



UNDER FIRE:

The July 2016 Violence In Juba
and UN Response

CENTER FOR
CIVILIANS IN CONFLICT

RECOGNIZE. PREVENT. PROTECT. AMEND.

Under Fire:

The July 2016 Violence In Juba and UN Response

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Caption: Peacekeepers patrol the area around the
UNMISS compound at UN House in Juba (July 2016)

www.civiliansinconflict.org

Organizational Mission and Vision

Center for Civilians in Conflict (CIVIC) works to improve protection for civilians caught in conflicts around the world. We call on and advise international organizations, governments, militaries, and armed non-state actors to adopt and implement policies to prevent civilian harm. When civilians are harmed, we advocate for the provision of amends and post-harm assistance. We bring the voices of civilians themselves to those making decisions affecting their lives.

CIVIC's vision is for a future where parties involved in conflict go above and beyond their legal obligations to minimize harm to civilians in conflict. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft creative solutions to address that harm, and engage with civilians, governments, militaries, and international and regional institutions to implement these solutions.

We measure our success in the short term by the adoption of new policies and practices that lead to the improved wellbeing of civilians caught in a conflict. In the long term, our goal is to create a new global mindset around robust civilian protection and harm response.

Acknowledgements

This report was primarily researched and authored by Lauren Spink, Program Officer on Africa and Peacekeeping at CIVIC; and Matt Wells, Senior Advisor on Africa and Peacekeeping. It was reviewed by Kyle Dietrich, Senior Program Manager on Africa and Peacekeeping; Marla Keenan, Program Director; Chris Allbritton, Communications Manager; Evan Cinq-Mars, United Nations Advocate and Policy Advisor; and Federico Borello, Executive Director. In addition, several UN and humanitarian officials provided invaluable feedback on a draft. Dena Verdesca designed the report and prepared it for publication.

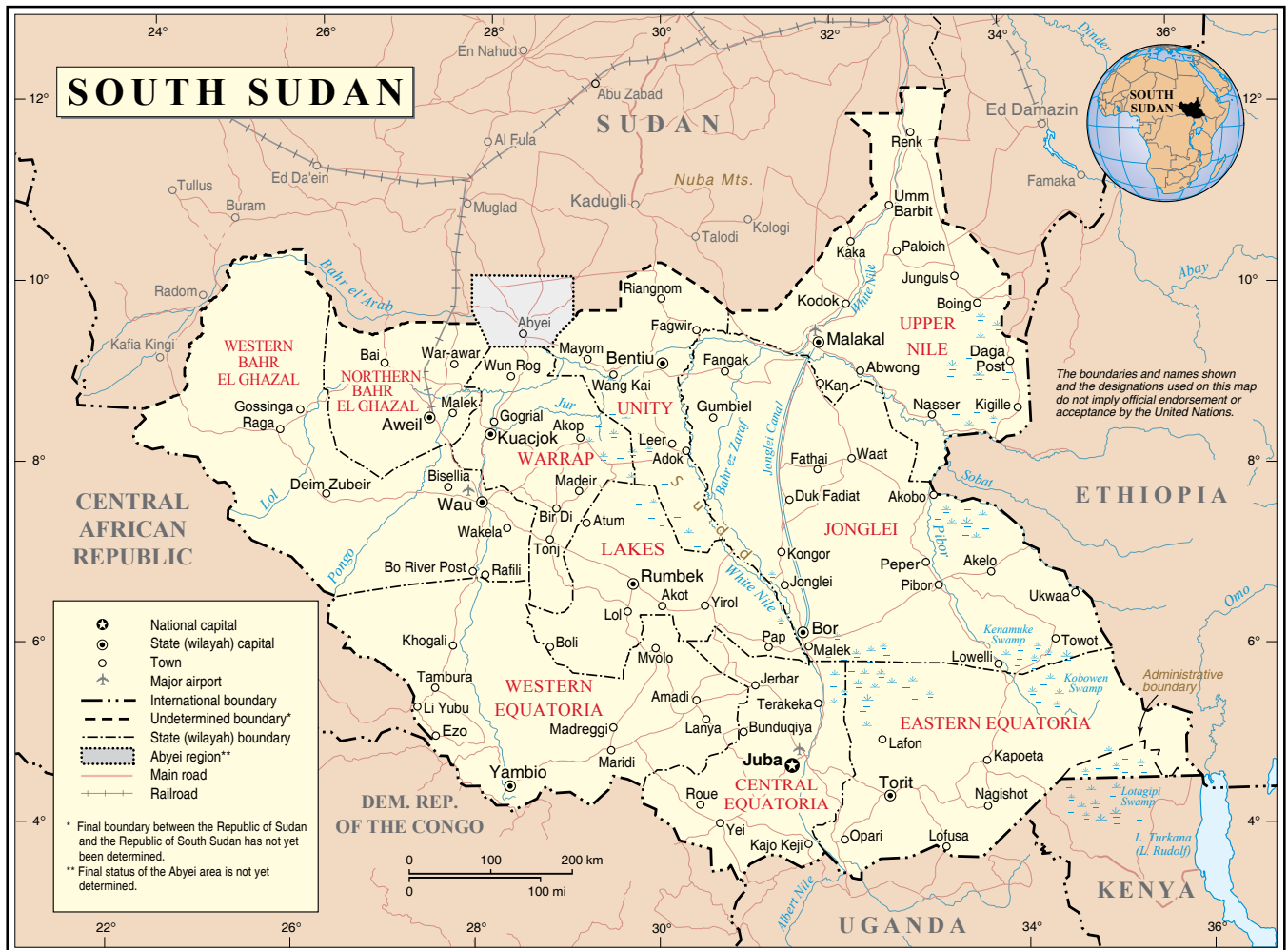
CIVIC thanks the many officials with the UN Mission in South Sudan (UNMISS) who were generous with their time and willing to speak openly about the events of July. The Mission is filled with people who work tirelessly to find solutions to incredibly difficult protection challenges.

In addition, CIVIC deeply appreciates all of the South Sudanese civilians who agreed to share their stories, even after three years of a seemingly never-ending cycle in which they have been subjected to abuse and then asked to speak about it. Humanitarian actors in South Sudan always seem forced to respond to ever-greater crises with ever-fewer resources, yet are still willing to make time to offer their insight into the situation. We are incredibly grateful.

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South Sudan Country Map courtesy of the United Nations Office of the High Commissioner for Human Rights
<http://www.ohchr.org/SiteCollectionImages/Countries/ssmap.pdf>

IDP SHELTERS IN UN HOUSE COMPOUND, JUBA, CENTRAL EQUATORIA, SOUTH SUDAN

Analysis with WorldView-2 Data Acquired 05 September 2016 and 30 August 2016 and WorldView-1 Data Acquired 27 June 2016

This map illustrates satellite-detected areas of IDP shelters in the UN House compound in Juba, Central Equatoria, South Sudan. UNITAR-UNOSAT analysis of satellite imagery acquired 05 September 2016 and 30 August 2016 revealed a total of 8,793 shelters as well as 320 infrastructure and support buildings within the compound. This represents an increase of approximately 4 percent in shelters and an increase of roughly 38 percent in infrastructure and support buildings since the previous UNITAR-UNOSAT analysis of 27 June 2016 satellite imagery. New structures and containers were detected within POC2 on 27 June 2016, as seen in inset 2. This is a preliminary analysis and has not yet been validated in the field. Please send ground feedback to UNITAR-UNOSAT.

IDP Camp



Production Date:

07/09/2016

Version 3.0

Activation Number:

CE20131218SSD



- LEGEND**
- Shelter Structure
 - Camp Infrastructure Building
 - Primary Road
 - Local Road
 - Protection of Civilians Area
 - UN Compound Boundary

Map Scale for A3: 1:8,000

Satellite Data (1): WorldView-2
Imagery Dates: 05 September 2016 and 30 August 2016
Resolution: 0.5 m

Copyright: DigitalGlobe, Inc.
Source: US Department of State, Humanitarian Information Unit, NextView License
Satellite Data (2): WorldView-1
Imagery Dates: 27 June 2016
Resolution: 0.5 m

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Road Data: Google Map Maker / OSM / ESRI
Other Data: USGS, UNCS, NASA, NGA, ACTED
Analysis: UNITAR - UNOSAT
Production: UNITAR - UNOSAT
Analysis conducted with ArcGIS v10.3

Coordinate System: WGS 1984 UTM Zone 36N
Projection: Transverse Mercator
Datum: WGS 1984
Units: Meter

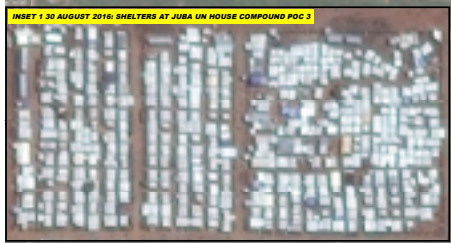
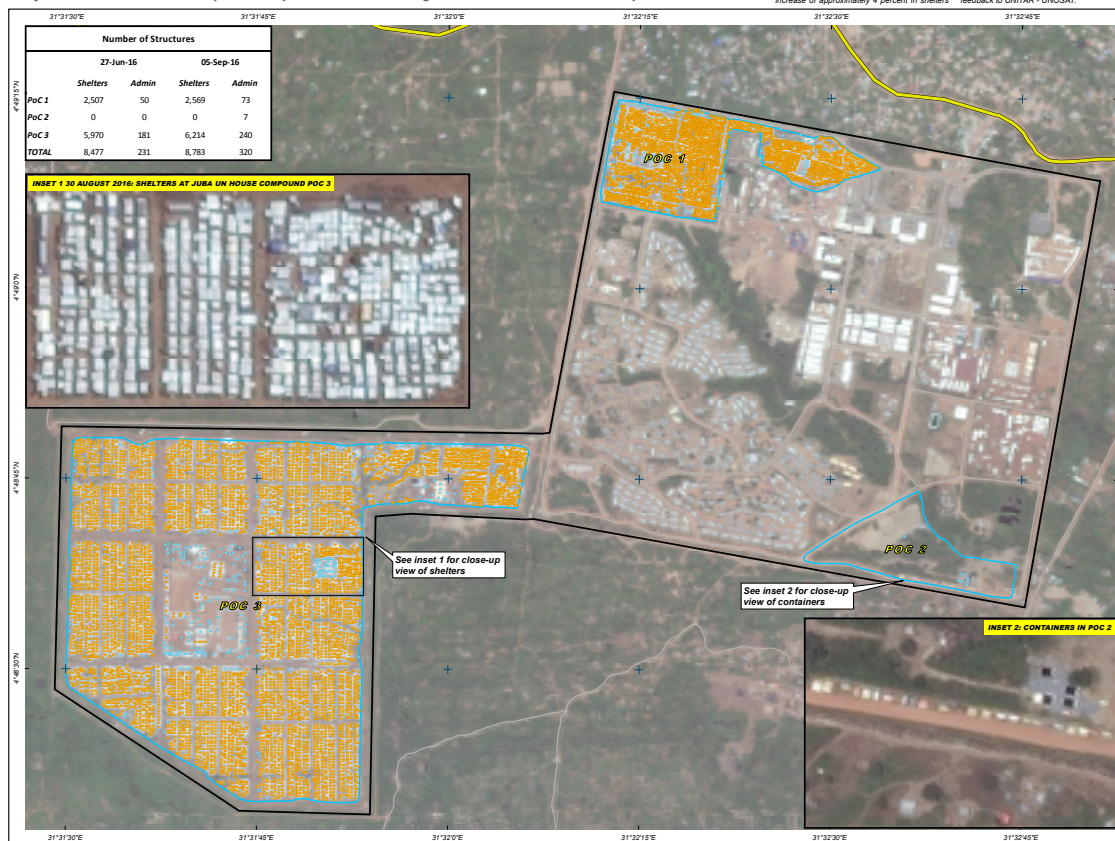
The depiction and use of boundaries, geographic names and related data shown here are not warranted to be error-free nor do they imply official endorsement or acceptance by the United Nations. UNOSAT is a program of the United Nations Institute for Training and Research (UNITAR), providing satellite imagery and related geographic information, research and analysis to UN humanitarian and development agencies and their implementing partners.

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See inset 1 for close-up view of shelters



See inset 2 for close-up view of containers

Map of UN House, including POC1, POC3, and the UNMISS Offices and Accommodations
© DigitalGlobe, Inc. Source: US Department of State, Humanitarian Information Unit, NextView License
<https://www.unitar.org/unosat/map/2418>



Graves of several IDPs killed during the July violence. They were buried within UN House POC3 because it was not safe for civilians to exit the POC site (August 2016) © Lauren Spink, CIVIC

EXECUTIVE SUMMARY

On July 8, 2016, intense fighting erupted in Juba, the capital of South Sudan. The July crisis was the latest iteration of a conflict that broke out in December 2013 between President Salva Kiir's government and military, known as the Sudan People's Liberation Army (SPLA), and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), led by then-First Vice President Riek Machar. For four days in July, fighting occurred near the two United Nations bases in Juba, with at least several hundred rounds hitting the offices and staff accommodation of the UN Mission in South Sudan (UNMISS). In what has become a devastatingly common refrain in South Sudan, the parties to the conflict inflicted serious harm on civilians and UNMISS was unable and, at times, unwilling to respond effectively.

For almost three years, UNMISS has hosted as many as 200,000 internally displaced persons (IDPs) on its bases, in camps referred to as Protection of Civilians (POC) sites. In Juba, some 37,000 IDPs reside in two areas, known as POC1 and POC3, attached to the UN House base where UNMISS's civilian and military headquarters are located. As the violence in Juba unfolded, an additional 5,000 IDPs fled to the UN base in Tongping, in the heart of the city. In close proximity to both of these UN bases, government and opposition forces fired indiscriminately with small arms and artillery fire, killing at least several dozen civilians in the POC sites alone.

Outside of the POC sites, civilian men and women also faced serious threats to their safety and wellbeing. Many civilians tried to flee to the UN bases only to have fighters block, harass, and even fire on them. SPLA soldiers conducted house-to-house searches during which they carried out extensive looting as well as rapes, abductions, and summary executions, at times targeting civilians on ethnic grounds. In the days and weeks following the crisis, SPLA soldiers and allied youth militia fighters perpetrated widespread sexual violence against women and girls who went outside the POC sites in search of food and other basic necessities. As the political and military elite in South Sudan has fought for power, the country's civilians have consistently paid the heaviest price.

This report examines the harm that civilians suffered during the July crisis as well as UNMISS's response to those protection threats. The findings are based primarily on two weeks of field research in Juba in August 2016 as well as on meetings and Skype interviews undertaken in Nairobi, Washington, DC, and New York in July and September 2016. Center for Civilians in Conflict (CIVIC) interviewed 27 South Sudanese civilian women and 32 South Sudanese civilian men who were directly affected by the violence; 21 civilian and military officials from UNMISS; 22 representatives of the humanitarian community in South Sudan; four people who were at the Terrain compound attacked on July 11; as well as local civil society representatives, government officials, and diplomats in South Sudan. CIVIC also requested official comment from UNMISS on seven specific issues; many of the Mission's written responses have been incorporated into this report.

Even given the difficult operating environment, UNMISS clearly underperformed in fulfilling core parts of its mandate

In the face of major threats to civilians, UNMISS found itself in a terrible situation operationally—caught in the middle of full-scale hostilities between the two fighting forces, with attack helicopters hovering over UN House and artillery and gunfire hitting both UN bases in Juba as well as the neighboring IDP areas. Despite objections from the Mission, the parties to the conflict failed to demilitarize Juba and placed military bases in close proximity to UN House and the POC sites, in contravention of the peace agreement signed by both parties in August 2015.

Yet, even given the difficult operating environment, UNMISS clearly underperformed in fulfilling core parts of its mandate, including the protection of civilians both inside and outside the POC sites. The UN's failings began before guns were fired in July; the Security Council has not taken meaningful action

to challenge the Government of South Sudan as it repeatedly obstructed the movements and functioning of UNMISS. The Mission, for its part, yielded to a situation in which, in effect, it needed SPLA authorization to perform many of its most basic protection tasks. After fighting started on July 8, the Mission was almost wholly confined to its bases—rendering nonexistent its ability to offer protection to anyone outside. In addition, poor contingency planning as well as inadequate dissemination of and practical training on the Mission's rules of engagement (ROEs) prior to the crisis meant UNMISS was ill prepared to respond to threats against civilians.

As fighting intensified on July 10–11, peacekeepers responsible for protecting the POC sites performed unevenly. Because guard towers along the POC1 perimeter did not have adequate protection from gunfire, the Chinese peacekeepers there withdrew to ditches and vehicles below. Then, during the early evening of July 10, a rocket-propelled grenade exploded near a Chinese armored personnel carrier (APC) in POC1, wounding six peacekeepers. UN House was not equipped with a surgical team or blood bank to provide appropriate treatment, and UNMISS was unable to negotiate a medical evacuation to the hospital on the Tongping base, only 15 kilometers away. Two of the peacekeepers died, one after bleeding out without adequate care for 16 hours. If the protection of civilians is to remain at the heart of modern peacekeeping, Member States and the UN Departments of Peacekeeping Operations and Field Support need to take immediate steps to improve medical care and to establish guaranteed standards of medical evacuation in South Sudan and other locations where peacekeepers are deployed.

POC1 was left increasingly unprotected—a problem that deteriorated in particular after the Chinese peacekeepers took casualties. First, the pedestrian gate was left open and unguarded; SPLA soldiers could have walked in unobstructed. Then, as fighting resumed on the morning of July 11, Chinese peacekeepers abandoned their posts in POC1 entirely, withdrawing into the core UN House base. While fleeing, some peacekeepers left behind weapons and ammunition that were taken, at least temporarily, by IDP youth. With nowhere inside POC1 to shelter from gunfire and no protection from the peacekeepers, approximately 5,000

civilians fled over fences and barbed wire into the core UN House base. There, UNMISS forces struggled to manage the situation. According to seven independent witness accounts, on the morning of July 12, UNMISS fired tear gas on the civilians with little or no warning.

The peacekeepers responsible for protecting civilians inside POC3 and Tongping base typically performed better than those at POC1. Although some Ethiopian troops appear to have withdrawn from their perimeter positions in POC3, civilians there consistently described how other Ethiopian peacekeepers provided them with protection by remaining at their perimeter posts, helping evacuate civilian casualties, giving instructions to civilians on how to take cover from crossfire, and, on at least a few occasions, returning fire when fighters targeted the camp. At Tongping, where fighting prevented civilians from accessing the compound gates, Rwandan peacekeepers assisted civilians to enter through the perimeter fence and provided initial humanitarian assistance, such as medical care, water, and shelter.

While the performance of peacekeepers in protecting the POC sites varied, UNMISS's ability to protect outside was nonexistent. On the afternoon of July 11, around 80 to 100 SPLA soldiers attacked the Terrain compound in Juba, where they proceeded to rape and gang rape at least five international aid workers, physically or sexually assault at least a dozen others, and execute a South Sudanese journalist—apparently because of his Nuer ethnicity. Several departments within UNMISS received information about the attack shortly after it began, and orders were given directing a Quick Reaction Force (QRF) to respond. No QRF ever tried to leave the UN House gates, however, with at least the Chinese and Ethiopian battalions refusing to go. UNMISS even secured assistance from South Sudanese authorities to help the QRF navigate SPLA positions on the road, but the contingents still were unwilling to try to intervene.

UNMISS was likewise unable or unwilling to respond to humanitarian requests for the protection of critical warehouses or for escorts for water trucks and ambulances. SPLA soldiers led a well-organized ransacking of a World Food Programme (WFP) warehouse, which began during fighting on July 11 and continued until July 15, four days after a ceasefire took effect in Juba. Goods worth \$30 million were stolen, including, at a time when more than one-third of the population of South Sudan faces severe food insecurity, enough food to feed more than 200,000 people for one month. UNMISS never intervened to stop the looting, despite the prioritization of that warehouse in contingency plans and a request for Force protection of the warehouse even before the start of violence on July 8. Several other humanitarian compounds were likewise looted.

Even after the ceasefire on July 11, civilians continued to be targeted with violence, without effective response by UNMISS. Women and girls in particular experienced high levels of sexual violence in the vicinity of the POC sites, as they were often compelled to leave the sites in order to find food for their families. CIVIC documented at least one case in which SPLA soldiers abducted a woman in the immediate vicinity of both an armed Nepalese Formed Police Unit (FPU) sentry post and a Chinese military peacekeeping position in POC1. Neither group tried to intervene despite being aware that the abduction was taking place.

UNMISS was slow to respond to the sexual violence outside its base, in part because the SPLA objected to the Mission using APCs in certain areas; UNMISS did not push ahead with armored patrols, and many contingents would not patrol in unarmored vehicles. When UNMISS did start vehicle patrols, they were often of poor quality, reflecting a reluctance by the troops to put themselves in harm's way, particularly given the Mission's medical care problems. The same concerns plagued the initiation of foot patrols, which did not begin until August 19—five weeks after the violence. The effectiveness of patrolling was also undermined by a lack of communication about patrols between UNMISS and affected communities.

Throughout the July crisis, peacekeepers demonstrated confusion regarding the Mission's mandate to protect civilians, asking for the rules of engagement or seeking guidance over the radio about whether and how they could respond to specific situations. This problem likewise plagued UNMISS's action during the February 2016 attack on the Malakal POC site, in which at least 30 civilians were killed and one-third of the camp burned down. A UN Board of Inquiry (BOI) into that incident identified major failings, including the refusal to follow orders; abandonment of positions along the POC perimeter; a lack of understanding or will to follow the mission's ROEs for protecting civilians; and porous POC site perimeter fencing. All of these

issues again plagued the Mission's response to the Juba violence.

The failure to make the necessary changes following Malakal should come as little surprise. UN leadership in New York did not make public an Executive Summary of the Malakal BOI report until a month after the July violence in Juba—several months after the team submitted its work. The UN also refused to name the units

or individuals who underperformed and, as of late August, only one individual had been repatriated. Until transparency and accountability become engrained in the UN's response to major peacekeeping failures, underperformance in fulfilling a protection mandate is likely to continue.

The UN Security Council must put UNMISS in a stronger position to succeed

The UN Secretariat has initiated an investigation into what went wrong with the Mission's response during the Juba violence and what changes need to be made to avoid repetition. It is essential that the Secretariat make public the entire report and explain who failed and how. Particularly given the recurrent problems, there also needs to be meaningful accountability on both the civilian and military sides.

