do for the Jews of Europe in the 1930s and 1940s. The mandate of the Simon-Skjodt Center is to alert the United States' national conscience, influence policy makers, and stimulate worldwide action to prevent and work to halt acts of genocide or related crimes against humanity, and advance justice and accountability. Learn more at ushmm.org/genocide-prevention.

Sarah McIntosh is the former Policy and International Justice Manager for the Ferencz International Justice Initiative at the Simon-Skjodt Center for the Prevention of Genocide.

Naomi Kikoler is the Director of the Simon-Skjodt Center for the Prevention of Genocide.

Cover: A SPLA-In Opposition soldier walks with his weapon through the elephant grass in rebel-held Magwi county of South Sudan's Eastern Equatoria state in August 2017.
Jason Patinkin for US Holocaust Memorial Museum.

List of Acronyms

HCSS	Hybrid Court of South Sudan
NAS	National Salvation Front
R-ARCSS	The Revitalized Agreement on the Resolution of the Conflict in South Sudan
SPLM/A-IO	Sudan People's Liberation Movement/Army In Opposition
SPLM/IO	Sudan People's Liberation Movement/In Opposition
SSPDF	South Sudan People's Defense Forces
SSUF	South Sudan Unified Front/Army
UNMISS	United Nations Mission in South Sudan



INTRODUCTION

The United States Holocaust Memorial Museum’s Simon-Skjodt Center for the Prevention of Genocide published a [report](#) in February 2022 detailing the immediate risk of mass atrocities facing South Sudanese civilians.¹ Since then, threats facing South Sudanese civilians have worsened and the government of South Sudan has failed to take action to mitigate these threats.² Attacks against civilians have continued, leading thousands of people to be killed, injured, or displaced. Experts told Simon-Skjodt Center staff that they feared the world’s youngest country would slip back into full scale war.

This stems from both the highly complex conflict dynamics throughout the country with different geographic regions experiencing unique forms of violence from distinct perpetrators as well as the South Sudanese government’s recent decision to delay for two years the deadline for implementing the peace agreement and for conducting national elections. Their actions suggest that those most responsible for past abuses may intend to cling to power and evade justice for their actions. The need to take decisive preventative and protective action is urgent.

ONGOING INSTABILITY AND CONFLICT

Since publishing our report, instability and conflict have persisted and civilians have continued to experience mass atrocities in South Sudan. United Nations Mission in South Sudan (UNMISS) reporting found that a total of almost 850 people were killed in conflict-related violence and close to 185 people were subject to conflict-related sexual violence around the country in the first half of the year.³ UNMISS acknowledged that the number of victims of conflict-related sexual violence is likely much higher because the fear of stigma and other concerns discourage victims from reporting these crimes. Violence was particularly pronounced in Unity, Warrap, Jonglei, Upper Nile, and Eastern Equatoria states. Attacks on civilians decreased somewhat between July and September as compared to the spring,⁴ but renewed violence in the fall is raising alarms. In particular, a surge of violence in Upper Nile in late 2022 that has displaced over 20,000 people,⁵ some of whom share information about killings of civilians, is an area of growing concern.

UNMISS has attributed 31% of civilian casualties to community-based militias and self-defense groups and 62% to conventional parties to the conflict, including the South Sudan People's Defense Forces (SSPDF), Sudan People's Liberation Movement/Army In Opposition (SPLM/A-IO), and others.⁶ This shift in attribution is nearly the opposite as the attribution from the previous quarter.⁷ UNMISS also acknowledged that all parties to the conflict and local actors are arming proxy groups, which has "contributed to the progressive militarization of intercommunal violence."⁸ UNMISS has noted that local and national elites have instigated attacks, participated in planning attacks, and provided financial and logistical support and weapons and ammunition.⁹