For its part, the UN Security Council must put UNMISS in a stronger position to succeed, including by imposing a long overdue arms embargo on South Sudan. Security Council Resolution 2304 makes clear that the Government must stop its obstruction of both the Mission and the deployment of a 4,000-strong Regional Protection Force. Neither has happened. Civilians in South Sudan, who have been repeatedly targeted, including by heavy weapons, deserve to have the Council move from condemnation to meaningful action.

Finally, UNMISS has taken some steps to correct issues that arose during the crisis, including related to medical care and command and control. The Mission has also made some improvements to external perimeter fencing, though the bulk of resources appears to be devoted to reinforcing barriers between the Mission and the IDPs. Post-July contingency planning has been prioritized, but UNMISS seems resigned to the idea that, should a similar crisis occur, the Mission will be unable to fulfill core parts of its mandate. While UNMISS operates in a challenging environment, that abdication would be devastating for civilians and humanitarian actors in South Sudan, as the country's conflict is unlikely to end soon.

Recommendations

To the Government of South Sudan:

- Cease obstruction of UNMISS activities and movements and uphold the terms of the Status of Forces Agreement (SOFA).
- Allow the swift and full deployment of the Regional Protection Force (RPF) authorized by the Security Council, including the unhindered movement into the country of all equipment and enablers deemed necessary for the RPF to carry out its functions. Provide the land necessary for the Mission to construct a base or bases for the RPF battalions.
- Guarantee freedom of movement for civilians trying to reach areas within South Sudan they deem safe, including UN Protection of Civilians (POC) sites; and for civilians trying to seek refuge in neighboring countries.
- Ensure accountability for soldiers and commanding officers who committed, oversaw, or failed to intervene to stop sexual violence against South Sudanese women and foreign nationals during the July violence and its aftermath, including by ensuring credible investigations and prosecutions in accordance with international fair trial standards.
- Ensure accountability, including for those liable under command responsibility, for other violations of the laws of armed conflict that both sides committed during the July violence, such as failures to uphold the principles of distinction and proportionality
- Support the swift and full establishment of the transitional justice mechanisms outlined under the August 2015 peace agreement, including the Commission for Truth, Reconciliation, and Healing; the Compensation and Reparation Authority; and, in coordination with the African Union, the Hybrid Court for South Sudan.
- Issue clear orders to soldiers to respect buffer or weapons-free zones around the POC sites.

To UNMISS:

- Project greater force and presence to improve protection for civilians, including outside the POC sites. Take a stronger stance in reasserting the Mission's freedom of movement, including by not agreeing to SPLA restrictions on the type of vehicles in which the Mission can move.
- Track systematically and report to the UN Secretariat every SOFA violation, in accordance with Security Council Resolution 2304.
- Undertake practical training exercises on a regular basis on the Mission's rules of engagement, particularly related to the use of force in defense of the mandate, so that peacekeepers are able to respond confidently and instinctively during crises. Use scenarios that emphasize common real-life threats against civilians in South Sudan, with a particular focus on the specific threats that women face.
- Investigate and report instances in which troops underperform in protecting civilians, with a particular focus on incidents in which troops refuse to follow orders or fail to follow the rules of engagement in protecting civilians from threats. Reports on underperformance should be provided to the Department of Peacekeeping Operations and other senior UN officials in New York, as well as to the Permanent Mission of the relevant troop contributing country.
- Reinforce the POC site perimeter fences, with financial support from Member States, and implement plans to establish buffer or weapons-free zones around all POC site perimeters.
- Reinforce the sentry posts around UN House with bulletproof material, with financial support from Member States, so that peacekeepers can remain in them in the event of hostilities. Consider increasing the number of sentry posts, in particular if the Regional Protection Force is able to deploy to Juba and alleviate the Mission's resource strain.

- Establish minimum standards for engineering projects designed to improve POC site security (e.g., bunkers or HESCO barriers), to ensure that the construction contributes to improved protection for civilians and for the peacekeepers themselves.
- Ensure that the prevention of sexual and gender-based violence, both in the vicinity of UN bases and in other identified hotspots, is systematically part of contingency planning and also regularly used as a scenario in multi-department tactical exercises.
- Increase the number of patrols and extend the length of patrols designed to prevent and respond to sexual violence and other protection issues.
- Review and, where necessary, make improvements to training modules on effective patrolling, including dismounted and foot patrols. Ensure all relevant UNMISS military and police forces undergo these trainings and take part in related practical exercises.
- Increase and improve the Mission's engagement with humanitarian partners and civilians, in order to better incorporate civilians' needs and perspectives into strategic planning and to better inform civilians of the Mission's protection-related activities, for example the locations and times at which the Mission is patrolling in areas around the POC sites.
- Continue prioritizing both "most likely" and "worst case" scenario planning and review current plans to see how the Mission can meet priority tasks of its mandate should another crisis occur. Systematically include humanitarian partners in contingency planning on protection issues.
- Establish protocols related to the Mission's response to requests for Force protection, for example related to the protection of humanitarian personnel or assets. Establish a specific amount of time in which all efforts will be made to respond the request, and provide clear answers of approval or denial in that timeframe.
- Adjust the pedestrian gate hours at the UN Tongping base so that IDPs can enter and exit the compound for at least a two-hour period in the morning, for example from 9 to 11 a.m.

To the United Nations Security Council:

- Immediately impose an arms embargo on South Sudan to limit the use of weapons, particularly heavy weapons, against civilians and to respond to the Government's continued obstruction of both UNMISS and the deployment of the Regional Protection Force, in accordance with Security Council Resolution 2304.
- Ensure that the UN Secretariat makes public the forthcoming report of the Special Investigation into UNMISS's actions during the July 2016 violence in Juba. Ask the Secretariat and UNMISS to provide regular updates on what measures have been taken to address the findings and recommendations of both the Special Investigation into the Juba violence and the Board of Inquiry into the February 2016 attack on the POC site in Malakal.
- Ask the UN Secretariat to undertake a review of medical care and evacuation capacities in Chapter VII peacekeeping missions. Security Council mandates, particularly related to the protection of civilians, will continue to be undermined if Missions are not provided the financial and logistical support to improve emergency trauma care for peacekeepers.

To the United Nations Secretariat:

- Make public the forthcoming report of the independent Special Investigation into UNMISS's actions during the July 2016 violence in Juba, to promote transparency about what happened, which units or individuals underperformed, and what recommendations have been made to avoid repetition.
- Name any troop contributing country unit that is considered to have underperformed during the July violence and indicate the specific way that they underperformed. Hold accountable any unit considered to have seriously underperformed in defense of the mandate, including by refusing to follow orders.

- Track UNMISS's implementation of the recommendations made in both the Malakal Board of Inquiry report and the forthcoming Special Investigation report. Ensure, in particular, that the Mission reports to the Secretariat instances when a commander or a unit fails to follow orders or the rules of engagement related to the defense of the mandate.
- Track systematically across all Chapter VII peacekeeping missions when troop contributing country units fail to perform in accordance with their mandate, including when they fail to follow orders or the missions' rules of engagement on protecting civilians. Publish this information in a report from the Secretary-General every six months, including the country of any underperforming unit, in order to improve transparency and accountability around peacekeeping performance.
- Ensure, in line with Security Council Resolution 1894, that UNMISS's protection of civilians activities are "given priority in decisions about the use of available capacity and resources."
- Prioritize immediately, with the support of Member States including if necessary through the Security Council, the recruitment of medical personnel and physical improvements to the medical facilities at UN House, so that the clinic is upgraded to at least a Level 2 Hospital, and preferably a Level 3 Hospital.
- Prioritize more generally force generation for medical care and evacuation capabilities to better support peacekeeping missions.

METHODOLOGY

This report is based primarily on two weeks of field research in Juba undertaken in August 2016 by two Center for Civilians in Conflict (CIVIC) staff. It also draws from meetings in late August and early September in Nairobi, New York, and Washington, DC, as well as several Skype and phone interviews with people who were in South Sudan during the July violence but have since left. Finally, some of the findings in the report are informed by internal documents and timelines shared by UN and humanitarian officials.

In total, CIVIC interviewed 59 South Sudanese civilians who were directly affected by the violence in July. In addition, CIVIC interviewed 21 civilian and military officials from the UN Mission in South Sudan (UNMISS); 22 representatives of the humanitarian community in South Sudan; four people who were at the Terrain compound attacked on July 11; as well as local civil society representatives, government officials, diplomats, and academics in South Sudan.

The vast majority of the interviews with South Sudanese civilians were carried out with internally displaced persons living either at the UN base in Tongping or at the Protection of Civilians (POC) sites at UN House.¹ When the interviewee did not speak English, a translator from the same ethnic group provided assistance. CIVIC sought a diverse sample of interviewees in terms of gender and age. Of the 59 civilians interviewed, 27 were women. Almost all civilian interviews were carried out individually, although a few were conducted in small groups, based on the preference of the interviewees. CIVIC did not offer interviewees any incentive for speaking, and they were able to end the interview at any time.

CIVIC received feedback on a draft of this report from four UNMISS officials and four humanitarian officials. Many of their comments have been incorporated into this final version. In addition, CIVIC received a formal written response from UNMISS to a letter CIVIC sent with questions on seven specific issues related to the July crisis. UNMISS's answers have been incorporated into the report.

For the security and privacy of the people interviewed, CIVIC has withheld names and identifying information throughout the report. Most people spoke on condition of anonymity. In the text box that presents a detailed civilian testimony, CIVIC has used a pseudonym.

¹ CIVIC interviewed 15 civilians present inside UN House POC3 during the July violence, 21 civilians present inside UN House POC1, and 23 civilians present inside the Tongping base.



South Sudanese soldiers sit on the back of a pickup truck while on patrol at the Juba International Airport in Juba, South Sudan (September 2016) © Justin Lynch

BACKGROUND

A little more than two years after gaining independence, following decades of armed struggle with Sudan, fighting erupted in South Sudan on December 15, 2013.² The crisis, although rooted largely in a power struggle between President Salva Kiir and former Vice President Riek Machar, was quickly marred by violence along ethnic lines.³ Within days, the situation escalated into an internal armed conflict between President Kiir's government and military, known as the Sudan People's Liberation Army (SPLA), and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), led by Machar.

Since December 2013, both parties to the conflict have deliberately targeted civilians, including through killings, sexual violence, abductions, forced displacement, and the destruction of homes and crops.⁴ Both sides have also relied on armed militia groups, which use the political conflict as a means to settle inter- and intra-communal scores, including through the pillage of cattle.⁵ After the initial fighting in Juba in December 2013, the conflict was waged primarily in the Greater Upper Nile region, which encompasses the states of Jonglei, Unity, and Upper Nile. Civilians paid the heaviest price, with tens of thousands killed, around 2.6 million displaced either internally or across neighboring borders, and a humanitarian crisis that has left around 4.8 million people—more than one-third of the country's population—in a situation of severe food insecurity.⁶

2 President Kiir removed Machar from the vice presidency on July 23, 2013. See *Final Report of the African Union Commission of Inquiry on South Sudan*, October 15, 2014, para. 63. There were quickly rival narratives regarding the specific origins of the December 15 events, with the government asserting that Machar had launched a coup and the opposition alleging that the government had fabricated that threat to crack down on political rivals and unleash attacks on Nuer civilians in Juba. The Commission of Inquiry found that “the evidence does not point to a coup. We were led to conclude that the initial fighting within the Presidential Guard arose out of disagreement and confusion over the alleged order to disarm Nuer members. The Commission notes further, that there are also suggestions of a mutiny within the Presidential Guard, and the ensuing violence spiraled out of control, spilling out into the general population.” *Ibid.*, para. 68.

3 See Daniel Howden, “South Sudan: the state that fell apart in a week,” *The Guardian*, December 23, 2013, <http://www.theguardian.com/world/2013/dec/23/south-sudan-state-that-fell-apart-in-a-week>; Human Rights Watch, “South Sudan: Ethnic Targeting, Widespread Killings,” January 16, 2014, <https://www.hrw.org/news/2014/01/16/south-sudan-ethnic-targeting-widespread-killings>.

4 UNMISS, *Special Report: Attack on Bentiu, Unity State, 29 October 2014*, December 19, 2014; UNMISS, *Attacks on Civilians in Bentiu & Bor, April 2014*, January 9, 2015; UNMISS, *Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile, April/May 2015*, June 29, 2015; Human Rights Watch, “*They Burned It All*: Destruction of Villages, Killings, and Sexual Violence in Unity State South Sudan,” July 2015, <https://www.hrw.org/report/2015/07/22/they-burned-it-all/destruction-villages-killings-and-sexual-violence-unity-state>.

5 Jason Patinkin, “The Battle for Cattle: Civilians Starve as Soldiers Loot Livestock in South Sudan,” *Vice News*, August 10, 2015, <https://news.vice.com/article/the-battle-for-cattle-civilians-starve-as-soldiers-loot-livestock-in-south-sudan>; Human Rights Watch, “*They Burned It All*.”

6 World Food Programme, “Unprecedented Level Of Food Insecurity In South Sudan, UN Agencies Warn,” June 29, 2016, <http://www.wfp.org/news/news-release/unprecedented-level-food-insecurity-south-sudan-un-agencies-warn> (reporting that “4.8 million people are projected to be in need of urgent food, agriculture and nutrition assistance”); BBC, “South Sudan refugees reach one million mark,” September 16, 2016, <http://www.bbc.com/news/world-africa-37385942> (indicating that there are more than 1 million refugees and an additional 1.6 million displaced, “meaning about 20% of the population have been made homeless since December 2013”); Reuters, “U.N. official says at least 50,000 dead in South Sudan war,” March 2, 2016, <http://www.reuters.com/article/us-southsudan-unrest-un-idUSKCNOW503Q>.

In August 2015, after numerous failed attempts to broker a successful ceasefire, the parties to the conflict and other stakeholders signed the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), which called for the creation of a Transitional Government of National Unity (TGoNU), the demilitarization of Juba, cantonment of the rival forces, a constitutional reform process, security sector reform, and the establishment of transitional justice mechanisms.⁷ The signing happened only under tremendous pressure from key international partners of South Sudan, however, and the government in particular indicated official reservations to several critical parts of the ARCSS—most notably the demilitarization of Juba and the way power-sharing was to occur in the states of Greater Upper Nile.⁸

The ARCSS's deadlines were repeatedly missed in subsequent months, and President Kiir's decision to establish 28 states—dissolving the country's 10 states that existed at independence and the signing of the peace agreement—threatened to derail the process entirely.⁹ Moreover, although there was a gradual decline in fighting and civilian harm as compared to mid-2015, the parties regularly broke the ceasefire. By early 2016, the conflict had spread to additional parts of the country, including the Equatorias and Western Bahr al Ghazal. There, SPLA forces and allied militia groups continued a pattern of violations against civilians, including killings, torture, sexual violence, the destruction of homes, and looting.¹⁰

By early 2016, the conflict had spread to additional parts of the country

As the fighting continued, international partners put significant pressure on the parties to begin implementing concrete parts of the ARCSS. An advance team of SPLA-IO officials arrived in Juba on December 21, 2015, followed by the first arrival of SPLA-IO forces to be cantoned outside Juba in late March 2016.¹¹ Finally, on April 26, Riek Machar himself returned to Juba and was sworn in as First Vice President; several days later, the TGoNU was formed.¹²

When Machar's return did not spark the violence that many feared, a muted optimism emerged that key provisions of the ARCSS, including those related to the security arrangements, might finally move forward. Tensions remained high, however, with scattered fighting in other parts of the country. Toward the end of June, those tensions began to escalate in Juba, ultimately exploding in four days of heavy fighting that ended with the SPLA-IO's flight from Juba, an internal war within the opposition over its leadership, and existential questions as to the ARCSS's viability. An even more fractionalized conflict emerged.

7 ARCSS, August 17, 2015, http://jmecsouthsudan.org/uploads/jmec_signed_peace_agreement.pdf.

8 See Radio Tamazuj, "Kiir's spokesman hints he may object to provisions of peace deal at signing," August 25, 2015, <https://radiotamazuj.org/en/article/kiirs-spokesman-hints-he-may-object-provisions-peace-deal-signing>; Reuters, "South Sudan president signs peace deal despite concerns," August 26, 2015, <http://www.reuters.com/article/us-southsudan-unrest-president-idUSKCN0QV1MF20150826>.

9 For more information on the issue of 28 states, see *Report from the Chairperson of the Joint Monitoring and Evaluation Commission (JMEC) for the Agreement on the Resolution of the Conflict in the Republic of South Sudan to the African Union Peace and Security Council (PSC)*, January 29, 2016, <http://jmecsouthsudan.org/uploads/AUPSCreport.pdf>; Stimson Center, "The 28 States System in South Sudan," August 9, 2016.

10 See Human Rights Watch, "South Sudan: Civilians Killed, Tortured in Western Region," May 24, 2016, <https://www.hrw.org/news/2016/05/24/south-sudan-civilians-killed-tortured-western-region>; Human Rights Watch, "South Sudan: Army Abuses Spread West," March 6, 2016, <https://www.hrw.org/news/2016/03/06/south-sudan-army-abuses-spread-west>; Small Arms Survey, "Conflict in Western Equatoria," July 25, 2016, <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/HSBA-Conflict-in-WES-July-2016.pdf>.

11 "SPLA-IO first batch of forces arrive in Juba," *Sudan Tribune*, March 29, 2016, <http://sudantribune.com/spip.php?article58452>.

12 "South Sudan forms transitional government of national unity," *Sudan Tribune*, April 28, 2016, <http://www.sudantribune.com/spip.php?article58800>.

JOHN | *a 22-year-old student and resident of POC1 at UN House*¹³

It was on Sunday, 10 July, around 9 or 10 a.m. We heard this very heavy, big noise, right outside our shelter in Extension 2. The sound was terrible. I'm even now experiencing pain in my eardrum; it was bleeding at first, and I have trouble still hearing in one ear.

The [explosion] happened just a few meters from the [fence separating the POC from] UN House. Where it mainly landed was right next to the shelter I was in. ... Many people around were injured by the explosion. ... I was wounded in the leg and the arm [wounds seen by CIVIC]. They have done three operations to take the pieces [of shrapnel] out.

After the explosion ... friends took me from my shelter to [an NGO-run hospital in the POC site], but there was no [medical team] there, so I was referred to the Level 1 [Clinic] at UN House. An ambulance took me and other wounded. We were about six of us. ... [Several days later], as the situation normalized, we were dismissed from the Level 1 and sent to [the NGO hospital], where an emergency [surgical] facility was set up by MSF.

A girl, around 2 or 3 years old, was killed by the same explosion. She was just outside [my shelter], she took [shrapnel] to the head. ... She lived around here, but she had come with her mother because they were told that was the way to go to UN House. People had put mattresses on top of the barbed wire right there, and had been climbing over. They came here to climb to UN House, that's when she was hit... She died at the Level 1 after some time.

The [peacekeepers'] response was such a negative, it was nothing. ... We thought they were here for protecting civilians and facilities, but [July] was an indication that these peacekeepers aren't doing their mandate. ... When the situation intensified, we were left alone.

I have been here [in POC1] for three years. ... I haven't been able to go back to school since then. The entire world needs to look into the conflict in South Sudan. We are targeted on the basis of our ethnicity. Our homes are just next to us here in Juba, but we cannot go to them.

¹³ CIVIC interview, UN House POC1, August 2016. John is a pseudonym.



The destroyed and looted remains of homes just outside the wall of the UN House POC site in Juba, South Sudan (July 2016)
© Adriane Ohanesian

HOW THE JULY CRISIS UNFOLDED

“This was bigger than the [December] 2013 fighting. In 2013, there was killing. This time, it was real fighting.” – 28-year-old South Sudanese NGO worker in POC1 at UN House¹⁴

After several weeks of building tensions, intense fighting erupted between Kiir and Machar’s forces during the early evening of July 8. Following a day of relative quiet, full-scale hostilities broke out on July 10-11, with much of the fighting in close proximity to UN House in Jebel and the UN base in Tongping. The warring parties appear to have fired indiscriminately in areas with a heavy concentration of civilians and UN staff, leading to at least several dozen civilian deaths from stray fire in the POC sites at UN House alone. The SPLA also blocked civilians’ ability to reach safe spaces and conducted house-to-house searches during which there was widespread looting and some summary executions and sexual violence. In subsequent weeks, as the SPLA reestablished control of Juba, soldiers raped many South Sudanese women and girls venturing out of the POC sites in search of food for their families. The abuses and renewed hostilities, which continued outside Juba for weeks, further escalated politico-ethnic tensions within the country.

Initial Violence on July 7-8, Lull on July 9

A series of escalating incidents in late June and early July put Juba on edge. A senior UNMISS official described to CIVIC:

If you go seven to 10 days before [violence broke out], you had a Norwegian embassy car shot at. ... The weekend before, we got a report that one of the IO was hunted down and executed in town. This led to extreme tension within the [Joint Operation Centre in Juba]. Basically it was starting to dissolve from that incident. ... Then you had Machar’s bodyguards shot at. Then an IO [truck]... was stopped at a checkpoint, and shot and killed four or five SPLA [on July 7]. The same day, there was a shooting incident at Panorama hotel, hitting the UNESCO Country Director. ... The US Embassy cars were shot up...¹⁵

¹⁴ CIVIC interview, UN House POC1, August 2016.

¹⁵ CIVIC interview, Juba, August 2016. See also Colum Lynch, “Dinner, Drinks, and a Near-Fatal Ambush for U.S. Diplomats,” *Foreign Policy*, September 6, 2016, <http://foreignpolicy.com/2016/09/06/dinner-drinks-and-a-near-fatal-ambush-for-u-s-diplomats/>.

Political tensions were also worsening, according to several UNMISS officials, with the two sides effectively running separate government cabinets in Juba.¹⁶ Many UNMISS and humanitarian officials told CIVIC that by the morning of July 8, the potential for violence to explode was palpable. Fearing escalation, many organizations closed their offices early so that staff could go home at lunchtime.¹⁷ UNMISS leadership likewise issued a broadcast that, out of concern for safety and security, allowed staff to leave at 3 p.m.¹⁸

The potential for violence to explode was palpable

The same day, President Kiir summoned Machar to the Presidential Palace, known as J1. As they were meeting, clashes broke out between their respective guard forces around 5:30 p.m. There are competing accounts as to who started the shooting and why. Experts interviewed by CIVIC in Juba overwhelmingly saw this initial fighting as the culmination of the building tensions.¹⁹ The firefight was intense, with estimates of between 100 and 250 soldiers killed around J1.²⁰

As the SPLA-IO dashed back to their base, shooting occurred in other parts of the city, including in Tongping, Gudele, and in Jebel around UN House.

When the fighting erupted, all three civilian leaders of UNMISS—the Special Representative of the Secretary-General (SRSG) and the two Deputy SRSGs—were outside of UN House at meetings in Juba. It took between 24 and 36 hours to get them all back to UN bases, negatively affecting the Mission’s response as the violence first unfolded. “It was a fair assumption by the SRSG [to go to the meeting at the US Embassy],” a senior UNMISS official told CIVIC. “The expectation was that she could get back. ... She was probably surprised that the military could not negotiate access to come pick her up.”²¹ Another senior UNMISS official, describing the difficulty of the negotiations and the level of government obstructionism, said, “It took three tries to get [the SRSG] extracted. [They] spent four hours at one checkpoint.”²²

On Saturday, July 9, there was a respite from the fighting, although the heavy presence of SPLA throughout the city meant UNMISS’s movement remained limited, if not nonexistent. Several experts in Juba said that, while the initial fighting was probably not pre-planned, the government and military used that incident as a pretext for launching an assault on the opposition in Juba to try to deliver a fatal blow.²³ The quiet Saturday was used to prepare for what was to follow.

Heavy Fighting on July 10-11 Near UN Bases, Indiscriminate Fire

When fighting resumed on the morning of July 10, it was of a far greater intensity; it remained at a high level of intensity until the IO fighters fled Juba on July 11. The government deployed several of its most trusted and well-equipped units to the front lines, where machine-gun fire was coupled with bombardments by tanks, artillery, and attack helicopters.

The two days of fighting touched most parts of the city, and at times concentrated in the two areas where UNMISS is located: in Jebel, where the IO base and Machar’s residence were situated (see text box on page 21); and in Tongping and surrounding neighborhoods in the heart of the city. At UN House in particular, UNMISS found itself directly in between the two fighting forces. “It was a war going on here,” said one senior UNMISS official. “We counted over 200 strikes to our buildings alone, including RPGs and other [large caliber rounds].”²⁴

16 CIVIC interview, Juba, August 2016.

17 CIVIC interviews with UNMISS and humanitarian officials, Juba, August 2016.

18 UNMISS broadcast, July 8, 2016 (on file with CIVIC). Several UNMISS personnel who observed a buildup of soldiers and checkpoints in town told CIVIC that they had decided on their own around lunchtime to head back to UN House. CIVIC interviews, Juba, August 2016.

19 CIVIC interviews, Juba, August 2016.

20 BBC, “South Sudan: ‘Riek Machar forces under fire’ in Juba,” July 10, 2016, <http://www.bbc.com/news/world-africa-36757699>.

21 CIVIC interview, Juba, August 2016.

22 CIVIC interview, Juba, August 2016.

23 CIVIC interview, Juba, August 2016.

24 CIVIC interview, Juba, August 2016.

It appears likely that UNMISS was not targeted deliberately in a systematic manner, but the sheer amount of “crossfire and overshooting,” as another senior UNMISS official said, meant that UN staff were in the line of fire.²⁵ A third UNMISS official on location at the time told CIVIC: “Everyone in UN House was basically in their bathrooms [taking cover], because mortars and other weapons were flying around.”²⁶ Many UNMISS staff were deeply traumatized by the July violence, as it laid bare the Mission’s inability to secure its own bases and staff.

A significant number of bullets and large-caliber weapons struck the two POC sites

In the course of the fighting around UN House, the two parties fired indiscriminately. In addition to the rounds that landed within the core UN base area, a significant number of bullets and large-caliber weapons struck the two POC sites, known as POC1 and POC3. The

POC sites are overwhelmingly comprised of civilians from the Nuer ethnic group, which tends to support the opposition. “For sure, it was indiscriminate most of the time,” an UNMISS official told CIVIC. “The principles of proportionality and distinction were not upheld.”²⁷ The same official noted that, “in some instances, the targeting of specific civilian groups was deliberate.”²⁸

CIVIC interviewed several dozen civilians who saw or knew people who had been struck by crossfire while in either POC1 or POC3. A 31-year-old man in POC3 told CIVIC, “There was a woman in Zone B who was shot... [by] her shelter. We were almost in the same place, in the same [ditch] taking cover, and she was shot in the leg. There was also a small child nearby who was shot in the [abdomen]; he died before reaching the [clinic] in POC3.”²⁹

In POC1, as described in the text box on page 16, a shell exploded on the morning of Sunday, July 10, in Extension 2, right next to the fence separating the POC site from the core UN base. At least four people were injured and a girl who was around two years old died from shrapnel wounds.³⁰ CIVIC interviewed several other POC1 residents who were hit by bullets during the fighting, including inside their homes or near water points.³¹ Bullet marks were still visible on a number of shelters and buildings throughout POC1, including the maternity ward of the International Medical Corps (IMC) clinic and the tents of several non-governmental organizations operating inside the POC site.

In total, more than 30 South Sudanese died inside the POC sites, including at least 18 women and children.³² Many more were injured, as described by a health worker in POC1:

*On Sunday, there were heavy casualties. We received about 60 cases, all civilians, of people wounded inside the camp. In Extension 2, a bomb exploded, injuring [a number] of people, including a child who died later. ... On Monday, there were about 102 wounded, some inside POC1, some wounded in POC3 and brought here.*³³

While this report details a number of problems with UNMISS’s protection response during the July violence and its aftermath, it faced an incredibly challenging environment. “That weekend, we felt very overstretched,” a senior UNMISS official told CIVIC. “We were trying to deal with the POCs, with the security of our own staff, with the IDPs who had come into the [UN base area].”³⁴

25 CIVIC interview, Juba, August 2016

26 CIVIC interview, Juba, August 2016

27 CIVIC interview, Juba, August 2016.

28 CIVIC interview, Juba, August 2016

29 CIVIC interview, UN House POC3, August 2016

30 CIVIC interviews with three witnesses to the incident, UN House POC1, August 2016.

31 CIVIC interviews, UN House POC1, August 2016.

32 CIVIC interview, Juba, August 2016.

33 CIVIC interview, UN House POC1, August 2016.

34 CIVIC interview, Juba, August 2016.

Proximity of SPLA-IO Base to UN House

“It was always a dreadful idea to have the IO base so close to UN House. It totally undermined our efforts to uphold the civilian characteristic of the sites.” – UNMISS civilian official³⁵

As the violence unfolded from July 8-11, UN House found itself at the epicenter of heavy fighting between the SPLA and the SPLA-IO. That happened in large part because of a decision made months before to place an IO cantonment site within close proximity to POC3 and UN House, despite objections from senior UNMISS officials.

Under the peace agreement, cantonment sites were to be at least 25 kilometers outside Juba. As with the more general requirement to demilitarize Juba, both parties failed to adhere to the agreement, and the international community largely turned a blind eye. Several UN and diplomatic officials in Juba told CIVIC that the government and opposition requested the site that became the location of the IO base. “The site was South Sudanese driven; it was a request made, and the land was available,” so it was accepted, according to a diplomat in Juba.³⁶ Several diplomats told CIVIC that Machar owned at least part of the land in that area.³⁷

High-level UNMISS officials raised concerns at the time of the SPLA-IO base’s selection. In its response letter to CIVIC, the Mission wrote that it “repeatedly expressed deep concerns over the proximity of the SPLA-IO cantonment site to UN House and the PoC sites, as well as to the SPLA Jebel base, at the highest levels, including in the SRSg’s direct engagements with President Kiir and Riek Machar.”³⁸

Despite the objections, the decision went forward. A senior UNMISS official told CIVIC, “The UN doesn’t have the political clout to be involved in key negotiations, which leads to [some of these problems].”³⁹ Any objection was likely to lose out anyway; as another UNMISS official said, concerns “were trumped by the illusion of forward progress on the peace agreement.”⁴⁰ International partners who exerted pressure toward the peace agreement’s signing trumpeted half steps that compromised critical parts of the agreement, even as those half steps placed heavily armed, deeply antagonistic parties in close proximity to each other—and to the UN.

The links between some IDPs in the POC sites and the IO forces in the cantonment site were apparent. “There was constant movement back and forth,” said an UNMISS official, echoing many others in the Mission.⁴¹ Several UNMISS officials said the SRSg tried to keep the POC sites from being “politicized,” including by denying Machar the opportunity to visit there and address the IDPs,⁴² but that the problem was so transparent, the “government openly mocked [UNMISS] for it.”⁴³

35 CIVIC interview, Juba, August 2016.

36 CIVIC interview, Juba, August 2016. Several experts on South Sudan speculated that both the government and opposition perceived the site as advantageous. For the opposition, the cantonment site was close to the POC sites at UN House, where many IO supporters, including some opposition leaders, lived—facilitating movement between the two and strengthening the IO’s numbers there. For the government, it meant the IO was concentrated in one location, making it easier to monitor and, if fighting erupted, to avoid dealing with multiple fronts. CIVIC interviews, Juba, August 2016.

37 CIVIC interviews, August and September 2016. UNMISS’s response to CIVIC likewise indicated that the sites reportedly “belonged to Riek Machar personally, and that their selection was part of the arrangements agreed between the Government and Opposition.” UNMISS response letter, September 28, 2016 (on file with CIVIC).

38 UNMISS response letter, September 28, 2016 (on file with CIVIC).

39 CIVIC interview, Juba, August 2016. UNMISS’s response letter noted that the Mission “was not a part of the discussions over the locations of cantonment sites.” UNMISS response letter, September 28, 2016 (on file with CIVIC).

40 CIVIC interview, Juba, August 2016.

41 CIVIC interview, Juba, August 2016.

42 CIVIC interviews, Juba, August 2016. In its response letter to CIVIC, the Mission stressed further its efforts to “preserve and ensure the civilian character of the PoC sites,” including through “outreach to Opposition leaders ... and organizing meetings between Government and Opposition representatives with PoC site community leaders to promote peace and reconciliation. The Mission also put in place regulations prohibiting official visits of Opposition leadership to the PoC sites to avoid further politicization and compromising their civilian nature.” UNMISS response letter, September 28, 2016 (on file with CIVIC).

43 CIVIC interview with senior UNMISS civilian official, Juba, August 2016.

Half steps placed heavily armed, deeply antagonistic parties in close proximity to each other—and to the UN

When the fighting started on July 8, the situation worsened. While the overwhelming majority of IDPs in the POC sites tried to find shelter from the fighting and undeniably maintained their civilian status, some IDPs left the POC sites and joined the fighting. After suffering wounds or sensing defeat, some of the IDPs returned to the camps along with other opposition fighters. Many of them removed their uniforms and left their guns outside, resuming a civilian appearance when entering back through the porous POC perimeters. Toward the end of the violence, at least one sizable group entered still in uniform.⁴⁴

“It was not acceptable, the way the IO was using [the POC site],” a senior UNMISS official told CIVIC.⁴⁵ Because of the IO movement back and forth, “it was

completely predictable... that the SPLA would want to dominate the [POC site] perimeter,” another UNMISS official said.⁴⁶ A humanitarian official agreed: “The corridor was so narrow between the base and the POC site. ... [SPLA presence] was about keeping the IO guys from running to the POC site. Why the hell did people put the base in that position?”⁴⁷

The concentration of the SPLM/A-IO in the area meant that a sizable part of the SPLA’s firepower was directed around UN House. During several parts of the fighting, helicopter gunships circled over UN House, firing missiles at the IO cantonment site. A mortar position on top of Jebel Mountain fired artillery below; tank shells and other heavy weapons struck in or near the UN base area. War was waged, with UNMISS caught in the middle. “From a security point of view, the UN was irrelevant,” according to a UNMISS official. “They took up positions around here, as if we weren’t here.”⁴⁸

After the fighting ended, UNMISS began conducting search operations inside the POC site, during which it has found weapons and ammunition. In early August, UNMISS likewise began undertaking searches in the area around the POC sites, to try to find weapons and ammunition that former fighters and criminal gangs may have buried before entering through the perimeter.⁴⁹

While UNMISS clearly underperformed in its response to many aspects of the July violence, the placement of the SPLA-IO cantonment site—and the consequences in terms of where and how the fighting unfolded—put the Mission in a terrible position operationally.

44 CIVIC interviews with UNMISS and humanitarian officials, Juba, August 2016.

45 CIVIC interview, Juba, August 2016.

46 CIVIC interview, Juba, August 2016.

47 CIVIC interview, Juba, August 2016.

48 CIVIC interview, Juba, August 2016.

49 CIVIC interview, Juba, August 2016.

Blocking, Targeting Civilians Trying to Access Safe Spaces

As fighting raged across Juba, civilians throughout the city tried to run to areas they perceived as safe, including the two UN bases. Many civilians, and in particular those from the Nuer, Shilluk, and Equatorian communities, feared that the violence would descend into the sort of ethnic targeting that marked the original eruption of conflict in December 2013. Civilians, humanitarian officials, and UN officials all described how SPLA soldiers blocked civilians' access to safe spaces and, at times, even fired upon those trying to enter UN bases.

“Soldiers were shooting toward us from buildings nearby. They targeted us as we tried to enter.”

The blocking and targeting of fleeing civilians was particularly acute near the UNMISS Tongping base, where thousands of civilians living nearby sought refuge from the fighting between SPLA and SPLA-IO forces in that area. A Nuer woman interviewed by CIVIC fled from her home in the Mia Saba area of Juba after gunfire broke out near her house and her son was shot. She stated that she had to hide in the bushes outside of the base until Monday, because when she got close to the base, she observed armed men shooting at the men and women trying to get inside.⁵⁰

A 38-year-old Nuer man described a similar experience when trying to flee to Tongping on July 10:

When we heard the guns, we moved out of our house to go toward UNMISS [Tongping], but... The SPLA had started to block the gate, there was no way to get to it. ... I was with my family. We turned back [and went toward the fence] near the Rwandans' [base area]. It was around 10 or 11 [a.m.] that we got close. There were many people [doing the same thing].

Soldiers were shooting toward us from buildings nearby. They targeted us as we tried to enter. ... We were crawling, lying on the ground [as] bullets were flying. ... I saw some Rwandan [peacekeepers], and I said, “Save these children, my friend.” One of them called over his friend... and picked up the fence. People crawled through, leaving everything.⁵¹

Humanitarian workers inside or near the UN Tongping base during the violence confirmed that SPLA soldiers blocked access to the main gates and appeared to shoot at civilians, particularly men, who were trying to take refuge there.⁵² A UN official inside the Tongping base reported witnessing government soldiers preventing civilians from entering through the western gate on the morning of July 10. The same official said civilians could only access the base through the southern fence for a short time before SPLA soldiers cut off that passage too.⁵³

Armed forces suspected to be SPLA soldiers also prevented civilians from reaching the POC sites at UN House, according to several UNMISS officials and a South Sudanese expert on the conflict.⁵⁴ Individuals in the Rock City area of Juba reported that government soldiers killed civilians running from their homes towards the UN House POC sites. CIVIC was not able to determine the scale of such killings.

50 CIVIC interview, Tongping base, August 2016.

51 CIVIC interview, Tongping base, August 2016.

52 CIVIC interviews, Juba, August 2016.

53 CIVIC interview, Juba, August 2016.

54 CIVIC interviews, Juba, August 2016.

A humanitarian official told CIVIC that when he approached UN House by vehicle several days after the Juba fighting ended, he saw bodies all along the road beginning approximately 500-600 meters from the main gate. He counted 35 bodies in total and said there appeared to be many other bodies further away from the road. Because of the heavy presence of security forces in the area, he was unable to stop the vehicle to investigate further. He said the bodies all appeared to be male and, based on their clothing, a mixture of soldiers and civilians.⁵⁵

As the violence unfolded, thousands of civilians fled to other areas within the city that they perceived as safe havens, including schools, churches, and the compounds of international and national organizations. While there does not appear to have been widespread targeting of these sites, CIVIC received information regarding several specific incidents of violence directed against civilians seeking safety. For example, at one compound where approximately 3,000 IDPs were sheltered during the violence, SPLA soldiers entered, shot their weapons in the air, and began searching for people of Nuer ethnicity. One man was almost killed before it was discovered that he belonged to the Anyuak ethnic group rather than the Nuer ethnic group.⁵⁶

CIVIC's findings echo those of other organizations, including an August 2016 assessment undertaken by several international organizations. That assessment documented accounts of civilian men and women fleeing gunfire in the Gudele and Munuki areas of Juba only to encounter roadblocks controlled by armed men. Some civilians were allowed to pass through these checkpoints, while others, particularly men, were instead turned back towards the fighting. Many civilians were also robbed at these roadblocks.⁵⁷ A confidential event log seen by CIVIC also detailed how, on July 14, uniformed security officers beat and detained Nuer men at Juba International Airport. A short time later, the government issued a directive prohibiting South Sudanese nationals from leaving the country.⁵⁸

House-to-House Searches by the SPLA

Although on a far lesser scale than during the December 2013 outbreak of violence in Juba,⁵⁹ SPLA soldiers conducted house-to-house searches in July during which they looted properties, physically and sexually assaulted civilians, and killed some individuals. Part of this violence appears to have been primarily driven by ethnic grievances—with Nuer youth and, to a lesser extent, Equatorians targeted in particular—while other attacks were likely motivated by the opportunity to loot. NGO compounds and higher income households were among those targeted. UNMISS and humanitarian officials told CIVIC it was unclear whether the house-to-house searches were ordered or sanctioned by higher-level military leaders, or were the result of loose command and control.⁶⁰

The majority of house-to-house searches and attacks appear to have taken place between July 11-13, after the heaviest fighting between the SPLA and SPLA-IO had ended in Juba. The areas of Juba most affected included Munuki, Gudele, Tongping, Mia Saba, and Manga Ten.⁶¹ According to a confidential assessment by several international organizations, Munuki residents described soldiers going door to door, asking households their ethnicity and searching for Nuer. One Munuki resident reported knowing two people who were killed in such door-to-door incursions.⁶² The same assessment found that armed men engaged in looting sometimes killed disabled and elderly people who were unable to flee their homes in an area known as Checkpoint, near UN House.⁶³

55 CIVIC interview, Juba, August 2016.

56 CIVIC interviews with humanitarian officials, Juba, August 2016.

57 Confidential post-crisis assessment by international organizations, August 2016 (on file with CIVIC).

58 Confidential event log, July 2016 (on file with CIVIC).

59 For more on ethnic targeting in Juba in December 2013, see Human Rights Watch, "South Sudan: Ethnic Targeting, Widespread Killings," January 16, 2014, <https://www.hrw.org/news/2014/01/16/south-sudan-ethnic-targeting-widespread-killings>.

60 CIVIC interviews, Juba, August 2016.

61 CIVIC interview with humanitarian official, Juba, August 2016; Confidential event log, July 2016 (on file with CIVIC).

62 Confidential post-crisis assessment by international organizations, August 2016 (on file with CIVIC).

63 Ibid.

A 27-year-old woman in the Tongping camp described her experience to CIVIC:

I hid in my own home during the fighting, but bullets were falling all around the place, so we tried to run to UNMISS. We were two women, me and one other relative. When we left the house we saw SPLA soldiers. They asked us where we were going, but we were afraid to say UNMISS, so we said we were trying to find a place without bullets. The soldiers could tell we were Nuer. They asked us to speak in [the] Dinka [language], but we couldn't. They made us sit down and beat us. They said, "You Nuer, when you hear bullets you just run to UNMISS." They checked our bags and clothes and then asked if there were any men in our house. Although my brothers were there, I said that there weren't any men. Then, they let us go back to the house.⁶⁴

A 26-year-old woman interviewed by CIVIC similarly explained that she was in her home on Sunday, July 10, when gunfire erupted around her. She heard that SPLA soldiers were conducting door-to-door searches and felt it was too risky to remain in her home, so she fled with her children. Outside of her home, she encountered armed men who robbed her of all of her belongings. After hiding for several days outside, she and her children entered the Tongping base with nothing but the clothes they were wearing.⁶⁵

Credible reporting by organizations in Juba, along with CIVIC's own interviews, indicate that the attackers carrying out house-to-house searches in neighborhoods were sometimes dressed in military uniforms and at other times were wearing plain clothes.⁶⁶

Sexual Violence around UN House

"IDPs were left without food, water, and even medicine [during the crisis]. ... [President] Kiir said that war and fighting were over and that the conflict was between men, so there was an idea that [women] would be somehow safe. There was also a logic that it is better to die outside or go out and be raped than to die inside. The hunger was visible." – Senior UNMISS official⁶⁷

In addition to the sexual violence that took place in the context of house-to-house searches,⁶⁸ there was widespread rape and sexual violence against women and girls who left the UN House POC sites in search of food and other goods for their families. According to a senior UNMISS official, these attacks on women around the POC sites peaked from July 13-19, and continued to occur until at least July 25.⁶⁹ All protection, humanitarian, and medical actors who CIVIC interviewed confirmed that sexual and gender-based violence (SGBV) was a widespread and deeply troubling feature of the attacks against civilians in the weeks after the July fighting.⁷⁰

The fighting in Juba disrupted a planned food distribution as well as dispersal of items such as sugar and charcoal; it also affected the replenishment of the water supply at the POC sites, as water trucks could not navigate the city for several days. "We had nothing to eat and went days without [clean] water," said a 32-year-old man in POC1. "We were drinking from the ditches."⁷¹ Without basic necessities such as food, water, and charcoal for cooking, many civilians felt compelled to go out from the POC sites during the day, despite the presence of military actors in the area.⁷² The burden fell overwhelmingly on women, in part out of a perception that they were less likely to be killed by soldiers operating in the area.

64 CIVIC interview, Tongping base, August 2016.

65 CIVIC interview, Tongping base, August 2016.

66 Confidential event log, July 2016 (on file with CIVIC).

67 CIVIC interview, Juba, August 2016.

68 Several credible sources indicated that civilian men had also been victims of sexual violence outside the POC sites. CIVIC was unable to confirm this independently, but it deserves further investigation and response. Sexual violence against men is often particularly invisible and underreported.

69 CIVIC interview, Juba, August 2016.

70 CIVIC interviews, Juba, August 2016.

71 CIVIC interview, UN House POC1, August 2016.

72 CIVIC interviews with civilian women, UN House POC1 and POC3, August 2016; and with humanitarian and UNMISS officials, Juba, August 2016.