Spotlight on Upper Nile State

Conflict in Upper Nile state is particularly concerning both due to its scale and the parties involved: the conflict is occurring between forces loyal to Vice President Riek Machar and forces loyal to President Kiir with allied militia. This conflict has killed hundreds of people and displaced approximately 44,000 civilians between February and May 2022,¹⁰ and displaced an additional 20,000 people between August and December 2022.¹¹ A UN report, which describes horrific acts of sexual violence as well as murder, pillaging, forced displacement, and attacks on humanitarian actors and facilities, attributes most of the abuses to government forces and its allied militia.¹² In August 2022, fresh bouts of fighting broke out in Tonga and Adidiang towns reportedly between Agwelek forces loyal to General Johnson Olonyi and forces loyal to Simon Gatwech in the new Kitgwang faction of the SPLM/A-IO.¹³ The Nuer White Army was reportedly also involved. The fighting displaced thousands of people and killed hundreds of civilians according to UNMISS.¹⁴ A resurgence of fighting in Upper Nile in the fall of 2022 has included attacks on civilians that led to even greater fatalities and displacement.¹⁵

Spotlight on Unity State

Government and opposition forces have also clashed in Unity state. According to a recent UN report, 173 civilians were killed and 131 were raped between February and May 2022 in Unity State in clashes between pro-government forces (and affiliated militias) and opposition forces loyal to Vice President Machar. Government and opposition forces clashed, particularly in Maiwut, Longechuk county, and Leer.¹⁶ In one incident in April, armed forces led by the commissioners of Mayendit and Koch counties killed the Deputy Chair of the SPLM-IO.¹⁷ Civilians in the area expressed concerns about revenge attacks following the killing.

RISK OF FURTHER CONFLICT AND MASS ATROCITIES

During a recent trip to South Sudan, Simon-Skjodt Center staff spoke with civil society actors, victims of mass atrocities, members of the diplomatic and international communities, and South Sudanese government officials. These conversations raised serious concerns that the country may be headed back to nationwide war and highlighted many risks that further mass atrocities may occur. Those interviewed reported the following concerns:

- Physical violence targeted against civilians, often on the basis of their ethnicity or perceived political affiliation
- Rampant localized conflict in multiple pockets throughout the country, which parties to the conflict at the national level are fueling and funding
- Pervasive sexual violence including rape and gang rape, with some reported incidents of children being raped to death
- Blockage of humanitarian assistance and targeting of humanitarian actors and assets, exacerbating a deteriorating humanitarian crisis¹⁸
- Hate speech and labeling of groups as “enemies” by the government in statements and online
- Arbitrary arrest and detention, including of journalists¹⁹ and government critics
- Political instability at the national level with shifting alliances and high level defections, which is often fostered by the peace agreement.

Spotlight on The Peace Agreement

The Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) of 2018 has become a critical part of the cycle of conflict in South Sudan. As the UN Panel of Experts on South Sudan has warned, “Rather than breaking the violent cycle of elite political bargaining in South Sudan, the [peace agreement] has become part of it.”²⁰ The Panel of Experts explained that the peace agreement has encouraged senior government officials to court defections of senior commanders, which in turn has led to conflict.

Elements of the peace agreement can themselves contribute to heightened atrocity risks if not managed well, but the government’s recent decision to extend the period for implementing the peace agreement by two years also has related risks.²¹ Specifically, the extension ensures that corrupt leaders who bear responsibility for past mass atrocities will stay in power until at least February 2024 when elections are slated to occur. The continued tenure of the perpetrators and the assured lack of progress on accountability efforts in the interim bring heightened risks to civilians.

The peace agreement should not be abandoned in its entirety. In particular, provisions related to justice and accountability contained in Chapter V have the potential to afford victims and survivors a measure of redress and repair and should be pursued, as discussed below.

“Rather than breaking the violent cycle of elite political bargaining in South Sudan, the [peace agreement] has become part of it.”

- United Nations Panel of Experts

MASS ATROCITY SCENARIOS

Unification of Government and Opposition Forces

Government and opposition forces have also clashed in Unity state. According to a recent UN report, 173 civilians were killed and 131 were wounded. The peace agreement requires government and opposition forces to unify into one army. On August 30, 2022 the Necessary Unified Forces of the Republic of South Sudan graduated almost 22,000 soldiers including roughly 3,300 VIP protection forces.²² 83,000 additional soldiers have yet to graduate. However, the process for implementing the security mechanisms under the peace agreement has thus far been mismanaged. Poor conditions have led troops to abandon cantonment sites, and the government has claimed that it lacks the money to purchase weapons for troops and therefore cannot proceed with unification. If the unification process continues to be hasty and poorly planned, it could cause infighting within the army which could spill over into full scale civil war as it did in 2016.