Based on interviews with women in the POC sites, humanitarian actors, and UNMISS officials, it appears that soldiers were most likely to attack women and girls when they were returning from the market to the POC sites and carrying items that could be stolen. However, some women were likewise stopped on the way to the market and subjected to extensive and public searches of their bodies for money and other valuable items.⁷³

In order to better protect themselves, women and girls typically travel in groups when leaving the POC sites. According to several women CIVIC interviewed who left the POC sites during July, soldiers frequently apprehended groups of women and girls and separated out young women or those who they found beautiful. Those selected were subjected to rape, gang rape, and, at times, sexual slavery, while other women in the group were allowed to continue unharmed. CIVIC spoke with a 31-year-old Nuer woman who had been outside of the POC site five times since the July crisis. She encountered soldiers on several occasions, and, on one day, women were abducted from among the group she was with. Despite what she had witnessed and the serious risks she faced outside the POC sites, she felt she had no choice but to continue to travel outside for charcoal and food items.⁷⁴

Women and girls subjected to sexual violence during the July crisis were sometimes raped publicly and on other occasions were brought to shops or informal SPLA bases. A staff member of a medical clinic inside one of the POC sites described their receiving a number of rape cases, including of girls.⁷⁵ Several women interviewed by CIVIC spoke of the case of a young girl dying from injuries sustained during a gang rape.⁷⁶ The survivors of SGBV around the POC sites were overwhelmingly Nuer women and girls, in part because Nuer civilians comprise the vast majority of the IDP population at UN House. But many women appear to have been specifically targeted based on their ethnicity, as civilians and UNMISS officials both described to CIVIC how some attackers asked women and girls where their husbands or Riek Machar were, or accused them of supporting the SPLA-IO.⁷⁷

Armed actors associated with the Government of South Sudan, including SPLA soldiers and affiliated militia, were the principal perpetrators of the attacks against these women and girls.⁷⁸ In response to allegations of widespread sexual violence, the SPLA spokesperson has said no formal complaints from survivors have yet been received.⁷⁹ It is not clear to what extent the government or SPLA leadership authorized such attacks against women. CIVIC was told of several incidents in which commanders or security officials intervened to stop or prevent sexual violence against women and girls.⁸⁰ However, sexual violence along ethnic lines has been a persistent part of the conflict—with no accountability.⁸¹

73 CIVIC interviews, Juba, August 2016.

74 CIVIC interview, UN House POC3, August 2016.

75 CIVIC interview, UN House POC1, August 2016.

76 CIVIC interviews, August 2016.

77 CIVIC interviews, Juba, August 2016.

78 CIVIC interviews with civilian women, POC1 and POC3, August 2016; and with humanitarian and UNMISS officials, Juba, August 2016.

79 Associated Press, "Witnesses say South Sudan soldiers raped dozens near UN camp," July 27, 2016, <http://bigstory.ap.org/article/cee432b613424b7391e34492ced4aad8/witnesses-say-south-sudan-soldiers-raped-dozens-near-un>.

80 CIVIC interviews with humanitarian and UNMISS officials, Juba, August 2016.

81 See Voice of America, "Report: No One Held Responsible for Sexual Violence in South Sudan," May 19, 2016, <http://www.voanews.com/a/report-responsibility-sexual-violence-south-sudan/3337692.html>; Office of the UN High Commissioner for Human Rights, "South Sudan: UN report contains 'searing' account of killings, rapes and destruction," March 11, 2016.



People living in the Malakal POC site look back toward the burning camp after fleeing the violence (February 2016) © Justin Lynch

PRE-CRISIS ISSUES WITH UNMISS'S RESPONSE

Prior to the eruption of violence in July, UNMISS had put itself in a poor position to protect civilians effectively in the event of any major deterioration of the security environment. After major problems in protecting civilians during an attack in February 2016 on the Malakal POC site, there was little transparency about what went wrong and almost no accountability for the units and individuals who failed to perform. The lack of action from UN leadership in New York and from UNMISS helped pave the way for similar problems in July. Likewise, the longstanding unwillingness or inability of the UN Security Council and UNMISS to enforce its Status of Forces Agreement with the government meant that, when fighting erupted in July, UNMISS was once again obstructed from moving outside its bases. Finally, poor contingency planning and drilling meant that, even though UNMISS recognized the threat dynamics that led to the violence, it was ill prepared to respond with decisive action.

Lack of Lessons Learned, Accountability After Malakal

"It's like Malakal all over again. We didn't learn lessons. Maybe we didn't have time."
– UNMISS civilian official⁸²

The shortcomings of UNMISS's response during the July violence in many ways mirror the problems with its performance during past attacks on POC sites, including Bor in 2014 and Malakal in February 2016. Despite Boards of Inquiry into both incidents, a lack of transparency, accountability, and implementation of lessons learned helped contribute to repeated failures.

82 CIVIC interview, Juba, August 2016.

On February 17-18, 2016, violence erupted in the Malakal POC site, which housed around 47,000 IDPs. By the morning of February 18, if not earlier, SPLA soldiers entered through a breach in the perimeter and proceeded to fire on civilians in the camp and to systematically set ablaze blocks where people from the Nuer and Shilluk communities resided. At least 30 civilians were killed, more than 100 wounded, and about one-third of the camp burned down. The peacekeepers' response, from preparation through performance as the violence unfolded, was plagued by major problems.⁸³

On March 16, the UN appointed a Board of Inquiry to investigate the Mission's response to the incident. After undertaking its fieldwork in April, the Board submitted a full report and an Executive Summary to UN headquarters by mid-May. The UN Secretariat did not publish the Executive Summary until August 5; in mid-June, it provided a short confidential summary to the UN Security Council—and only a few paragraphs to the public. The lack of transparency made it more difficult for the Security Council and other interested parties to track what was being done—and not done—to address the issues with the Malakal response.

Moreover, despite the Board's findings and recommendations, there has been only a bare minimum of accountability. Among other key findings, the Board of Inquiry reported:

- “Despite instructions by military command, two out of three [armored personnel carriers]” failed to accompany an UNMISS fire truck when it needed protection to help put out a fire in the POC site;
- “[S]entries guarding the eastern edge of the POC... abandoned their positions” as SPLA entered the camp;
- “An UNMISS military contingent requested written orders from the Sector North Commander on the use of force, despite the ROEs, demonstrating both a lack of knowledge of the ROE and an unwillingness to act”; and
- “The external and internal physical protection infrastructure of the PoC site was not sufficient, nor its repair when breaches were reported.”⁸⁴

Refusal to follow orders; abandonment of positions along the POC site perimeter; inadequate understanding of the rules of engagement by certain troops; and porous perimeter security—all would again plague UNMISS's response to the Juba violence in July.

Among other recommendations, the Board called for any “case of underperformance” to be “thoroughly investigated” and reported to “UNHQ” and for “[d]ecisive action... to hold the [troop contributing country (TCC)] contingents accountable,” including through repatriation.⁸⁵

On June 22, UN Under-Secretary General for Peacekeeping Hervé Ladsous promised that there would be “repatriations of units and of individual officers.” Pointedly, however, he said, “I will not name names,” in terms of the units that failed.⁸⁶ By maintaining secrecy of who failed and how, the UN missed an important opportunity to send a message to TCCs that underperformance like what happened in Malakal would no longer be tolerated.

83 For more information, see Center for Civilians in Conflict (CIVIC), *A Refuge in Flames: The February 17-18 Violence in Malakal POC*, April 21, 2016, <http://civiliansinconflict.org/resources/pub/violence-in-malakal-poc>.

84 *Executive summary of the United Nations Headquarters Board of Inquiry Report on the circumstances of the clashes that occurred at the United Nations Protection of Civilians site in Malakal, South Sudan on 17-18 February 2016* (hereinafter *Malakal BOI Executive Summary*), August 5, 2016, paras. 13, 15, 22, 23. The BOI found it “was not the first instance in which military units in Malakal had demonstrated an unwillingness to proactively implement ROE... and Orders. However, this persistent underperformance had not been reported through the appropriate chain of command.” *Ibid*, para. 21.

85 *Malakal BOI Executive Summary*, para. 27.

86 Al-Jazeera, “UN to send peacekeepers home over South Sudan inaction,” June 23, 2016, <http://www.aljazeera.com/news/2016/06/send-peacekeepers-home-south-sudan-inaction-160623060004340.html>.

Further, despite Ladsous's promises, there has been scant accountability. El-Ghassim Wane, Assistant Secretary-General on Peacekeeping Operations, said in an early August interview with RFI that two commanders had been repatriated.⁸⁷ However, a senior UNMISS official told CIVIC several weeks after that interview that the statement was inaccurate at that point; only the Rwandan Battalion Commander in Malakal had been repatriated.⁸⁸ Despite having requested written orders on the use of force, the Rwandans had likely been the best performing troops during the February violence—as they were the battalion that ultimately engaged and pushed out the SPLA.

By maintaining secrecy of who failed and how, the UN missed an important opportunity

The same UNMISS official said that the Indian Battalion Commander was to be repatriated, but it had not yet happened. Even when it did, its resonance would be minimal: “Normally when you have a rotation, the commander stays for an extra month or so [to help integrate the new troops]. The idea is that when the Indian contingent rotates out, he will leave with them rather than stay on—which isn’t a very satisfying repatriation.”⁸⁹

Finally, several people within the Mission believed that the entire Ethiopian contingent in Malakal was to be repatriated, based on their particularly

poor performance—including by having abandoned the perimeter posts where the SPLA entered. Yet accountability for the Ethiopians appears to have been overtaken by geopolitical concerns; UNMISS officials said any obstruction was coming from New York, and they were frustrated as to why repatriation had not happened.⁹⁰

Ultimately, the failures of Malakal have led to the repatriation of a single commander and the planned, half-hearted repatriation of a second. Yet even the impact of these repatriations has been undermined by the UN’s decision to avoid naming the individuals, the TCCs, or the specific reasons why someone is being sent home. Indeed several senior officials within UNMISS interviewed by CIVIC did not have a sense that any accountability had happened, so quietly had the repatriation taken place. One senior official said, before CIVIC later learned about the Rwandan commander’s repatriation: “The Malakal report recommendations ... were overtaken by natural troop rotations. ... No one [was repatriated] in a meaningful way.”⁹¹

By avoiding meaningful accountability, UN leadership in New York chose protecting TCC units and commanders that its own investigation had found woefully deficient over addressing key reasons why UNMISS has struggled to protect civilians. For example, had the UN linked repatriation to a lack of knowledge of the rules of engagement or to a lack of will to use force in defense of the mandate, it would have sent a clear message to commanders that they, and the troops underneath them, are expected to know—and follow—the Mission’s ROEs related to the protection of civilians. Instead, when the July violence erupted, at least one TCC again needed the ROEs to be explained and emphasized, according to UNMISS military and civilian officials. UNMISS officials described more generally how, during the July violence, peacekeepers waited for permission to fire or reported incidents over the radio, seeking authorization to act before intervening to protect civilians.⁹² A senior official in UNMISS noted that UN New York ultimately felt the need to “sen[d] a cable [to say], ‘You can use deadly force to stop sexual violence.’”⁹³

87 Radio France Internationale, “Malakal: l’ONU affirme avoir pris des mesures,” August 7, 2016, <http://www.rfi.fr/afrique/20160807-malakal-onu-soudan-sud-mesures>.

88 CIVIC interview, Juba, August 2016.

89 CIVIC interview, Juba, August 2016.

90 CIVIC interviews, Juba, August 2016.

91 CIVIC interview, Juba, August 2016.

92 CIVIC interviews with UNMISS officials, Juba, August 2016.

93 CIVIC interview, Juba, August 2016.

The response to Malakal helped set the stage for similar problems during the July violence in Juba. Until transparency and accountability become engrained in the UN's response to major peacekeeping failures, underperformance in fulfilling a protection mandate is likely to continue.

Escalating SOFA Violations, with Little Response

Since the beginning of the conflict in December 2013, if not before, UNMISS has faced repeated SOFA violations by the Government of South Sudan.⁹⁴ In January 2016, the UN Security Council Panel of Experts reported:

*UNMISS personnel are regularly attacked, harassed, detained, intimidated and threatened. According to the Mission, between the adoption of resolution 2206 (2015), in March, and 30 November, the Government committed at least 450 violations of the status-of-forces agreement, including the assault, arrest and detention of United Nations personnel and restrictions on the movement of peacekeeping patrols and other UNMISS operations; the opposition and other anti-government groups committed several dozen more equivalent acts. The cumulative effect of this relentless obstruction has been devastating for the Mission's operating environment and its ability to execute its mandate to protect civilians under Chapter VII of the Charter of the United Nations.*⁹⁵

“We have lost our freedom of movement, so there is no way we can actually do protection of civilians”

Over an eight-month period, the 450 documented SOFA violations by the Government amount to an average of roughly two per day, during a time that included both heavy fighting and the three months after the signing of the August 2015 peace agreement. While the frequency of SOFA violations decreased in early- to mid-2016,⁹⁶ several UNMISS officials told CIVIC they escalated again in the weeks leading up to July. “There was a significant increase in the denial of movement [right before July],” said a senior UNMISS official. “In the majority of cases, the UN patrol had to turn back.”⁹⁷

An increase in SOFA violations before and during the July violence fits a pattern of the conflict. When the situation is calm in a particular part of the country, there are typically fewer—though rarely zero—restrictions on free movement. However, as soon as tensions rise, whether through fighting or the perpetration of human rights abuses, the SPLA cracks down on the Mission's movement. When the Mission is most needed, it is least able to move, with significant consequences for its mandate, as explained by a military official with UNMISS: “Freedom of movement is our biggest problem. That's what killed us during this conflict. We have lost our freedom of movement, so there is no way we can actually do protection of civilians.”⁹⁸

94 See CIVIC, *Within and Beyond the Gates: The Protection of Civilians by the UN Mission in South Sudan*, pp. 12-14, http://civiliansinconflict.org/uploads/files/publications/SouthSudanReport_Web.pdf.

95 *Final report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015)*, UN SC Doc. S/2016/70, January 22, 2016, para. 142.

96 *Report of the Secretary-General on South Sudan (covering the period from 1 April to 3 June 2016)*, UN SC Doc. S/2016/552, June 20, 2016, para. 53 (reporting 33 SOFA violations in a two-month period).

97 CIVIC interview, Juba, August 2016.

98 CIVIC interview, Juba, August 2016.

There are at least three different actors responsible for the obstruction that has crippled UNMISS. First, the parties to the conflict themselves—and in particular the government and SPLA—which have ignored the SOFA and repeatedly blocked and harassed the Mission, intimidated and even assaulted UN personnel, and, in the most extreme cases, attacked UN assets and bases either directly or indiscriminately. Second, the UN Security Council, which has failed to stand up to the government and impose punitive measures, such as an arms embargo, in response to the Government of South Sudan making a mockery of the SOFA and a Chapter VII mandate.

And third, UNMISS itself, which has struggled to respond effectively as the parties have gone further and further in undermining its movement. In 2015, UNMISS Force issued a directive calling on any patrol to remain at a checkpoint for 48 hours while reporting back to headquarters and negotiating continued movement; UNMISS military officials admitted to CIVIC that such persistent negotiation has rarely happened in practice, with patrols typically giving up upon the slightest resistance. At this stage, UNMISS never moves by air without prior permission from the parties to the conflict, and, particularly in sensitive areas, only rarely does so by ground.

By the time the July violence erupted, the SPLA had again ratcheted up its obstruction of UNMISS's movement in Juba, and UNMISS was unable or unwilling to push back. Consequently, between July 8-13, UNMISS was confined to its bases. A senior UNMISS official told CIVIC, "We immediately went to lockdown—immediately [we] had to close the gates and go into lockdown."⁹⁹ In subsequent weeks, continued SPLA obstruction kept movement limited in key areas.

Problems with Contingency Planning and Exercising

"Contingency planning pre-July was not adequate. It's a systemic issue." – UNMISS civilian official¹⁰⁰

A peacekeeping mission's readiness for a major incident often comes down to three things: (1) having an understanding of the threat environment; (2) putting in place contingency plans based on different ways a scenario may unfold; and (3) rehearsing those plans such that the whole-of-Mission response becomes as instinctive as possible. In the case of the July violence in Juba, there appear to have been major shortcomings with both contingency planning and rehearsal.

Many UNMISS officials expressed that, for the most part, there was adequate understanding and analysis of the potential for violence to erupt between the two parties' forces in Juba. "Did we say that something could likely happen? Yeah," an UNMISS official told CIVIC. "We [knew] that the slightest trigger would lead to this type of situation."¹⁰¹

The focus of concern had originally been on the time of Machar's return to Juba. Several UNMISS officials felt that, by June, the Mission may have been lulled into a sense that the tensions in Juba were simply a "new normal."¹⁰² Such a reaction is natural—threat levels become meaningless when at the maximum for an extended period—but it may have contributed to the slowness with which the Mission began undertaking new preparation measures.¹⁰³

⁹⁹ CIVIC interview, Juba, August 2016.

¹⁰⁰ CIVIC interview, Juba, August 2016.

¹⁰¹ CIVIC interview, Juba, August 2016. Another UNMISS official said similarly: "What happened wasn't a surprise. Many of us thought it would happen months earlier, [when Machar returned]. ... What happened was worst-case scenario, [but] it was what a lot of us ... predicted blow by blow." CIVIC interview, Juba, August 2016.

¹⁰² CIVIC interviews, Juba, August 2016.

¹⁰³ Two UNMISS military officials expressed frustration that internal threat levels were not raised in the days immediately prior to the outbreak of fighting on July 8, even with the series of incidents in Juba. CIVIC interviews, Juba, August 2016.

As tensions in Juba escalated in the days immediately preceding the outbreak of violence, UNMISS led at least two contingency planning sessions and one tabletop exercise (TTX). Participants interviewed by CIVIC raised several major concerns. First, and most simply, they were late in coming. “The Mission did a TTX, which identified 25 things and 9 were fixed,” said an UNMISS military official. “It was done the Wednesday before the [violence started on] Friday, so we didn’t have the time to really put in the mitigation measures.”¹⁰⁴

The Mission appears not to have grappled with how quickly and gravely any incident in Juba might escalate

Second, and perhaps more fundamentally, the Mission appears not to have grappled with how quickly and gravely any incident in Juba might escalate. A senior UNMISS official told CIVIC, “Some of us have argued that we need to spend more time in ‘worst case’ rather than ‘most likely,’ as things spiral here.”¹⁰⁵

In at least certain respects, the reluctance to engage with worst-case planning appears to have been borne of the Mission’s desire to control or avoid certain events that experience has repeatedly demonstrated it cannot. Several humanitarian

officials with knowledge of the meetings told CIVIC, for example, that the Mission refused until the last moment to plan for a situation in which any significant number of people fled into the Tongping base. “They wouldn’t even consider the possibility. They had an area outside the West gate—outside Tongping—that was roped off for IDPs,” said one humanitarian official. “In meetings, they kept saying, ‘There’s nowhere to put them.’ We know! But they’re going to come in anyway.”¹⁰⁶

Another humanitarian official said similarly:

There were super small contingency spaces. And this was discussed at length—if you don’t [provide other protection options], you know people will come here. The response was, “Why are you guys always so negative, plan for the worst?” ... There was a refusal to accept that people might come here. Unless you create an area where they feel safe elsewhere, they’re going to come here.”¹⁰⁷

The Mission was likewise reluctant to plan for population movements into the core UN House area of offices and residences. Yet past experience, including in Malakal, has repeatedly demonstrated that, in the face of fighting and human rights abuses, people will move to where they feel safest: UN bases. The Mission’s desire to avoid having people overrun its bases is understandable; the POC sites are an enormous strain on UNMISS. But until the Mission is able to effectively protect people elsewhere—and its inability to move outside its bases in July shows it could not—any effective contingency plan must include those likely population movements.

An UNMISS official defending the preparedness of the Mission told CIVIC that while there were discussions with humanitarian officials about how best to accommodate additional IDPs, the Mission was clear that, in the worst-case scenario, it would provide protection for any new arrivals to both UN House and Tongping.¹⁰⁸ More specific plans for likely population movements seem to have been lacking, however.

104 CIVIC interview, Juba, August 2016.

105 CIVIC interview, Juba, August 2016.

106 CIVIC interview, Juba, August 2016.

107 CIVIC interview, Juba, August 2016.

108 CIVIC email correspondence, September 2016.

In addition to IDP movements, several humanitarian officials were dismayed at the seeming lack of preparedness for specific concerns like extraction. “In scenario planning the week before, they said that they didn’t need to have a plan for extraction,” a humanitarian official told CIVIC. “Just ring [the Joint Operation Command] and we’ll send [someone].”¹⁰⁹ Another humanitarian official likewise expressed concern about the contingency planning that occurred in the days before violence broke out: “There were so many unanswered questions [by] UNMISS—about collection points, protecting people in the POC. All of these were undetermined.”¹¹⁰

Several UNMISS officials said that, as the July violence unfolded, UNMISS encountered problems that it had never experienced in Juba before. The complete rupture of movement between the UN bases at UN House and Tongping, for example, had never happened before. The targeting of foreign aid workers in the way that it happened at the Terrain compound had never happened before. The use of helicopter gunships in Juba had never happened before.

“If there’s a spontaneous change ... the only way to avoid being wrong-footed is to preempt,” a senior UNMISS military official told CIVIC. “But that’s an expensive ask. Preemption is really easy to say, really hard to do. ... You have to invest in it in a way that you can justify.”¹¹¹ The official noted that effective preemption was difficult enough for many of the best militaries in the world; it is particularly challenging for a UN peacekeeping mission that is already overstretched in terms of its resources and personnel.¹¹²

While new, difficult-to-predict developments perhaps mitigate some of UNMISS’s responsibility for a lack of preparedness, the movement of people into the UN bases was not new. Nor was widespread looting of UN and humanitarian compounds following fighting. Nor was large-scale sexual violence against women venturing out of POC site to find food for their families following a period of tension or violence. Yet several UNMISS officials involved in contingency planning said that the issue of SGBV had not been a focus of the pre-July planning that happened prior to the July violence.¹¹³

Finally, even when there was effective analysis and planning, many UNMISS officials saw the biggest challenge as being inadequate rehearsal and exercising. “Planning is not the key,” a senior UNMISS civilian official told CIVIC. “A plan means nothing, really. It needs to be properly exercised and rehearsed.”¹¹⁴ A senior UNMISS military official said similarly: “You can put whatever you want on paper, but if you don’t promulgate, rehearse, and validate, it’s irrelevant.”¹¹⁵

Several UNMISS and humanitarian officials pointed in particular to the Mission’s reliance on peacekeepers having a laminated pocket card that details the Mission’s mandate and key rules of engagement, including that lethal force can be used to protect a civilian under threat of physical violence. One such official told CIVIC:

When in contingency planning, they say, ‘We have the [pocket] card.’ And on the day [of fighting], they freeze. They don’t look at the card, they radio up, and by then it’s too late. Unless you train instinctively—if this happens, you do X—the reaction is to hide somewhere by a car. They need to practice, they need to mock [training exercises]. ... [The poor response] is about them not being trained over and over again so that it’s natural reaction.”¹¹⁶

109 CIVIC interview, Juba, August 2016.

110 CIVIC interview, Juba, August 2016.

111 CIVIC interview, Juba, August 2016.

112 CIVIC interview, Juba, August 2016.

113 CIVIC interviews, Juba, August 2016.

114 CIVIC interview, Juba, August 2016. Another UNMISS civilian official told CIVIC, “We talk a lot, we plan a lot, but when it comes to implementation ... no[thing] is there.” CIVIC interview, Juba, August 2016.

115 CIVIC interview, Juba, August 2016.

116 CIVIC interview, Juba, August 2016.

The pocket card is not itself a negative thing; indeed, it can serve as a helpful tool, during non-crisis periods, for mid-level commanders and troops to remind themselves of their mandate. But there is also a need for undertaking more regular exercises based on potential scenarios, as was recommended by the Malakal Board of Inquiry.¹¹⁷

In its letter response to CIVIC, UNMISS indicated that the rules of engagement are “reiterated to incoming troops immediately upon induction [in the Mission] and regularly through sector command,” and that “the Training Section, in conjunction with the Legal Advisor, supervises scenario-based trainings, which may take the form of tabletop exercises or command post exercises in the Sectors.” Encouragingly, the Mission recognizes that it needs to give more time and emphasis to these efforts:

Recent events have underscored the importance of these tabletop and command post exercises in the field to rehearse and solidify this understanding among the Force’s peacekeepers, and in response, the Mission has updated its tactical defense plan for UN House and is rehearsing this as part of its contingency planning efforts.¹¹⁸

¹¹⁷ Malakal BOI Executive Summary, para. 27 (“UNMISS military leadership should ensure that training in the practical application of the ROEs and use of force is conducted regularly in accordance with the guidance from the DPKO Military Advisor with a focus on scenarios relevant to the current operational situation in a concrete location”). See also *ibid.* (“UNMISS should ensure that joint military/FPU/police/civilians Table Top Exercises (TTX) exercises on responding to emergency situations are conducted on a regular basis. ... Lessons learned from these exercises should be clearly recorded, disseminated and incorporated into relevant policies, plans and procedures.”)

¹¹⁸ UNMISS response letter, September 28, 2016 (on file with CIVIC).



The bulletproof door that led into the apartment building at Terrain, where SPLA soldiers brutally attacked international and national aid workers (August 2016) © Adriane Ohanesian

UNMISS RESPONSE AS THE JULY 8-11 VIOLENCE UNFOLDED

UNMISS's performance in protecting civilians during the fighting was mixed. It appears to have been the worst in POC1, where peacekeepers abandoned their posts along the perimeter and even fled back into the core UN base area, leaving the POC site undefended for large parts of the fighting. It was better at the Tongping base and at POC3, where, for the most part, peacekeepers remained at their positions and at times assisted civilians in finding safe spaces. Most contingents fired few, if any, rounds, but that decision appears defensible, as it could have worsened the situation by drawing more direct fire from the fighting forces.

The Mission's ability to protect outside of its bases was nonexistent during the fighting. Once clashes started on July 8, UNMISS was almost wholly unable or unwilling to move through the militarized city. A senior UNMISS official explained to CIVIC:

It didn't open for movement in and around town for six or seven days after Friday. You can [kind of] understand it, because it was war. If we'd gone out, we'd have been in crossfire... and if we used weapons during those four days, we would have taken losses and perhaps [invited] an attack here. Yes, we'd like to be more outward going, but... there was a decision made that we would not.¹¹⁹

As a result, UNMISS was unable or unwilling to respond to major protection incidents, including the July 11 attack on the Terrain compound and the five days of looting of the World Food Programme warehouse. It likewise was unable or unwilling to provide force protection to water trucks and ambulances. Moreover, the Mission's poor communication about what it could and could not do at times may have even elevated protection risks.

119 CIVIC interview, Juba, August 2016.

UN House POC1

“We did not see anything that they were doing. Many [IDPs] were injured and some were killed, but the peacekeepers did not respond.” – 57-year-old IDP in UN House POC1¹²⁰

Of the three locations in Juba where peacekeepers were tasked with protecting South Sudanese civilians on UN bases, the performance appears to have been the worst at UN House’s POC1, where around 8,600 IDPs live. POC1, handled primarily by Chinese peacekeepers and a Nepalese Formed Police Unit (FPU), sits close to the main UNMISS offices (see map on page 2), separated by a metal gate as well as a perimeter fence topped with barbed wire. As fighting intensified on July 10 and 11, many of the peacekeepers abandoned their posts, eventually even running back into the core UN base area—and instructing IDPs to follow.

Perimeter Security

Even prior to the July violence, perimeter security was a major problem for POC1. A senior UNMISS official told CIVIC: “There is no POC1. It’s a village. It’s porous. There are breaches everywhere,” including in the berm that runs along the perimeter.¹²¹ While the eastern and southern sides of POC1 face inward within the UN base, the northern and western sides are external perimeters for UN House as a whole. There is often a heavy SPLA presence along the northern perimeter in particular, with several humanitarian officials and IDPs describing to CIVIC how at times they can overhear taunts and threats from SPLA right outside.¹²² CIVIC counted only three sentry posts to cover that entire northern perimeter of POC1, which is at least several hundred meters long. These posts are spaced much further apart than at POC sites like Bentiu and Malakal in large part, as one senior UNMISS official explained, because the entire UN House area comprises “five kilometers of perimeter. It simply takes more than what we have to secure the perimeter and protect outside.”¹²³



Tunnel that was used by IDPs to flee from POC1 into the UN House base during fighting on July 8. UNMISS later blocked the tunnel with barbed wire.
© Lauren Spink, CIVIC

The porousness of the perimeter meant that, as soon as violence erupted on Friday, many IDPs within POC1 felt vulnerable. Approximately 2,000 POC1 residents—primarily women and children—fled into the core UN base that evening, before returning to their shelters in POC1 on either Friday evening or Saturday morning, when the situation calmed. Some of those who fled into the core UN base on Friday passed through a drainage hole that ran under the fence in POC1 Extension 2 (see photo). When fighting erupted again on Sunday morning, some IDPs tried to pass through the hole again—only to find that UNMISS had positioned a barbed-wire barricade to block any movement. A South Sudanese woman who lives in POC1 Extension 2 told CIVIC: “I watched as many people, including children, were trying to pass through this hole [on Sunday], but they wouldn’t let them.”¹²⁴

¹²⁰ CIVIC interview, UN House POC1, August 2016.

¹²¹ CIVIC interviews, Juba, August 2016.

¹²² CIVIC interviews, Juba, August 2016.

¹²³ CIVIC interview, Juba, August 2016. UNMISS’s response letter similarly noted “that the perimeters of both UN House and Tamping camps are vast ... Moreover, neither site is protected from direct or overhead fire, as was experienced during the July fighting. Realistically, these physical limitations make both locations extremely difficult to defend.” UNMISS response letter, September 28, 2016 (on file with CIVIC).

¹²⁴ CIVIC interview, UN House POC1, August 2016.

Desertion of Sentry Posts

On Sunday, UN House found itself at the center of fighting between the government and opposition. A dozen IDPs in POC1 described to CIVIC how, as shooting intensified in the vicinity of POC1, Chinese peacekeepers left the sentry posts along the perimeter. “They abandoned their posts when the fighting got heavy,” said a 22-year-old male student who lives in POC1. “They came down [from the guard towers] and lay down. No one was looking outside.”¹²⁵

“If the [SPLA] had come, there was no peacekeeper there”

UNMISS officials told CIVIC that descending from the sentry posts and taking refuge within the POC site was not a dereliction of duty by the peacekeepers. “The guard posts are not bulletproof,” said an UNMISS civilian official. “They are allowed to seek cover during active conflict.”¹²⁶ The Mission’s official response to CIVIC likewise indicated, “Given the scale of the conflict, some peacekeepers on foot or in exposed watchtowers did take cover as a self-defense measure, at intervals.”¹²⁷

The Mission, with financial support from UN Member States, should try to reinforce perimeter posts around UN House and other POC sites in South Sudan, so that peacekeepers can remain in them even during active fighting. The inability to have eyes on what is happening outside inherently affects the Mission’s understanding of the threat environment and ability

to respond effectively. Moreover, the sense of security provided to IDPs is greatly undermined when sentry posts are abandoned, as explained by a 31-year-old woman in POC1:

*When we were moving, we saw that there were no soldiers [at their posts]. ... When [the SPLA] see that the soldiers aren’t there, they feel comfortable firing into the compound. If the peacekeepers stay there with their guns, [the SPLA] will not fire into the POC, that is our message [to the UN]. ... When we see that they are staying at their posts, we will not fear, we will stay in our homes, lying under our beds.*¹²⁸

Desertion of Pedestrian Gate

At the northwestern corner of POC1, there is a pedestrian gate (also referred to as the western gate), where, during non-crisis periods, IDPs can enter and exit the camp, for example to go to the market or collect firewood. IDPs reentering POC1 through that gate are searched for weapons and other contraband. Warrior Security, a private South Sudanese security company, is normally in charge of those searches, with a group of Nepalese FPU in support at a nearby guard tower. Since they are unarmed, Warrior Security left the area soon after fighting started on Friday.

IDPs in POC1 consistently told CIVIC that UNMISS forces then abandoned the gate at some point on July 10. The pedestrian gate door was left wide open. A civilian who took refuge nearby inside POC1 told CIVIC, “The pedestrian gate was open—the door was open. The [peacekeepers] who monitor that gate, they fled. If the [SPLA] had come, there was no peacekeeper there.”¹²⁹

¹²⁵ CIVIC interview, UN House POC1, August 2016.

¹²⁶ CIVIC interview, Juba, August 2016.

¹²⁷ UNMISS response letter, September 28, 2016 (on file with CIVIC).

¹²⁸ CIVIC interview, UN House POC1, August 2016.

¹²⁹ CIVIC interview, UN House POC1, August 2016.

Several UNMISS officials confirmed that peacekeepers deserted the pedestrian gate of POC1, though they could not specify the exact time, including whether it was on July 10 or 11. Many SPLA fighters were in that area, but they fortunately did not take advantage of the situation and enter POC1.¹³⁰

Chinese Peacekeepers Hit by RPG, Temporarily Leave Part of POC1

After coming down from the sentry posts, many Chinese peacekeepers huddled near their armored personnel carriers (APCs), located at several positions just inside the POC1 perimeter. Around 6:30 p.m. on Sunday, an RPG fired by fighters outside POC1 exploded near an APC along the northern side of the camp. An IDP who works for a humanitarian organization inside POC1 described to CIVIC:

*I was lying [not far from them], in the same area. The bomb came; it was very terrible. ... Some [peacekeepers] were inside the vehicle, others were on the ground. ... I was lying down [covering my face] when it hit. When the firing stopped, that's when I saw [the Chinese peacekeepers]. The injuries were serious.*¹³¹

Six Chinese peacekeepers were wounded, two of whom ultimately died (see text box on p. 45 on the lack of medical care and evacuation). Several civilians who were in that part of the POC site told CIVIC that, after the RPG strike, the other Chinese peacekeepers there left, moving into the areas where IDPs live to take shelter.¹³²

There were conflicting reports both among IDPs in POC1 and UNMISS personnel, but at least some of the Chinese peacekeepers appear to have returned later that evening to their positions along the northern side of POC1.¹³³

Mass Desertion as Fighting Restarts on July 11, Civilians Told to Flee

As the peacekeepers fled from POC1, they yelled to IDPs that they should likewise leave

By the morning of July 11, many, if not all, of the Chinese peacekeepers undoubtedly knew that their injured fellow soldiers were still trapped at UN House, unable to get medical care or a medical evacuation. When heavy fighting restarted in the vicinity of POC1 that morning, the remaining Chinese peacekeepers fled en masse, running into the core UNMISS base.

“They did not have enough power to defend themselves, so they evacuated themselves,” said a 33-year-old IDP in POC1. “On [Monday], all of them evacuated.”¹³⁴ Another IDP, who works for a humanitarian organization in POC1, told CIVIC: “They

left the POC. Those who were guarding the POC, they left their posts. They went to UN House because it's stronger than the POC. ... They left their tanks, they left their guns, they left their ammunition—they were just running. ... There were no peacekeepers in the POC.”¹³⁵

130 The fact that the SPLA did not enter POC1, even after it was effectively abandoned by peacekeepers, suggests that the level of control over at least certain parts of the military is greater than often depicted. Firing indiscriminately outside UN House in a way that struck civilians and UN property inside appears to have been acceptable, but physically entering the POC sites appears to have been a line they chose not to cross—even given the SPLA-IO's presence in and use of the POC sites. A military without effective command and control would likely have difficulty establishing and enforcing such lines.

131 CIVIC interview, UN House POC1, August 2016.

132 CIVIC interviews, UN House POC1, August 2016.

133 Some IDPs and humanitarian officials said that the peacekeepers fled on Sunday after being hit and left the area undefended from that point on. That conflicts with testimony that CIVIC found to be more believable, indicating that at least some Chinese peacekeepers remained in positions along the internal base of POC1 until Monday morning.

134 CIVIC interview, UN House POC1, August 2016.

135 CIVIC interview, UN House POC1, August 2016.

Several other South Sudanese civilians living in POC1 similarly described the peacekeepers leaving behind guns and ammunition.¹³⁶ At least four civilians in POC1 told CIVIC that youth within the camp collected some of the weapons,¹³⁷ though two UN officials indicated that the IDPs immediately returned most if not all of them.¹³⁸ In response to a letter request from CIVIC about how much weaponry had been abandoned, UNMISS said that it “has received no information about ammunition or weapons lost or recovered belonging to UNMISS peacekeepers.”¹³⁹

Five South Sudanese civilians in POC1 described to CIVIC how, as the Chinese peacekeepers fled from POC1, they yelled to IDPs that they should likewise leave. “The Chinese were running across the camp, saying ‘Go, go,’” a 24-year-old woman said. “We don’t know where to go, we were put here for protection. I was sitting at a water point [taking shelter from the fire], and one of them almost knocked me down while running by.”¹⁴⁰ A 32-year-old man in POC1 said similarly: “They were telling people to ‘come, come,’ not to remain in the camp.”¹⁴¹

Several UNMISS military and civilian officials confirmed to CIVIC that POC1 was left undefended for a period. “The Chinese abandoned [POC1], that is a fact,” said one UNMISS military official. “To this day, there is a reluctance or unwillingness to overexpose themselves.”¹⁴² Any criticism of the Chinese peacekeepers’ performance must account for the losses they took, and the egregious way in which their casualties were treated, as discussed in more detail in the text box below.

Use of Tear Gas to Push Civilians Back to POC1

During the fighting on July 10-11, around 5,000 IDPs fled from POC1 into the core UN base area,¹⁴³ an understandable decision given that the peacekeepers themselves progressively abandoned the camp area. Women in POC1 described to CIVIC how they put bed mattresses on top of the barbed-wire fence separating POC1 from the UN offices and shelters and climbed over. Many of them were cut by the barbed wire, particularly on their feet and ankles; at least three women interviewed showed scars that they claimed were from climbing through the barbed wire.¹⁴⁴

The large-scale movement of IDPs into the core UN base “overwhelmed the police force and confused the military,” according to an UNMISS military official.¹⁴⁵ UNMISS tried to corral the IDPs into certain locations within UN House but struggled—in part because the IDPs were directed to areas with little protective cover and therefore still felt at risk. Indeed, CIVIC interviewed one woman who took a stray bullet to the foot while in an area of the UN base where she and other IDPs had been told to stay.¹⁴⁶

136 For example, a 57-year-old man in POC1 told CIVIC: “Some of the soldiers left the tanks, they even left their guns and ammunition as they ran to UN House. I saw this myself. If there is fighting, can a soldier leave his gun and run away? We have a low opinion of these soldiers now.” CIVIC interview, UN House POC1, August 2016.

137 CIVIC interviews, UN House POC1, August 2016.

138 CIVIC interviews, Juba and New York, August and September 2016.

139 UNMISS response letter, September 28, 2016 (on file with CIVIC).

140 CIVIC interview, UN House POC1, August 2016.

141 CIVIC interview, UN House POC1, August 2016.

142 CIVIC interview, Juba, August 2016.

143 CIVIC interviews with UNMISS and humanitarian officials, Juba, August 2016.

144 CIVIC interviews, UN House POC1, August 2016.

145 CIVIC interview, Juba, August 2016.

146 CIVIC interview, UN House POC1, August 2016.

South Sudanese civilians displaced inside the base began increasingly seeking refuge near and in UNMISS office buildings and shelters, which several UNMISS officials stressed put staff security at risk.¹⁴⁷ Several civilians who fled into the UN base told CIVIC that, at least by Monday afternoon and evening, a small number of IDPs began to steal items from the UN base. “Certain youth broke into containers [and] started looting,” said a 28-year-old woman. “This was getting the UN annoyed.”¹⁴⁸

The following morning, on July 12, “[UNMISS] brought out wires and closed locations where people had hid during the fighting,” according to a 22-year-old woman who had fled inside the base. Soon thereafter, between 9 and 10 a.m., UNMISS forces fired tear gas toward the displaced population, as described by seven people interviewed by CIVIC, including a 26-year-old woman:

*It was in the morning [that] they fired tear gas. I saw them, they were near [to me]. They fired three times. The [tear gas] gun itself was black in color. The gas exploded. ... It was very, very harmful. Some of us were seriously coughing and vomiting, especially a couple old people who could not run. They didn't beat people. They just stood by and told people, “Go, go,” and then when people didn't, they fired tear gas.*¹⁴⁹

Every witness interviewed by CIVIC described irritation to their eyes and a brief difficulty in breathing. Several witnesses also said that either they or their children vomited or later had diarrhea, two symptoms that have been linked to heavy exposure to tear gas.¹⁵⁰ A person who works at a health clinic in POC1 recalled having received a girl, around three years old, who was affected by the tear gas, but noted that “the condition was not very bad” and the girl recovered.¹⁵¹

During CIVIC’s fieldwork in August, an UNMISS official said that there was “no use” of tear gas on IDPs during that period, but that there had been an “accidental tear gas explosion ... near the Chinese Battalion’s camp within UN House” at 9:11 a.m. on July 12.¹⁵² While the timing fit, the characterization of an “accidental explosion” was in sharp contrast to the accounts of IDPs interviewed by CIVIC who described seeing or hearing several canisters being fired. In a separate investigation, Amnesty International likewise concluded that UNMISS forces had fired tear gas on the IDPs.¹⁵³

147 CIVIC interviews, Juba, August 2016. For example, a senior UNMISS official told CIVIC: “Staff safety and security can clash monumentally with the protection of civilians. These IDPs [from POC1] should have been allowed in, but not [in an area] that is right next to staff housing.” CIVIC interview, Juba, August 2016.

148 CIVIC interview, UN House POC1, August 2016.

149 CIVIC interview, UN House POC1, August 2016. A 22-year-old woman described similarly: “They bombed us with tear gas. It was in the morning hours [on Tuesday, July 12]. ... The smell reached us. We immediately ran away, and started coming inside [POC1]. I heard the sound, at least twice. It was one, and then another. I didn’t see them shooting it, but the smell reached me.” CIVIC interview, UN House POC1, August 2016.

150 Kashmira Gander & Lizzie Dearden, “Ferguson decision: What is tear gas and what does it do to your body?” *The Independent* (UK), November 25, 2014, <http://www.independent.co.uk/news/world/world-history/what-is-tear-gas-and-what-are-its-effects-9670302.html>. See also Center for Disease Control, “Facts About Riot Control Agents Interim document,” <https://emergency.cdc.gov/agent/riotcontrol/factsheet.asp>; Matt Soniak, “Almost Everything You Need to Know About Tear Gas,” *Mental Floss*, June 28, 2013, <http://mentalfloss.com/article/51036/almost-everything-you-need-know-about-tear-gas>.

151 CIVIC interview, UN House POC1, August 2016.

152 CIVIC email correspondence, August 2016.

153 Joanne Mariner, “They Ran to the UN for Help. They Got Tear-Gassed Instead.” *Foreign Policy*, August 26, 2016, <http://foreignpolicy.com/2016/08/26/they-ran-to-the-u-n-for-help-they-got-tear-gassed-instead/>.

Tear gas appears to have been a disproportionate measure

In its September 28 response letter to CIVIC, UNMISS indicated that a subsequent “internal investigation” had determined the tear gas explosion was not accidental:

[W]e can confirm that during the crisis, two teargas shells were used by one of the contingents as a non-lethal deterrent measure when security personnel were overwhelmed with an influx of external elements into the UN House compound, the aim was to assure the safety of UN personnel, UN property and IDPs in accordance with ROEs and standard operating procedures. ... No injuries were reported from this discharge.¹⁵⁴

By Tuesday morning, fighting had ended. UNMISS understandably wanted its base area back, particularly as a small subset of IDPs began trying to loot UN property. But tear gas appears to have been a disproportionate measure—particularly since it had been less than 24 hours since at least some peacekeepers had instructed civilians in POC1 to follow them to the core UN base. For many civilians interviewed by CIVIC in POC1, it also provided the final insult to several days in which UNMISS had been unable to fulfill its protection mandate. A 29-year-old man in POC1 explained: “There was no action at all. We’re not telling them to go fight the government. No. But you protect the people [under your protection]. Instead, they ran. ... And then they fired tear gas at our women and children. ... We see them [now] in the tower, but there is no trust.”¹⁵⁵

¹⁵⁴ UNMISS response letter, September 28, 2016 (on file with CIVIC).

¹⁵⁵ CIVIC interview, UN House POC1, August 2016.

Lack of Emergency Trauma Care, Medevac Undermines Response

As described above, at around 6:30 p.m. on July 10, a rocket-propelled grenade (RPG) struck a UN armored vehicle inside POC1, injuring six Chinese peacekeepers. The inability to provide timely medical care probably led to at least one preventable death—and, in subsequent days, severely undermined peacekeepers' morale and willingness to engage robustly.

According to interviews with witnesses and UNMISS officials, as well as an internal UNMISS timeline, the wounded peacekeepers were quickly transported from POC1 to the UN base area. UN House had only a Level 1 Clinic, however, which had no blood for transfusions and no surgical team. Around 7:30 p.m., China requested a UN medical evacuation to get the casualties to the Level 2 Hospital at the UN base in Tongping, only 15 kilometers away.