Further Alienation of Peace Agreement Holdouts

In preparation of national elections in 2024, President Kiir has announced his intention to prioritize certain components of the peace agreement including those related to crafting a national constitution.²³ The constitution-making process may further alienate holdouts to the peace agreement such as the National Salvation Front (NAS) led by Thomas Cirilo and the South Sudan Unified Front/Army (SSUF) led by Paul Malong, who feel that the peace process has excluded them and their constituents. Such groups could use violence against civilians to make their voices heard—a tactic that they have used on countless occasions.

Risk of Violence to Civilians in Abyei

Abyei, a contested region between Sudan and South Sudan, has been an area of increased violence in recent years. The Armed Conflict Location and Event Data Project notes that violence, mostly between Misseriya and Ngok Dinka militias, tripled in the first quarter of 2022 compared to all of 2021, and that Ngok Dinka civilians bore “the brunt of the violence.”²⁴ The US State Department in its 2022 report to Congress under the Elie Wiesel Atrocities and Genocide Prevention Act noted that increased violence in Abyei “carries with it attendant risks of atrocities.”²⁵ UN Assistant Secretary-General for Africa Martha Ama Akyaa Pobee told the Security Council in October 2022 that a new conflict had emerged between the Dinka Ngoc and Twic communities in southern Abyei.²⁶ She noted that further violence may be possible in the months following, as the dry season allows for greater mobility. Without a resolution regarding the region’s status, civilians in Abyei may remain at risk of mass atrocities.

THE WAY FORWARD

Effective action is desperately needed to avert future conflict and mass atrocities in South Sudan.

- **First**, grievances underlying the ongoing conflict must be addressed through international support for programming on social cohesion, depolarization, and local dialogue.
- **Second**, government and opposition forces must stop providing weapons and funding to localized militia.
- **Third**, any effort to unify government and opposition forces must be properly planned and executed to prevent infighting.
- **Fourth**, the international community should invest further in documentation initiatives and specifically efforts to estimate the number of people who have been killed in the course of the conflict, given that these figures were last updated in 2018.
- **Fifth**, the donor and international community needs to reassess how it engages to ensure they are not fueling conflict by enabling the government to continue its abusive practices.
- **Sixth**, the international community must press the South Sudanese government to increase civic space and to stop targeting government critics.
- **Finally**, efforts to promote justice and accountability should be pursued in parallel with immediate action to help prevent mass atrocities. The international community must increase pressure on the government of South Sudan and the African Union to establish the Hybrid Court for South Sudan (HCSS), which will have the authority to prosecute perpetrators of the worst international crimes. Moreover, initiatives like the Justice Confidence Centers that have been established by the South Sudan Law Society and Legal Action Worldwide in Juba, Wau, and Malakal to promote access to justice for victims of sexual and gender-based violence should be given more support so that the model can be replicated throughout the country and potentially expanded to address additional issues such as conflict-related crimes. This must be accompanied by further efforts to build the capacity of judges, prosecutors, investigators, and lawyers to handle cases involving conflict related violence and to install judges in areas where they are not currently present.

The situation in South Sudan is dire but future atrocities are not inevitable if the world acts now.