Fifteen hours later, the wounded Chinese peacekeepers were still stuck at UN House. Two died during that period: the first at 9:09 p.m., the second after bleeding out until 10:52 a.m. the following morning.¹⁵⁶ UNMISS civilian and military officials interviewed by CIVIC widely believed that the second death was preventable, had timely medical care been available.¹⁵⁷

UNMISS military leadership, including the Chinese Deputy Force Commander and several senior military liaison officers, tried to negotiate access for moving the casualties to Tongping. “We have helis [and] ambulances, but we did not have freedom of movement to do medevac,” said a senior UNMISS military official.¹⁵⁸ Another UNMISS military official told CIVIC, “On our end, it was really pretty simple. It was not doable without an SPLA escort” to navigate the fighting and military checkpoints across the city.¹⁵⁹ The SPLA never agreed to provide such an escort, and, according to the same official, “no units, including the Chinese themselves, were willing to leave without” it, so great was the perceived risk that the SPLA would target a UN vehicle.¹⁶⁰

With UNMISS unable to get the casualties to proper care, China eventually negotiated bilaterally with the Government of South Sudan. Just after 5 p.m. on July 11—some 23 hours after the peacekeepers were hit—China was finally able to secure an evacuation to Tongping. Since they negotiated bilaterally, however, China prioritized moving their own wounded. An Ethiopian peacekeeper, who had been injured separately during the July violence, was left behind at UN House.¹⁶¹ The act reinforced the perception that, rather than a unified military, UNMISS Force often operates as a disjointed collection of TCCs with distinct interests and capabilities.

UNMISS officials repeatedly cited the Chinese peacekeeper's likely preventable death as affecting their planning and response in subsequent days. A military officer with UNMISS told CIVIC:

It has a psychological effect. People turned inward. If you took a bullet, you were going to die. If you get a scratch, I can't save you. You can do all the planning and training in the world. But you're not going to get a [peacekeeper] to stay in the tower if he has seen his buddy bleed to death.¹⁶²

¹⁵⁶ CIVIC interviews with UNMISS civilian and military officials, Juba, August 2016; Internal UNMISS timeline (on file with CIVIC).

¹⁵⁷ CIVIC interviews, Juba, August 2016.

¹⁵⁸ CIVIC interview, Juba, August 2016.

¹⁵⁹ CIVIC interview, Juba, August 2016.

¹⁶⁰ CIVIC interview, Juba, August 2016.

¹⁶¹ CIVIC interviews with UNMISS military and civilian officials, Juba, August 2016.

¹⁶² CIVIC interview, Juba, August 2016.

Fifteen hours later, the wounded Chinese peacekeepers were still stuck at UN House. Two died.

In return for putting themselves in harm's way, soldiers have a basic expectation that, if injured, all efforts will be made to get them to care. When that expectation is thwarted, it devastates soldiers' morale and leads commanders to avoid putting troops in risky operations. "It's perfectly reasonable for TCCs to say they are not going to go because of casevac," said a Western military official with UNMISS. "We do it all over the world; every nation does, including my own."¹⁶³ In the peacekeeping context, where chain of command is already weak and TCCs' national interests militate against any risk

of casualties, the impact is likely even greater. Several senior officials at UNMISS linked the medevac issue to the reluctance of forces to undertake foot or vehicle patrols in subsequent days—a period during which South Sudanese women seeking food outside the POC sites were the victims of widespread rape by SPLA soldiers (see page 25).

While the lack of medical evacuation and care does provide a partial explanation for TCCs' unwillingness to engage robustly, the problems were, in part, of the UN's own making. First, UNMISS appears not to have adequately planned for, as one military official phrased it, the "cutting of the umbilical cord" between UN House and Tongping. Medical contingency planning was based on an assumption of progressing from the Level 1 Clinic at UN House to the Level 2 Hospital at Tongping and, if necessary, to a Level 3 Hospital outside the country. A senior UNMISS official told CIVIC, "No one had considered how isolated we could become."¹⁶⁴ Yet that potential isolation appears, in many respects, to have been foreseeable. The parties to the conflict have repeatedly violated SOFA and impeded the Mission's most basic movements. When fighting or human rights violations have flared in places like Wau, Malakal, and Bentiu, the UN has often been unable to leave its base. And the location of UN House—surrounded by military forces; connected to Juba only by crater-holed dirt roads; and with only one major ingress and egress—makes it particularly susceptible to a blockade.

Second, the medevac and trauma care problems during the July violence reflect a much wider lack of support from UN headquarters on these issues. The 2015 report of the United Nations' High-Level Independent Panel on Peace Operation (HIPPO) noted:

Timely and reliable medical evacuation and casualty evacuation should be a priority ... throughout the life cycle of the Mission, including with night flight capability. ... Clear capability standards should be established for casualty evacuations. ... A medical performance framework is required, including the introduction of standards for the quality of care provided and practitioner, hospital and medical evacuation capabilities.¹⁶⁵

The UN appears to have fallen short of establishing and maintaining these standards in South Sudan, even apart from the challenges raised by the government and opposition's obstruction of UNMISS movement. Several months before the July violence, the Cambodian surgical team at the Level 2 Hospital at Tongping lost its certification, due to the poor quality of care provided.¹⁶⁶ Although a solution was found—a surgical team from another UN mission was transferred to UNMISS—it further represented the often-poor standard of care provided peacekeepers. If the protection of civilians is to remain at the heart of modern peacekeeping, the UN Secretariat and Member States need to take immediate steps to improve medical care and to establish guaranteed standards of medical evacuation in places like South Sudan.

163 CIVIC interview, Juba, August 2016.

164 CIVIC interview, Juba, August 2016.

165 *Uniting Our Strengths for Peace – Politics, Partnerships, and People: Report of the High-Level Independent Panel on United Nations Peace Operations* (hereinafter HIPPO report), June 26, 2015, paras. 215, 301.

166 CIVIC interviews with UNMISS military and civilian officials, Juba, August 2016.

UN House POC3

The peacekeepers responsible for protecting civilians inside POC3 performed better than those at POC1, according to interviews with humanitarian officials and civilians in both locations. The Ethiopian Battalion at UN House was primarily responsible for POC3 perimeter security. While civilians reported seeing some peacekeepers take cover and hide in POC3's ditches during the violence, they indicated that other peacekeepers remained at their posts and even returned fire when gunfire was directed into the camp.¹⁶⁷ The Ethiopian peacekeepers assisted civilians in other ways, including by providing instructions on how to protect themselves.

During the fighting, POC3 offered far better hiding places for civilians than did POC1, due to the deep drainage ditches that run through many parts of the site. Most of the civilians interviewed by CIVIC took refuge in these ditches while attempting to avoid the incidental fire that often rained down on the camp. A 20-year-old woman living in POC3 at the time of the violence told CIVIC that the Ethiopian peacekeepers helped instruct civilians to take cover in these locations:

I saw peacekeepers during the fighting. They told civilians to hide in the ditches and take cover. They divided themselves around civilians and were ready to protect people. I don't know if they fired their weapons because I was hiding in a ditch. They also advised people not to go outside, even after the fighting ended.¹⁶⁸

A young man inside POC3 observed similar actions on the part of the peacekeepers: "The UN tried their best to protect people. They stopped people from leaving the POC, advised them not to go out and to stay in their houses or ditches during the fighting."¹⁶⁹

In addition to instructing people to hide, an 18-year-old woman in POC3 described the peacekeepers returning fire and taking several helpful actions after the fighting ended:

I saw UNMISS during the fighting. Soldiers were outside directing fire into the camps, and the peacekeepers fired back. They stayed in the towers and took guns away from the men who came into the POC site after the fighting. Since the fighting, they have begun to increase the height of the sandbanks [around the perimeter].¹⁷⁰

A 29-year-old woman who witnessed two of her relatives wounded by crossfire inside POC3 likewise stated that peacekeepers in blue helmets were collecting wounded civilians and bringing them for medical treatment in other areas of the camp.¹⁷¹

¹⁶⁷ CIVIC interviews with IDPs, UN House POC3, August 2016.

¹⁶⁸ CIVIC interview, UN House POC3, August 2016.

¹⁶⁹ CIVIC interview, UN House POC3, August 2016.

¹⁷⁰ CIVIC interview, UN House POC3, August 2016.

¹⁷¹ CIVIC interview, UN House POC3, August 2016.

Ethiopian peacekeepers helped instruct civilians to take cover

Several civilians in POC3 spoke highly of UNMISS's performance during the immediate violence, while expressing frustration with how limited protection is outside the POC sites. A 29-year-old man, living in POC3 with his wife, child, and three brothers, noted that during the fighting he saw peacekeepers deployed on the perimeter fence and advising civilians to stay low on the ground to avoid being hit by gunfire. Although he did not see the peacekeepers fire their weapons, he believes that their presence prevented SPLA soldiers from causing greater harm to civilians.

According to him, "They [UNMISS] did a good job in POC3. Protection in the POC is okay, it is outside that is the problem. Men can't go out."¹⁷² A 42-year-old man acting as a community watch group member in POC3 stated, "No one can go outside. The peacekeepers only protect people inside the POCs, and even in the POC, people were killed because of the [gunfire]."¹⁷³

Several IDPs inside POC3 were more critical of the actions of peacekeepers during the crisis. According to one woman, "Peacekeepers were not concerned with what was happening outside, they were only concerned with what was happening inside. SPLA came up close to the fence and some of the peacekeepers saw that this was a problem and started trying to respond, but others were just hiding."¹⁷⁴ A 42-year-old man likewise said, "Here, [the peacekeepers] did almost nothing. They tried to defend their positions and they were alert, but they should have fired back. In one day, on July 10, [many] people were killed [inside POC3]. People in the camps will be killed by government forces if no one does anything."¹⁷⁵

UNMISS military officials said that one Ethiopian peacekeeper in POC3 sustained injuries, though CIVIC was not able to determine the specific details.¹⁷⁶ While civilians typically described positively the Ethiopian peacekeepers' performance at POC3, there were major concerns elsewhere, particularly related to the attack on the Terrain compound (see page 53). Moreover, according to an internal UN Department of Safety and Security report seen by CIVIC, an Ethiopian patrol "was stopped at about 200 meters from the UN House by SPLA soldiers" on July 12 or 13. "[A]t gunpoint... [o]ne AK47 rifle and mobile phones belonging to the UN forces was confiscated by the SPLA."¹⁷⁷

172 CIVIC interview, UN House POC3, August 2016.

173 CIVIC interview, UN House POC3, August 2016.

174 CIVIC interview, UN House POC3, August 2016.

175 CIVIC interview, UN House POC3, August 2016.

176 CIVIC interview with UNMISS officials, Juba, August 2016. It took approximately 36 hours before the Mission was able to evacuate him to the Level 2 Hospital in Tongping base.

177 Internal UN DSS report, July 13, 2016 (on file with CIVIC).

Few Rounds Fired By Peacekeepers, Perhaps For Good Reason

As civilians inside and outside the UN base areas were killed and wounded by gunfire during the July violence, UNMISS peacekeepers fired few rounds in return. For many South Sudanese civilians and humanitarian officials interviewed by CIVIC, the reluctance to return fire has further contributed to a perception of the Mission as weak and ineffective. But, at least in some cases, the decision not to fire back appears to have been deliberate—and defensible.

According to an UNMISS military officer, an Indian company at UN House reported firing 12 rounds during the July violence; the Chinese battalion primarily responsible for protection in POC1 reported firing a larger number, but only submitted a report over a month after the violence—which the officer felt may have been to cover up their lack of action.¹⁷⁸ UNMISS officials, as well as civilians and humanitarian officials who were at Tongping during the fighting, similarly indicated that the Rwandans fired few, if any rounds.¹⁷⁹ Some civilians in POC3 described the Ethiopian contingent there as having fired a bit more frequently, particularly during the heavy fighting on July 10-11. Many of the numbers of rounds fired appear so low that they could be explained as accidental fire or the actions of a few peacekeepers, rather than an organized response of a contingent.

However, as detailed above, most of the gunfire that hit civilians in both UN House and Tongping appears to have been indiscriminately fired by the SPLA or SPLA-IO, rather than targeted. Indeed, given how heavy the fighting was around UN House in particular, several UNMISS military officials said that relatively few rounds hit the UN, which they believed showed some amount of discipline on the part of the fighting forces.¹⁸⁰ In that environment, many UNMISS civilian and military officials defended the decision or reluctance of troops to fire their weapons, believing that, if peacekeepers had engaged armed actors outside the compound, it could have drawn additional fire into the POC sites, thereby endangering civilians.¹⁸¹ An UNMISS military officer told CIVIC, “The major failure is not the lack of rounds fired by the peacekeepers, but not being able to respond to requests outside of the camp.”¹⁸² Similarly, other UNMISS officials were more critical of the overall submissive stance and attitude of peacekeepers, rather than their reluctance to fire their weapons.¹⁸³

While not firing in response to the fighting around the POC sites may be defensible strategically, it led to confusion and anger on the part of civilians. An elderly man in POC1 told CIVIC, “The UN, they never took any action, they never responded to the fighting, even when people died in the camp. We don’t know, these [peacekeepers], were they brought here to protect?”¹⁸⁴ A South Sudanese NGO worker who witnessed the response of peacekeepers inside POC1 told CIVIC that he did not believe the peacekeepers were given a mandate to shoot back at the soldiers outside.¹⁸⁵ This misconception was reiterated by a civil society member who explained, “People are saying that UNMISS is not mandated to come out and shoot at people who are causing [harm].”¹⁸⁶ In order to rebuild trust with IDPs in the POC sites, UNMISS would do well to engage with communities around the decisions it made during the July violence—including why, as indiscriminate fire wounded people in the sites, its peacekeepers often chose not to confront those responsible, even with warning shots.

178 CIVIC interview, Juba, August 2016.

179 CIVIC interviews, Juba, August 2016.

180 CIVIC interviews, Juba, August 2016.

181 CIVIC interviews, Juba, August 2016.

182 CIVIC interview, Juba, August

183 CIVIC interviews, Juba, August 2016.

184 CIVIC interview, UN House POC1, August 2016.

185 CIVIC interview, UN House POC1, August 2016.

186 CIVIC interview, Juba, August 2016.

UN Tongping Base

While peacekeepers at the base in Tongping did not provide protection to civilians outside the base as fighting raged, or as soldiers carried out house-to-house searches in subsequent days, they did allow civilians to take refuge inside the base—and, at least in some cases, appear to have actively assisted civilians' entrance. Peacekeepers then often took on the role of humanitarians, helping provide shelter and basic assistance to those inside the base. The main contingent at Tongping is the Rwandan battalion, supported by a Japanese engineering unit.

As fighting broke out on the evening of July 8, UNMISS troops at Tongping appear to have originally resisted allowing civilians into the base, before ultimately letting a small number of people through the gate. When the situation deteriorated further on July 10 and 11, Rwandan peacekeepers readily allowed civilians to enter the compound, and, in some areas, even actively aided them. A Nuer man who lived near Tongping described to CIVIC how several Rwandan peacekeepers picked up a fence, so that civilians, including his wife and children, could crawl through.¹⁸⁷ According to another man who entered through a hole in the fence on Sunday, peacekeepers helped civilians to get across a drainage ditch in front of the fence, assisted him to enter into the compound, and even helped to carry the belongings of some individuals who had been able to flee with bags or suitcases.¹⁸⁸

Civilians in Tongping as well as humanitarian officials described how UNMISS and UNPOL officers gave food, water, and shelter to the first civilians who entered the base on Friday night, and even turned some of their own accommodation and offices into shelter for civilians when it rained the next night.¹⁸⁹ Peacekeeping forces at Tongping told CIVIC that they used their own medicine to treat the IDPs and did their best to ensure medical care was provided during the crisis. The same forces noted with pride that five women had

given birth to six children during the violence, and all had received medical care and survived.¹⁹⁰ Early in the fighting, peacekeepers were also able to search new arrivals for weapons, according to several UN officials at Tongping during that time, though this happened less frequently as fighting escalated and as civilians entered through more and more parts of the perimeter.¹⁹¹

When the situation deteriorated, Rwandan peacekeepers readily allowed civilians to enter

In general, civilians who took refuge in Tongping told CIVIC that they felt protected by peacekeepers within the base. A 21-year-old woman who fled to the camp after one of her children was injured in crossfire told CIVIC, "I can see their actions—moving around, seeing what problems there are, protecting us. They stand all night long, not sleeping. They are protecting us, but they are also protecting themselves."¹⁹² Several other women echoed the sentiment, including a

30-year-old widowed woman who said, "I am thankful for the UN because they are trying day and night to protect us. Because of them, I am alive. ... Without them, no one would have survived."¹⁹³

¹⁸⁷ CIVIC interview, Tongping base, August 2016.

¹⁸⁸ CIVIC interview, Juba, August 2016.

¹⁸⁹ CIVIC interviews, Juba, August 2016.

¹⁹⁰ CIVIC interview with UNMISS battalion leadership, Tongping base, August 2016.

¹⁹¹ CIVIC interviews, Juba, August 2016.

¹⁹² CIVIC interview, Tongping base, August 2016.

¹⁹³ CIVIC interview, Tongping base, August 2016.

Civilians could only find protection if they made it to a UN base

While peacekeepers at Tongping allowed civilians to enter and helped provide protection and assistance to those who did, several humanitarian officials criticized them for failing to take more proactive steps during the violence, particularly by projecting force outside or returning fire as fighters shot both indiscriminately and directly at civilians trying to enter the base.¹⁹⁴ A Nuer man who took refuge at Tongping described a “total absence of response measures” by peacekeepers

who “were inside the compound while those outside were bleeding.”¹⁹⁵ A South Sudanese academic expressed similar frustration: “UNMISS could have exited the compound in APCs. It was a difficult situation, but they could have done more. They protected themselves and their bases, but they could have gone out and assisted those outside, trying to get inside.”¹⁹⁶

As at UN House, peacekeepers at Tongping faced a challenging environment. UNMISS military officers at Tongping described having to calm fearful civilians entering the camp and provide them with medical care; to respond to requests to extract UN and humanitarian staff stranded in various locations in Juba; and to escort fuel trucks.¹⁹⁷ Three artillery shells landed inside the base, and another one landed outside near the west gate. Two UNMISS troops were injured from shrapnel, five to six civilians suffered shrapnel and gunshot injuries, and UNMISS infrastructure and office buildings were damaged or destroyed. The UNMISS military officers at Tongping said that each attempt to exit the base required negotiation with armed actors outside and passing through areas with a heavy presence of South Sudanese soldiers.¹⁹⁸ The result, as has often been the case during the conflict in South Sudan, is that civilians could only find protection if they made it to a UN base.

194 CIVIC interviews, Juba, August 2016.

195 CIVIC interview, Tongping base, August 2016.

196 CIVIC interview, Juba, August 2016.

197 CIVIC interview, Tongping base, August 2016.

198 CIVIC interview, Tongping base, August 2016.

Problems With Command And Control

“This has to be a battle fought in New York. Either you have a unified Force Commander who ... is able to take action or, otherwise, it will be a huge problem everywhere.”

– UNMISS civilian official¹⁹⁹

UN peacekeeping missions struggle with implementing an effective chain of command—in large part because many contingents have unwritten national caveats or report back to their home country, as highlighted by the HIPPO report.²⁰⁰ During the July violence in South Sudan, these recurrent problems were compounded by a rupture of the normal command structure, which appears to have undermined the Mission’s response to at least certain incidents of violence.

UNMISS’s military is divided into four operational theatres: Sectors North, East, South, and West, each of which is overseen by a Sector Commander. Juba falls under Sector South command, the headquarters of which is located at the UN base in Tongping. At the time of the July violence, Sector South headquarters had no one at UN House, where the overall Force headquarters is located.

Given the heavy fighting around the UN base in Tongping, Sector South leadership was focused on the Mission’s response there. Since the Mission was unable or unwilling to navigate the SPLA checkpoints and fighting between Tongping and UN House, the three infantry contingents at UN House—from China, Ethiopia, and Nepal—were quickly isolated from Sector South command.

As it became apparent that this disruption in the command structure was undermining the Mission’s response, the Force Commander appointed the Chinese Battalion Commander at UN House as the acting commander in charge of operations there. The Force Commander’s appointment should have given the Chinese Battalion Commander unquestioned authority to lead the operations. However, several high-level civilian and military officials at UNMISS said the command became even more fractured than normal, in part due to communication issues and in part because the Chinese Battalion Commander is of the same rank as the other contingents’ commanders.²⁰¹ During the attack on the Terrain compound (see page 53), for example, the Ethiopian Battalion Commander disobeyed an order to stand up and send the contingent’s Quick Reaction Force (QRF).

Similar to the medevac problems (see page 45), the potential for restricted communication and movement between UN House and Tongping likely should have been foreseeable and part of prior contingency planning. UNMISS has, however, taken steps to address this issue following the July violence, including by establishing at UN House a forward Sector South headquarters (see page 73).

¹⁹⁹ CIVIC interview, Juba, August 2016.

²⁰⁰ HIPPO report, paras. 208, 210.

²⁰¹ CIVIC interviews, Juba, August 2016.

Attack on the Terrain Compound

“The Terrain incident and the unwillingness to extract humanitarian staff more generally was deeply concerning. ... The humanitarian community probably had too much reliance on [UNMISS], but it was shocking that ... they couldn’t go—they wouldn’t go.” – Humanitarian official²⁰²

On the afternoon and evening of July 11, around 80 to 100 SPLA soldiers breached the Terrain compound—a hotel, restaurant, and apartment complex located about a kilometer from UN House. Aid workers from at least four international organizations lived on the compound; local and regional staff for Terrain was likewise present. According to CIVIC’s interviews with four people present at the time of the attack and with others with direct knowledge of the incident, as well as corroborating reports by the UN Panel of Experts, Human Rights Watch, and the Associated Press, the SPLA proceeded to rape and gang rape at least five international aid workers, physically and sexually assaulted many others, carried out mock executions, and executed a South Sudanese journalist on what appears to be ethnic grounds.²⁰³

The SPLA first breached the Terrain compound’s outer gates around 2:30 p.m. Between 3 and 3:30 p.m., the soldiers then moved toward the apartments that acted as a safe house for those who lived on the compound. There, the soldiers struggled to break through the steel-reinforced main door, but were eventually able to break one or more balcony windows and enter the apartment area between 4 and 4:30 p.m.²⁰⁴ Once they entered, SPLA soldiers proceeded to systematically loot the compound room by room and to commit serious abuses against the aid workers they found.²⁰⁵

A group of international aid workers took refuge in a particular room that the soldiers had difficulty getting through. A woman in the room interviewed by CIVIC described her experience:

I went into a room that had probably the most people in it, and we made a decision to lock the door to the hallway. The balcony in the room was locked [as well]. ... I heard that they had gotten into the apartment complex—I could hear them outside [the door] ... pulling out our other colleagues. ... I heard bullets—single pops, so I was assuming that they were executing people outside.

When they couldn’t open the door [to our room]... they started shooting through the door, and shot through the lock. ... [One person] got hit in the leg. ... I became aware that there were also soldiers on our balcony. They broke the glass on the balcony door. ... They were screaming, ‘We’re going to shoot you, we’re going to shoot you,’ and told [my colleagues] to pass cell phones, money, the flat screen TVs on the wall, everything. That went on for a while; people in the room were passing stuff through the balcony gate.

Finally, they broke down the door to the hallway. When they got in, they started just picking the [women] and grabbing us out of the bathroom.²⁰⁶

202 CIVIC interview, Juba, August 2016.

203 Human Rights Watch, “South Sudan: Killings, Rapes, Looting in Juba,” August 15, 2016, <https://www.hrw.org/news/2016/08/15/south-sudan-killings-rapes-looting-juba>; Associated Press, “Rampaging South Sudan troops raped foreigners, killed local,” August 15, 2016, <http://bigstory.ap.org/article/237fa4c447d74698804be210512c3ed1/rampaging-south-sudan-troops-raped-foreigners-killed-local>; Al-Jazeera, “UN panel blames South Sudan leaders for Juba violence,” September 9, 2016, <http://www.aljazeera.com/news/2016/09/panel-blames-south-sudan-leaders-juba-violence-160909063715494.html>.

204 CIVIC interviews, Juba, August 2016; and Skype interviews, August and September 2016.

205 CIVIC interviews, Juba, August 2016; and Skype interviews, August and September 2016.

206 CIVIC Skype interview, August 2016.

Another person in the same room said the SPLA spent at least an hour trying to get in, even as the aid workers inside relinquished everything of value.²⁰⁷ They were finally able to break down the door around 5:30 or 5:45 p.m., around the same time that forces from South Sudan's National Security Services (NSS) extracted a first group of aid workers from Terrain.²⁰⁸

Whether the attack started as opportunistic or planned, it seems clear that what followed was organized and beyond simple criminality by out-of-control elements. The level of determination to breach the compound's airlock gates and to search the apartment complex room by room, as well as the way in which the horrific violence, including rape, was carried out, strongly suggests that these soldiers intended to send a message to international humanitarian staff living in Juba. One woman interviewed by CIVIC recalled, as she was finally being extracted, "There was this one soldier—one of the girls had a soccer ball in her room, and he was just standing there, doing like [kick] ups with the soccer ball, playing with the soccer ball. ... They were laughing at us."²⁰⁹

Soldiers continued to commit crimes even after NSS arrived

Several women said soldiers raped and gang raped different women together in the same room. A woman interviewed by CIVIC described how, after raping her, an SPLA soldier grabbed a bottle of insect spray and "sprayed me in the face. I couldn't breathe. I started vomiting. ... He saw this spray and started to smile, started to think, and sprayed everywhere—and then he sprayed my face."²¹⁰

Another woman described being beaten brutally in the course of sexual assault and attempted rape, and then having a gun put to her head:

He started hitting me and hitting me and hitting me with his AK47. ... Another soldier walked into the room. He pointed his gun at me, to my head and under my chin, [and said] "Do you want to die, do you want to die?" He took the gun and put it right next to my left temple and fired it right into the floor. It was really loud, there was this spark from the gun."²¹¹

In addition to the sexual and physical assault, CIVIC interviewed one person who witnessed the execution of John Gatluak, a Nuer journalist with Internews: "Before they shot the journalist, they were screaming 'Nuer, Nuer' at him. Then they fired twice at [his head]."²¹² Three other people at Terrain interviewed by CIVIC were still inside the apartments when Gatluak was killed. They described later seeing his body. "When I went down and out, the first person I saw was the dead body of John," one woman said. "So I thought, they will kill us [all], because I didn't see any[one else]."²¹³

As the attack was ongoing, UNMISS leadership as well as the US Ambassador, among others, called key South Sudanese government and security officials to try to get them to stop the violence. NSS elements finally arrived around 5:30 p.m., around three hours after SPLA soldiers first entered Terrain; NSS headquarters is located several kilometers from Terrain.²¹⁴

207 CIVIC Skype interview, August 2016.

208 CIVIC interviews, Juba, August 2016; and Skype interviews, August and September 2016.

209 CIVIC Skype interview, August 2016.

210 CIVIC Skype interview, August 2016.

211 CIVIC Skype interview, August 2016.

212 CIVIC Skype interview, August 2016. The Associated Press likewise reported that Gatluak was shot twice in the head, then another four times "while he lay on the ground." Associated Press, "Rampaging South Sudan troops raped foreigners, killed local," August 15, 2016.

213 CIVIC Skype interview, August 2016.

214 The US Special Envoy to Sudan and South Sudan indicated in testimony before US Congress on September 7 that NSS's arrival to Terrain was delayed because "they had to move through the city in the midst of ongoing clashes occurring in multiple areas." <http://docs.house.gov/meetings/FA/FA16/20160907/105266/HHRG-114-FA16-Wstate-BoothD-20160907.pdf>. Given the proximity of NSS's headquarters to Terrain, that seems a poor excuse, unless all of the NSS personnel who could have intervened were away from headquarters at that time.

All of the Terrain survivors interviewed by CIVIC depicted the NSS extractions as problematic at best, and as disinterested or even complicit at worst. First, the soldiers at Terrain continued to commit crimes, including sexual violence, even after NSS arrived, with seemingly little to no response. “It wasn’t like they came in and [pushed out] the other soldiers,” a person at Terrain said. “There was [still] shouting and crying in the rooms around me... when NSS [was there].”²¹⁵ Another person at Terrain said similarly:

*The apartment complex was just destroyed. ... [The SPLA had] raided everything in the compound. ... There were soldiers all over the rooms still [when NSS was there]. They were still picking through our stuff. They were walking down the stairs [with looted goods] as we were [with NSS]. ... They were loading all our stuff on the trucks ... and there wasn’t any hostile conversation [from NSS]. It was just, “Keep walking, keep walking, don’t pay attention to those people stealing your stuff and loading it in a car.”*²¹⁶

Second, NSS appears to have made little effort to search thoroughly for all the aid workers and staff within the compound. When NSS undertook the first extraction around 5:30 or 5:45 p.m., it left behind many people—perhaps more than half of those present—who continued to be subjected to grave abuses. As noted above, the first extraction indeed occurred around the same time that SPLA soldiers were finally able to break into a specific room where many aid workers were hiding.

NSS forces returned to Terrain around 7 or 7:30 p.m., in order to extract a second group. Even at this stage, NSS left three women behind, who were forced to stay at Terrain all night. One of the women, who was not extracted on July 11 and believes NSS extracted other people from Terrain as she was being raped, described that night:

*We said, where are the others... and then we were waiting for someone to come, it was unreal. Night started to arrive. And we said, we’re lost, we’re finished—it was so black ... we didn’t even have the light from outside. ... We thought, if they come back and hear something, they will just shoot, and we’ll die. ... It was a horrible night, a very long night; I have nightmares about that night. ... Every single movement, every single noise was, “We’re going to die.”*²¹⁷

The next morning, one of the three women found her mobile phone, which had not been stolen by the SPLA, and called a security contact at 8:27 a.m. Although fighting was over and there had been several hours of daylight, no one had come to extract them. Around 45 minutes after she made her call, a local security company finally arrived.²¹⁸

UNMISS Response as Attack Unfolded

During the period when the SPLA first breached the compound, aid workers present contacted their security advisors, staff from their organization’s headquarters, representatives of the US and other embassies, and UNMISS officials, among others. Word of the attack reached UNMISS’s Joint Operations Command (JOC) by at least 3:37 p.m., with several additional messages requesting help logged over the subsequent hour.²¹⁹ UNMISS never sent forces to try to extract the aid workers and Terrain staff.

215 CIVIC phone interview, August 2016.

216 CIVIC Skype interview, August 2016.

217 CIVIC Skype interview, August 2016.

218 CIVIC email correspondence, September 2016.

219 CIVIC Skype interviews, September 2016. See also Associated Press, “Rampaging South Sudan troops raped foreigners, killed local,” August 15, 2016.

A person who called UNMISS during the attack, to advocate for intervention on behalf of those within the compound, stated to CIVIC, “I was told facetiously, ‘Do you want us to send an APC?’ Yes! In fairness, I could hear bullets [over] the phone.”²²⁰ People inside Terrain or among the wider humanitarian community made direct contact, at minimum, with UN officials in JOC, the Joint Mission Analysis Centre (JMAC) and the Department of Safety and Security (DSS).²²¹

Several UNMISS officials told CIVIC that the Mission was initially unable to respond because its resources were overstretched in defending its bases and the POC sites.²²² UNMISS’s response letter to CIVIC likewise notes that “there were challenges in constituting a QRF given that full operational resources were being deployed in defense of UN House and the adjacent POC sites.”²²³

Eventually, certain UNMISS civilian leaders appear to have decided to prioritize resources for an intervention at Terrain and demanded, unsuccessfully, that UNMISS Force respond. “[An UNMISS official] engaged [Force leadership] and told it to intervene,” a humanitarian official told CIVIC. “They were asked to go multiple times, and they did not.”²²⁴ A senior UNMISS official said similarly: “We can’t get the military to [go] 1.5 kilometers down the road ... and not for a lack of trying by many within the Mission.”²²⁵ The Associated Press reported that all three TCCs at UN House—China, Ethiopia, and Nepal—refused to send their Quick Reaction Forces

(QRFs) to Terrain.²²⁶ CIVIC was able to independently confirm, based on interviews with UNMISS civilian and military officials, that at minimum the Chinese and Ethiopian QRFs refused to go.

No UNMISS QRF ever tried to leave the gates of UN House to respond

According to several people with direct knowledge, the first QRF request was sent to the Chinese battalion around 4:35 p.m.²²⁷ The Chinese forces indicated that they did not have the available resources to respond. Around 5 p.m., the QRF request was referred to the Ethiopian battalion, which took at least 20 minutes to respond negatively to the request as well.²²⁸

UNMISS civilian and military officials both stressed the challenges of intervening at Terrain. While the compound sits only a kilometer from UN House, there were at least two SPLA tanks and several hundred SPLA soldiers on the pothole-filled dirt road. “Once they throw a tank on that main road—Yei Road—we can’t get past it,” an UNMISS military officer told CIVIC. “We couldn’t get an APC in or out [of UN House].”²²⁹ UNMISS’s response letter to CIVIC similarly indicated, “The non-permissive security environment—including the tank-equipped SPLA’s control of egress from UN House east along Yei Road—further limited the viability of any extraction operation.”²³⁰

220 CIVIC interview, Juba, August 2016.

221 CIVIC interviews with humanitarian officials, Juba, August 2016; CIVIC Skype and phone interviews with people at Terrain during the attack, August 2016.

222 CIVIC interview, Juba, August 2016; and email correspondence, September 2016.

223 UNMISS response letter, September 28, 2016 (on file with CIVIC).

224 CIVIC interview, Juba, August 2016.

225 CIVIC interview, Juba, August 2016.

226 Associated Press, “Rampaging South Sudan troops raped foreigners, killed local,” August 15, 2016.

227 CIVIC Skype interviews, August and September 2016. Several people told CIVIC that DSS and UNMISS military leadership was informed at 4:27 p.m. that SPLA had broken into Terrain. The 50-minute lag between JOC receiving the first message and DSS and Force being alerted seems worryingly slow. CIVIC’s timeline corresponds with that reported by the Associated Press. Associated Press, “Rampaging South Sudan troops raped foreigners, killed local,” August 15, 2016.

228 CIVIC Skype interviews, August and September 2016.

229 CIVIC interview, Juba, August 2016.

230 UNMISS response letter, September 28, 2016 (on file with CIVIC).

Many UNMISS officials believe that, had UNMISS tried to send a QRF alone after receiving word of the attack on Terrain, UNMISS forces would have been fired upon by the SPLA and, had they pushed on, likely sustained casualties. Two officials noted an incident on Saturday, July 9, when a civilian vehicle was spotted just outside UN House. UNMISS tried to go out to inspect the situation, but were fired at by uniformed individuals immediately upon trying to exit the UN House gate.²³¹ “They should have tried to go to Terrain,” one UN official told CIVIC. “But there’s no way they could have fought their way through.”²³² An UNMISS military official expressed similarly: “If we responded to Terrain, we would have had to expend bullets and taken casualties.”²³³

As the violence at Terrain continued, however, it was negotiated that South Sudan’s security forces would escort a QRF through the SPLA checkpoints between UN House and Terrain.²³⁴ According to several UN officials in Juba and New York, the Ethiopian QRF was ordered a second time to go to Terrain; that order was disobeyed, and the QRF was not mobilized.²³⁵

The eruption of fighting on July 8 should have raised serious concerns about inhabitants’ safety

“That, to me, is the biggest failure,” a civilian official at UNMISS told CIVIC. “I’m not sure it would have worked [with the escort], but [the QRF] should have at least tried.”²³⁶

Several UN officials in South Sudan and in New York said the lack of medevac capacity (see page 45) was partly to explain why the Ethiopian QRF refused to go. Others linked it to issues of command and control (see page 52), as the Chinese Battalion Commander who gave the order, after the Force Commander put him in charge of incident response, did not outrank the Ethiopian Battalion Commander. In its response letter to CIVIC, UNMISS also said it would have been

too late: By the time SPLA facilitation was negotiated and “a QRF could be constituted ... National Security Services had reached the Terrain compound and extracted the 21 internationals.”²³⁷

A person with direct knowledge of the timeline of events told CIVIC that the Ethiopian battalion was ordered to constitute a QRF for the second time just after 7 p.m., which is around the time that NSS returned to Terrain for a second extraction. This timing raises questions for both the government and UNMISS as to why, after JOC was first informed of the attack at 3:37 p.m., it took more than three hours to secure national security forces’ assistance in facilitating a QRF extraction.

Moreover, as described above, three international aid workers, as well as an unknown number of Terrain staff, were left behind by NSS after the second extraction. Regardless of whether NSS had extracted other international aid workers at that point, the UNMISS QRF still should have gone to conduct a thorough sweep of the premises. Indeed, later in the evening of July 11, UNMISS JOC was reportedly informed that three women were unaccounted for. Yet UNMISS still did not send a QRF that night or, even more inexcusably, the following morning.²³⁸

231 CIVIC interviews with UNMISS officials, Juba, August 2016.

232 CIVIC interview, Juba, August 2016.

233 CIVIC interview, Juba, August 2016.

234 CIVIC interviews with UNMISS officials, Juba, August 2016. In its response letter, UNMISS related, “Recognizing that any successful extraction would require engagement with the SPLA, the Force Commander engaged with the SPLA Chief of General Staff by telephone. The SRSG did likewise with the Commander of the Presidential Guard. The Deputy SRSG and the UN Safety and Security Section also spoke with National Security Service interlocutors. The SPLA Chief of General Staff did eventually agree to deploy a senior liaison officer to the nearby Yei Road checkpoint to facilitate passage of an UNMISS QRF.” UNMISS response letter, September 28, 2016 (on file with CIVIC).

235 CIVIC interviews, Juba and New York, August and September 2016.

236 CIVIC interview, Juba, August 2016.

237 UNMISS response letter, September 28, 2016 (on file with CIVIC).

238 CIVIC interviews, Juba, August 2016; and Skype interviews, August and September 2016.

Ultimately, no UNMISS QRF ever tried to leave the gates of UN House to respond. Several humanitarian officials involved in trying to rescue the aid workers said the failure was even worse than not going, however; by indicating, at times, that it might go, or was trying to go, it may have even undermined alternative efforts. “A lot of time was spent pursuing UNMISS to respond,” said one humanitarian official. “It’s bigger even than not responding [to the attack], it’s that they weren’t clear about whether they would respond, which means it stalled the ability to pursue other options.”²³⁹ Another humanitarian official agreed: “Instead of saying no, we can’t come, [people coordinating the response] wasted hours. ... My frustration is that if they had told us at an earlier stage [they couldn’t go], we might have engaged other options earlier.”²⁴⁰

Missed Opportunities Prior to the Attack

Except for when there was an opportunity for a QRF to move to Terrain with the assistance of South Sudanese security forces, UNMISS officials are likely right that, had a QRF attempted to rescue the aid workers on July 11, the peacekeepers would have been turned around and perhaps even fired upon by SPLA forces. But UN and humanitarian officials, as well as people at Terrain, pointed to missed opportunities to mitigate risks or to extract people from Terrain before the attack began.

First, several UN and humanitarian officials raised concerns about Terrain’s vulnerability to attack, while stressing that almost every compound in Juba is at risk.²⁴¹ According to a UN document leaked publicly, DSS deemed Terrain a “recommended place” to live at least as recently as October 2015; in undertaking the assessment, DSS referenced the nearby presence of UN peacekeepers at UN House.²⁴² The assessment notes that Terrain was likely to “continue being targeted by criminals” for acts like “armed robbery,” but that “the overall risk is assessed to be low.”²⁴³ NGO compounds throughout Juba have been targeted repeatedly, particularly as the economy in South Sudan has worsened.

The DSS assessment raised concerns about Terrain’s outer perimeter, noting that it was only “fenced with local materials (bamboo) and a chain link fence, topped with concertina wire.”²⁴⁴ Although DSS recommended that the “outer perimeter be fenced in order to enhance the safety and security of the occupants,”²⁴⁵ this does not appear to have happened. One of the Terrain survivors, in a concern echoed by others, told CIVIC: “We escaped to this safe building, because Terrain only had barbed wire around, not a high wall or anything.... How can you certify as safe this compound without a [real] wall?”²⁴⁶

Similarly, although the assessment indicated that the “windows are fitted with [g]rills and the doors are constructed out of metal,”²⁴⁷ this appears only to apply to a specific set of the residences. “When there’s a security incident, everyone goes to the apartment complex that’s meant to double as a safe house [because it] has a steel, double-reinforced door,” said a woman who was at Terrain during the attack. “[Then] around the compound, there [are] the cabins; there’s no security for the cabins—no bars on the windows, no security gates.”²⁴⁸

239 CIVIC interview, Juba, August 2016.

240 CIVIC interview, Juba, August 2016.

241 CIVIC interviews, Juba and New York, August and September 2016.

242 Matthew Russell Lee, “Exclusive: Before Rapes at Terrain in Juba, South Sudan, UN Called It Safe, Inner City Press Asked, Now Publishes,” August 22, 2016, <https://www.beaconreader.com/matthew-russell-lee/exclusive-before-rapes-at-terrain-in-juba-south-south-un-called-it-safe-inner-city-press-a>.

243 Ibid.

244 Ibid.

245 Ibid.

246 CIVIC Skype interview, August 2016.

247 Matthew Russell Lee, “Exclusive: Before Rapes at Terrain in Juba, South Sudan, UN Called It Safe, Inner City Press Asked, Now Publishes,” August 22, 2016.

248 CIVIC Skype interview, August 2016.

Given the number of SPLA soldiers who attacked Terrain and their apparent determination to enter the compound and to inflict harm on international and national aid workers within, several humanitarian officials expressed that risk mitigation measures like proper perimeter security likely would not have been a deterrent to this incident.²⁴⁹ It took the SPLA a significant amount of time to breach each successive gate or door, which several humanitarian officials described as stronger than in many other compounds in Juba.²⁵⁰ Still, while a stronger perimeter wall may not have deterred this attack, the Juba violence shows the need to improve compound security more generally.

Second, even if Terrain had previously been an acceptable place for UN and NGO personnel to live, the eruption of fighting in Juba on July 8 should have raised serious concerns to UNMISS and UN DSS about inhabitants' safety—given its proximity to SPLA and IO bases, and therefore the fighting. On both Sunday and Monday, even before SPLA soldiers entered the premises, stray bullets from the nearby fighting pierced the windows of the safe house rooms where Terrain residents' lived.²⁵¹

A Terrain survivor as well as several UN officials in New York expressed dismay over the apparent lack of effort by UNMISS or DSS to try to extract the Terrain residents on Saturday, July 8, during the lull in fighting.²⁵² Staff from at least one organization at Terrain had been told they would be extracted that morning by private security and taken to a Kenyan Airways flight, but that fell through, with little explanation provided.²⁵³ With UN House only a kilometer away, however, it seems that the Mission or DSS should have at least tried to bring Terrain residents and staff there. Several UN officials told CIVIC that DSS's performance was poor throughout the July violence. "The primary problem for us with DSS is that it thinks it is part of the Mission. It's meant to be security for the UN, not for the Mission," said one humanitarian official. "DSS went on lockdown from the very beginning [of the fighting]."²⁵⁴ Another humanitarian official said similarly: "There was very little communication, very little instruction [from DSS]. ... Communications were so limited, so hopeless [that] I was looking for information on Twitter, because that was a better source. DSS is so subsumed by the Mission here ... that they find it difficult to look outside of it."²⁵⁵

On July 14, UNMISS began its own preliminary investigation into Terrain, which was finalized and transmitted to UN leadership in New York around August 18.²⁵⁶ That investigation had not been made public, however, which made it appear that UN leadership in New York was only responding to pressure when it announced on August 17 an independent special investigation²⁵⁷—two days after the Associated Press and Human Rights Watch published the first extensive accounts of Terrain, which quickly garnered widespread media coverage.

249 CIVIC email correspondence, September 2016.

250 CIVIC email correspondence, September 2016; and Skype interview, September 2016.

251 CIVIC Skype interviews, August 2016.

252 CIVIC Skype interview, August 2016; and interviews, New York, September 2016.

253 CIVIC Skype interview, August 2016.

254 CIVIC interview, Juba, August 2016.

255 CIVIC interview, Juba, August 2016.

256 CIVIC interview with UNMISS civilian official, Juba, August 2016.

257 UN News Centre, "South Sudan: UN chief launching special investigation into July hotel attack," August 17, 2016, <http://www.un.org/apps/news/story.asp?NewsID=54695#.V9ykjJMrK9Y>.