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- ¹ United States Holocaust Memorial Museum, “Policy Brief: Immediate Risk of Mass Atrocities in South Sudan,” February 2022, https://www.ushmm.org/m/pdfs/South_Sudan_Policy_Brief_February_2022.pdf.
- ² Staff of the Simon-Skjoldt Center traveled to South Sudan in July 2022 to further research mass atrocity risks facing civilians.
- ³ UNMISS, “Quarterly Briefing on the Human Rights Situation in South Sudan: January-March 2022,” https://unmiss.unmissions.org/sites/default/files/hrd_quarterly_q1_brief_-_10_may_2022.pdf; UNMISS, “Briefing on Violence Affecting Civilians: April-June 2022,” https://unmiss.unmissions.org/sites/default/files/human_rights_quarterly_report_q2_20_july_2022_clean_version_for_coss.pdf.
- ⁴ UNMISS, “Briefing on Violence Affecting Civilians: July-September 2022,” https://unmiss.unmissions.org/sites/default/files/human_rights_brief_2022_21_oct_2022.pdf.
- ⁵ UNHCR, “Humanitarian Community in South Sudan Strongly Condemns the Ongoing Violence in Upper Nile State,” <https://reliefweb.int/report/south-sudan/humanitarian-community-south-sudan-strongly-condemns-ongoing-violence-upper-nile-state>.
- ⁶ UNMISS, “Briefing on Violence Affecting Civilians: July-September 2022,” https://unmiss.unmissions.org/sites/default/files/human_rights_brief_2022_21_oct_2022.pdf.
- ⁷ UNMISS, “Briefing on Violence Affecting Civilians: April-June 2022,” https://unmiss.unmissions.org/sites/default/files/human_rights_quarterly_report_q2_20_july_2022_clean_version_for_coss.pdf.
- ⁸ UNMISS, “Briefing on Violence Affecting Civilians: July-September 2022,” p. 6, https://unmiss.unmissions.org/sites/default/files/human_rights_brief_2022_21_oct_2022.pdf.
- ⁹ UNMISS, “Briefing on Violence Affecting Civilians: July-September 2022,” p. 3, https://unmiss.unmissions.org/sites/default/files/human_rights_brief_2022_21_oct_2022.pdf.
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- ¹¹ UNHCR, “Humanitarian Community in South Sudan Strongly Condemns the Ongoing Violence in Upper Nile State,” <https://reliefweb.int/report/south-sudan/humanitarian-community-south-sudan-strongly-condemns-ongoing-violence-upper-nile-state>.
- ¹² UNMISS, “Attacks against civilians in southern Unity State, South Sudan: February-May 2022,” https://unmiss.unmissions.org/sites/default/files/report_on_attacks_on_civilians_in_southern_unity_state_-_06_september_2022.pdf.
- ¹³ Deng Machol, “Fleeing civilians drown amid new attacks in South Sudan,” *AP*, September 8, 2022, <https://apnews.com/article/africa-united-nations-south-sudan-civil-wars-tonga-f83e97a95adcf86a98421ccba26ffd4f>.
- ¹⁴ UNMISS, “UNMISS concerned about ongoing clashes in South Sudan’s Upper Nile State,” August 23, 2022, <https://peacekeeping.un.org/en/unmiss-concerned-about-ongoing-clashes-south-sudans-upper-nile-state>.
- ¹⁵ UNHCR, “Thousands displaced by escalating conflict in South Sudan’s Greater Upper Nile Region,” December 7, 2022, <https://www.unhcr.org/en-us/news/press/2022/12/63905eca4/thousands-displaced-escalating-conflict-south-sudans-greater-upper-nile.html>.

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- ¹⁶ UNMISS, “Attacks against civilians in southern Unity State, South Sudan: February-May 2022,” https://unmiss.unmissions.org/sites/default/files/report_on_attacks_on_civilians_in_southern_unity_state_-_06_september_2022.pdf.
- ¹⁷ “Senior SPLM-IO official among civilians killed in Leer violence: official,” *Radio Tamazuj*, April 13, 2022, <https://www.radiotamazuj.org/en/news/article/senior-splm-io-official-among-civilians-killed-in-leer-official>.
- ¹⁸ According to the United Nations Office for the Coordination of Humanitarian Affairs, 8.9 million people in South Sudan are estimated to need humanitarian assistance in 2022. This figure has steadily increased over the past several years. “South Sudan,” UN OCHA, <https://www.unocha.org/south-sudan>.
- ¹⁹ One example is the arrest and detention of journalist Diing Magot. “South Sudan journalist Diing Magot released on bail, charged,” Committee to Protect Journalists, August 15, 2022, <https://cpj.org/2022/08/south-sudan-journalist-diing-magot-released-on-bail-charged/>.
- ²⁰ UN Security Council, “Letter dated 28 April 2022 from the Panel of Experts on South Sudan addressed to the President of the Security Council,” April 28, 2022, UN Docs S/2022/359, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/307/92/PDF/N2230792.pdf?OpenElement>.
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- ²³ South Sudan Government, Twitter post, August 5, 2022, 4:34 a.m., <https://twitter.com/SouthSudanGov/status/1555472352942637057>.
- ²⁴ Armed Conflict Location and Event Data Project, Sudan Mid-Year Update, <https://acleddata.com/10-conflicts-to-worry-about-in-2022/sudan/mid-year-update/>.
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