Protection of Humanitarian Assets

A core part of UNMISS's mandate at the time of the crisis was, "Creating the conditions conducive to the delivery of humanitarian assistance," including by "ensur[ing] the security and freedom of movement of United Nations and associated personnel where appropriate, and... ensur[ing] the security of its installations and equipment necessary for implementation of mandated tasks."²⁵⁸ Yet, during the period of heavy fighting as well as the days that followed, UNMISS was unable or unwilling to provide Force protection in response to requests from UN agencies, including for the protection of major warehouses of humanitarian goods, for security at staff compounds, and to accompany water trucks and ambulances seeking to move to or from UN bases. As with the Terrain attack, UNMISS's responses to these requests were often delayed or unclear, undermining the ability of humanitarians, at times in positions of great duress, from developing their contingency plans or determining the best course of action.

WFP

On Monday, July 11, soldiers in military uniforms and civilians began five days of looting of the World Food Programme (WFP) warehouse, during which it was stripped bare of any valuable materials. WFP requested Force protection for the compound as tensions rose in Juba, but UNMISS was unable to intervene—even as the looting continued for four days after the fighting ended. In the course of the looting, which appears to have been well

organized by the SPLA, some 4,500 tons of food items—enough for a monthly distribution to 220,000 people—was stolen from the warehouse, in addition to an estimated \$20 million worth of non-food items.²⁵⁹

Some 4,500 tons of food items—enough for a monthly distribution to 220,000 people—was stolen

Before the July crisis, joint contingency planning by humanitarian agencies and UNMISS recognized that the WFP warehouse was a likely target should the security situation in Juba deteriorate, and that the humanitarian impact of such a looting would be severe. Contingency plans included provisions for UNMISS Force protection of the WFP warehouse in the event of a crisis.²⁶⁰

In light of tensions in Juba before the outbreak of violence, WFP staff verbally requested UNMISS Force protection for the warehouse on Thursday, July 7. However, UNMISS did not provide protection at that time and was unable to

respond to repeated requests for assistance once looting was underway.²⁶¹ A humanitarian official told CIVIC that, by July 13, two days after fighting in Juba ended, there was significant pressure on UNMISS to respond from New York and from diplomats in Juba; UNMISS at that stage sent out a patrol, but it went to the WFP compound, rather than the warehouse being looted, even though WFP had provided GPS coordinates to the warehouse.²⁶² The looting continued for another two days, until the generators, vehicle spare parts, and even metal wires had all been removed from the warehouse.

²⁵⁸ UN Security Council Resolution 2252, December 15, 2015, para. 8(c) (emphasis added). The mandate also called for UNMISS to "implement a Mission-wide early warning strategy...to prepare for further potential attacks on United Nations personnel and facilities." *Ibid.*, para. 8(a)(iii).

²⁵⁹ CIVIC interview with humanitarian official, Juba, August 2016. The stolen food was worth an estimated \$10 million. While that represents a relatively small percentage of WFP's operations in South Sudan, the materials were intended for distribution throughout the country at a time when large parts of the country are at risk of famine. Ben Parker, "Extreme Hunger in South Sudan," *IRIN*, July 8, 2016, <https://www.irinnews.org/maps-and-graphics/2016/07/08/extreme-hunger-south-sudan>.

²⁶⁰ CIVIC interviews with humanitarian officials, Juba, August 2016.

²⁶¹ CIVIC interviews with humanitarian officials, Juba, August 2016.

²⁶² CIVIC interview, Juba, August 2016.

While the conflict environment surrounding UN House on July 11 made movement for UNMISS peacekeepers difficult, more could have been done to pre-emptively deploy Force protection for the WFP warehouse as tensions increased before the crisis. Likewise, UNMISS should have made greater efforts to deploy to the warehouse after fighting ended, which could have at least disrupted the last four days of looting. Doing so would have required peacekeepers to negotiate SPLA military checkpoints around UN House and to confront armed soldiers engaged in the looting, which would have carried risks.²⁶³ An UNMISS military official inside UN House during the crisis stated that the Mission lost control of its response during heavy fighting on Sunday and that, “there was no ability to react to humanitarian requests.”²⁶⁴

IOM

After the looting of the WFP warehouse began on July 11, the International Organization for Migration (IOM) feared that one of its compounds in Juba, which includes offices, staff accommodation, and a warehouse with several million dollars’ worth of stored goods, might likewise be targeted. According to interviews with several people with direct knowledge, IOM made a request for Force protection through UNOCHA on July 12; UNOCHA forwarded the request to UNMISS on the same day.²⁶⁵ For 48 hours, IOM did not receive any response. Then, on July 14, UNOCHA communicated verbally to IOM that its request for Force protection was not approved.

For 48 hours, IOM did not receive any response

With no further communication or warning, UNMISS deployed 32 peacekeepers to the IOM compound on July 18. By the time the soldiers arrived, the crisis was over and the IOM compound was no longer in need of protection.²⁶⁶ Several humanitarian officials indicated that, even more frustrating than UNMISS’s inability to send protection was the lack of communication, particularly during the first 48 hours after the request was submitted.²⁶⁷

While the IOM warehouse in Juba was not looted during the crisis, WFP and several other humanitarian warehouses, including FAO, were affected.²⁶⁸ UNMISS’s inability to provide protection for critical humanitarian

warehouses, including UN installations, resulted in major losses of and damage to humanitarian assets and adversely impacted humanitarian operations.

Escort for Water Trucks and Ambulances

As with humanitarian compounds, UNMISS was unable to provide protection to water trucks or ambulances both during and in the immediate aftermath of fighting, which had serious consequences for civilians in the UN House POC sites in particular.

263 CIVIC interviews with UNMISS officials, Juba, August 2016.

264 CIVIC interview, Juba, August 2016.

265 CIVIC interviews, Juba, August 2016.

266 CIVIC interview with humanitarian officials, Juba, August 2016.

267 CIVIC interviews, Juba, August 2016.

268 CIVIC interviews with humanitarian officials, Juba, August 2016.

The UN House compound in Juba and the adjacent POC sites rely on trucks to bring in a new supply of water each day. During the crisis, humanitarian actors requested that UNMISS provide Force protection to escort water trucks to UN House. According to a UN official with knowledge of the process, UNMISS did not respond with a definite answer to these requests for several days. Eventually, UNMISS indicated that they did not have the capacity to provide an armed escort for water trucks, as their priority during the crisis was to protect UN assets.²⁶⁹ Humanitarian actors then shifted their focus to negotiating access directly with SPLA leadership, and were ultimately able to transport water to the POC sites. Several humanitarian officials wondered whether they would have been able to negotiate this movement sooner, had they not waited for a response from UNMISS.²⁷⁰

The inability of water trucks to access UN House for several days left many civilians in the camps without access to safe drinking water.²⁷¹ An employee of a medical clinic in POC1 described to CIVIC witnessing “people digging in the ground, looking for water and drinking only what they found in the ground, because vehicles could not get through with water.”²⁷² The lack of water and food within the POC sites forced many women to go outside the camps in the days immediately after the crisis, placing them at risk of additional attacks by armed actors operating around the POC sites.

UNMISS's ability to provide armed escorts for ambulances and to negotiate access for medical transport during and after the July violence was also limited. A humanitarian official told CIVIC that several civilians in the POC sites died during the crisis as UNMISS was unable to transport additional doctors into the POC sites or transport wounded individuals out of the sites.²⁷³

In the immediate aftermath of the July fighting, the SPLA resisted the use of armored personnel carriers (APCs) by UNMISS, which limited its ability to offer protection to ambulances. During one incident described to CIVIC, an ambulance accompanied by an UNMISS escort was stopped at an SPLA checkpoint in the city. The soldiers allowed the ambulance, but not the UNMISS escort, to continue, and the peacekeepers returned to their base.²⁷⁴ In a separate incident, an ambulance carrying a mother and newborn infant was stopped at approximately 15 checkpoints between UN House and the Level 2 hospital in Tongping. The infant reportedly died in transit.²⁷⁵

269 CIVIC interviews with humanitarian officials, Juba, August 2016.

270 CIVIC interviews, Juba, August 2016.

271 UN staff were put on a water ration during the period, with a UN military official telling CIVIC that, “if this had lasted for two weeks, [UN House] would have been choked to death.” CIVIC interview, Juba, August 2016.

272 CIVIC interview, UN House POC1, August 2016.

273 CIVIC interview, Juba, August 2016.

274 CIVIC interviews with humanitarian officials, Juba, August 2016.

275 CIVIC interviews with humanitarian officials, Juba, August 2016; and CIVIC email correspondence, August 2016.



UNMISS peacekeepers preparing to conduct a weapons search in POC3 (July 2016). © UN Photo/ Eric Kanalstein

POST-FIGHTING ISSUES WITH UNMISS'S RESPONSE

Even after the fighting ended, civilians continued to be targeted with violence. Women and girls were particularly affected, as they went out of the POC sites in search of food and other goods for their families. UNMISS struggled to initiate effective patrols in the immediate weeks after the violence, allowing sexual violence to unfold in areas immediately around UN House. In at least one case, peacekeepers directly witnessed a woman's abduction without intervening. By the end of July, UNMISS began to patrol more consistently and effectively, although peacekeepers still struggled to access several particular locations where risks remained high.

The harassment and abuse of civilians was less acute in the area around the UN Tongping base, but UNMISS's decision to only open the pedestrian gate for three hours a day raised protection concerns that could have been mitigated with minimal additional burden on the Mission.

Unable to Patrol Effectively to Preempt or Respond to Sexual Violence

As described above on page 25, armed actors raped women in the vicinity of the UN House POC sites following the July 8-11 fighting. Despite the proximity to its base, UNMISS was unable to respond with effective patrols either in anticipation of or in response to the sexual violence. The slowness of UNMISS's response appears rooted to a degree in poor planning, but above all an unwillingness of troops to push out of their bases in the face of the continued heavy presence of SPLA.

Sexual violence near UNMISS POC sites has been a recurrent feature of the conflict, particularly following fighting between government and opposition forces.²⁷⁶ Yet several UNMISS officials said that it did not receive significant focus in the pre-crisis period or during the outbreak of fighting, as the Mission was struggling to respond to events as they unfolded in a rapidly changing environment.²⁷⁷ One UNMISS official noted in particular that "SGBV and response to SGBV was not a part of contingency planning" related to potential violence in Juba.²⁷⁸

276 Inter-Agency Standing Committee: Reference Group for Gender in Humanitarian Action, "Humanitarian Crisis in South Sudan, Gender Alert 2: May 2014," <http://www.unwomen.org/en/digital-library/publications/2014/5/humanitarian-crisis-in-south-sudan>; David Deng and Rens Willems, Sexual and Gender-Based Violence (SGBV) in Unity State, South Sudan: Intersections of Truth, Justice and Reconciliation in South Sudan (South Sudan Law Society, University for Peace, and PAX Policy Brief), March 2016, <http://www.paxforpeace.nl/publications/all-publications/policy-brief-sexual-and-gender-based-violence-in-unity-state-south-sudan>.

277 CIVIC interviews, Juba, August 2016.

278 CIVIC interview, Juba, August 2016.

Even if not part of contingency planning, however, the Mission's experience with sexual violence around other sites meant that the early warning recognition and response should have been in place, as several UNMISS officials expressed in frustration.²⁷⁹ Humanitarian workers, UNMISS civilian officials, and some UNMISS military officers all appear to have recognized these early warning signs, but were unsuccessful at initiating a response from Force even once reports of SGBV began. An UNMISS civilian official told CIVIC:

*There are early warning indicators, including on sexual violence. A focal point within the Force tried to demonstrate the indicators—the presence of the military creating a risk of sexual violence—and that proactive action was needed, but it didn't happen. UNMISS needs to be proactive, not only reactive.*²⁸⁰

Patrols were slow to resume following the fighting. According to a senior UNMISS official, Force patrols began on July 13 and were then “reinforced” on July 29.²⁸¹ Foot patrols did not start until August 19, although UNMISS and humanitarian officials both described efforts from UNMISS's military leadership to begin them sooner, though TCCs refused or avoided doing so because of ongoing security concerns that they felt place their lives at risk.²⁸²

“UNMISS needs to be proactive, not only reactive”

Even when patrols were undertaken, the quality was often low, minimizing their impact. A humanitarian official saw the initial attempts at patrolling as being “a face-saving representation of activities, rather than a concern over ... effectiveness.”²⁸³ UNMISS and humanitarian officials alike described APCs on patrol driving as quickly as possible, instead of slowly monitoring potential hotspots. Others described peacekeepers limiting their movements to the main roads, rather than, on vehicle or foot, searching side roads and paths that women

used to avoid major SPLA checkpoints on the main roads.²⁸⁴ Several UNMISS military officials recognized that there were problems with the quality of patrols and said there was a need for better training on dismounted patrols in particular.²⁸⁵

The effectiveness of patrolling was also undermined by a lack of communication with affected communities. The majority of civilians that CIVIC interviewed inside the POC sites did not have any knowledge of UNMISS patrol routes or times.²⁸⁶ A 40-year-old woman who was aware of the patrols' existence told CIVIC, “The UN will go alone without explaining where they are going. They watch what is happening, but they don't talk with women.”²⁸⁷ Humanitarian officials in Juba were likewise confused about the routes and times at which patrols took place, which limited their ability to inform civilian populations about UNMISS patrols. Several humanitarian officials said they were given conflicting information about patrols in meetings with different UN bodies.²⁸⁸

279 CIVIC interviews, Juba, August 2016.

280 CIVIC interview, Juba, August 2016.

281 CIVIC interview, Juba, August 2016.

282 CIVIC interviews, Juba, August 2016.

283 CIVIC interview, Juba, August 2016.

284 CIVIC interviews, Juba, August 2016.

285 CIVIC interviews, Juba, August 2016.

286 CIVIC interviews, UN House POC1 and POC3, August 2016.

287 CIVIC interview with Nuer IDP, UN House POC3, August 2016.

288 CIVIC interviews, Juba, August 2016.

Multiple UNMISS officials said that their inability to send out effective patrols immediately after the July fighting ended was due in large part to soldiers' concern about ending up in a confrontation with the SPLA, which maintained a heavy presence throughout the area. The first attempts to send peacekeepers out of UN House led to encounters with hostile SPLA soldiers who harassed, threatened, and even fired on them.²⁸⁹ As mentioned above, the problems of medical care and evacuation during the crisis made peacekeepers even more reluctant than usual to put themselves in harm's way, according to a number of UNMISS officials interviewed by CIVIC.²⁹⁰

The SPLA prevented UNMISS from using APCs to patrol in the initial period after the fighting ended

SPLA obstructionism compounded the situation. UNMISS and humanitarian officials told CIVIC that the SPLA prevented UNMISS from using APCs to patrol in the initial period after the fighting ended. Both individual TCCs and Mission civilian leadership refused, in turn, for unarmored patrols to be undertaken in heavily militarized areas, due to concerns over the risk to peacekeepers and to UNMISS property.²⁹¹ The Mission's refusal to undertake actions like APC patrols without the permission of the government and SPLA was strongly criticized by many UNMISS and humanitarian officials,²⁹² as it deeply undermines the fulfillment of its protection mandate.

In addition to the problems of patrolling, UN peacekeepers failed to respond to at least one case of sexual violence that they directly witnessed in close proximity to POC1. According to three independent witnesses interviewed by CIVIC, on July 17, SPLA soldiers assaulted a woman walking on the dirt road adjacent to the western perimeter of POC1. Witnesses heard the woman screaming for help as the soldiers dragged her along the road toward POC1's western, or pedestrian gate.²⁹³ Near that gate sits a guard tower with Nepalese formed police; less than 10 meters away, Chinese military peacekeepers are stationed around an APC. The location of the western gate and guard tower makes it extremely likely that the peacekeepers saw the abduction; at minimum, they would have heard the woman's screams. A humanitarian official told CIVIC that he had spoken with some of the peacekeepers, who admitted having seen the abduction but said they were not mandated to take action outside the POC sites.²⁹⁴ While security within the POC sites is the FPU's main protection responsibility at UN House, they are armed and therefore should be able to respond if they witness a direct threat against a civilian; even if the Nepalese FPU was ill equipped to take action, the Chinese soldiers nearby could have tried to intervene.²⁹⁵

289 CIVIC interview with UNMISS official, Juba, August 2016.

290 CIVIC interviews, Juba, August 2016.

291 CIVIC interviews with UNMISS and humanitarian officials, Juba, August 2016.

292 CIVIC interviews with UNMISS and humanitarian officials, Juba, August 2016.

293 CIVIC interviews, UN House POC1, August 2016.

294 CIVIC interview, Juba, August 2016.

295 The Associated Press likewise documented this incident. See Jason Patinkin, "Witnesses say South Sudan soldiers raped dozens near UN camp," July 27, 2016. UNMISS officials indicated that they were still investigating. CIVIC interviews, Juba, August 2016.

Although UNMISS's response to sexual violence was initially slow and ineffective, there were improvements by the end of July and into August. UNMISS officials negotiated with the SPLA to remove soldiers from a warehouse close to UN House that had become an unofficial base of operations in the area and was also reportedly a site of SGBV.²⁹⁶ When the Mission finally started foot patrols, it included high-ranking female officers to improve the patrols' interaction with women.²⁹⁷ In part as a result of improved UNMISS efforts and in part simply due to declining tensions in Juba, rates of SGBV appear to have declined around UN House by the start of August. Still, even at the time of CIVIC's assessment in mid-August, UNMISS did not have full access to certain areas where women and girls were at high risk of experiencing rape and assault.²⁹⁸ Moreover, the Mission still needed to take greater steps to ensure patrolling in areas off of the main roads and at further distances;²⁹⁹ to better consult civilians and humanitarians on the best times and frequency of patrols; and to communicate information about patrols to the civilian population.

Protection Concerns at Tongping

Since the end of the July crisis, protection concerns have arisen at the UN Tongping base over two protection issues: the hours during which IDPs are allowed to enter and exit the base; and the relocation of IDPs to the UN House POC sites. Problems with both issues appear to be borne in large part out of UNMISS's understandable desire to have its Tongping base cleared of IDPs, some 18 months after completing the same relocation following the original outbreak of violence in December 2013. Improved communication and a little flexibility on the part the Mission could help mitigate both protection concerns.

The gate hours force IDPs to make difficult decisions

Humanitarian actors and civilian men and women expressed concerns about the restricted hours during which civilians are able to enter and exit Tongping base, which create physical protection risks for the IDPs.³⁰⁰ Currently, the pedestrian gate is open for three hours each day: from 9-10 a.m. and from 4-6 p.m. Women, who are often responsible for procuring food and other basic materials for their families, said the gate hours force them to make difficult decisions. Women prefer to travel to markets and shops during the morning hours, as the risks posed to their physical security are greater in the evening, when soldiers and criminals are more likely to be operating

and under the influence of alcohol. However, with the gate only open for one hour in the morning, women can complete only a limited number of errands each day and are often required to travel using motorcycle taxis, which drain their already limited means and restrict their ability to generate income at the market, creating a destructive cycle in which they need to travel more frequently to the markets.³⁰¹

In an attempt to reduce transport costs, many women try to accomplish as much as possible in one trip outside the base. However, this means that when women encounter any unexpected delays, they arrive back at the Tongping base after 10 a.m. and are then unable to re-enter the base until 4 p.m. While outside the base waiting for the gates to re-open, women are exposed to security threats.³⁰² Several humanitarian officials described seeing women in a state of great fear when they missed the 10 a.m. deadline and were forced to remain outside the gate.³⁰³

296 CIVIC interview with a humanitarian official, Juba, August 2016.

297 CIVIC interviews with UNMISS officials, Juba, August 2016, and a humanitarian official, Juba, August 2016.

298 CIVIC interviews with humanitarian officials, Juba, August 2016.

299 CIVIC interview with UNMISS official, Juba, August 2016.

300 CIVIC interviews with IDPs, Tongping base, August 2016; and with humanitarian officials, Juba, August 2016.

301 CIVIC interviews with IDPs, Tongping base, August 2016.

302 CIVIC interviews with IDPs, Tongping base, August 2016; and with humanitarian officials, Juba, August 2016.

303 CIVIC interviews, Juba, August 2016.



IDPs being relocated from Tongping base to the UN House POC sites (August 2016)
© Lauren Spink, CIVIC

Men face somewhat distinct problems related to the gate hours. CIVIC spoke with a 32-year-old man who explained that he and other men leave Tongping base to search for work, and that if they are able to find work for the day, they struggle to return to the compound by 6 p.m. If they are forced to sleep outside, there are significant security risks for them.³⁰⁴ A South Sudanese employee of an international humanitarian organization said there were reports of several men being abducted in close proximity to Tongping base during evening hours,³⁰⁵ though CIVIC was unable to confirm these independently.

Despite pressure from the humanitarian community, UNMISS has been unwilling to adjust the gate access hours.³⁰⁶ An UNMISS civilian official told CIVIC that the Mission does not have the capacity to manage the movement of IDPs into and out of the camp throughout the day, and that extending gate hours, particularly in the evening, would actually create security concerns for

civilians inside the camp, as it would make it easier for civilians to move into the camp with weapons.³⁰⁷ While permanently staffing the pedestrian gate for searches would undoubtedly tax the Mission's resources, even extending morning access to two hours would improve women's ability to run their necessary errands and return in time to limit protection threats.

Protection issues have likewise arisen over the transfer of IDPs to UN House. As of September 13, "2,687 IDPs have relocated from ... Tongping to UN House since movements began on 28 July," and around 1,289 registered IDPs remained at the Tongping base.³⁰⁸

UNMISS has been clear since the crisis that IDPs will not be able to remain at Tongping long term.³⁰⁹ The base is intended to function only as an UNMISS military installation and its proximity to the airport and fuel storage sites make it a politically sensitive location for housing civilians who the South Sudanese government views as supporting the opposition. An UNMISS official involved in relocation planning also told CIVIC that it is operationally and logistically easier to accommodate all IDPs in the UN House POC sites, so that security and services can be concentrated there.³¹⁰ In addition, the presence of IDPs in close proximity to UNMISS offices and accommodation inside Tongping base has raised operational and health concerns.³¹¹

304 CIVIC interview with Nuer IDP, Tongping base, August 2016.

305 CIVIC interview, Tongping base, August 2016.

306 CIVIC interviews with humanitarian officials, Juba, August 2016.

307 CIVIC interview, Juba, August 2016.

308 South Sudan CCCM, *Juba Response Update: 6-13 September 2016*, <http://reliefweb.int/sites/reliefweb.int/files/resources/20160914%20Juba%20CCCM%20SitRep%20%2324.pdf>.

309 As early as July 14, three days after the fighting, an UNMISS official told humanitarian they needed "to immediately relocate the IDPs" from Tongping to UN House POC3, despite the continued insecurity in Juba and the logistical challenges, including a lack of land, shelter, and water, among other things, related to moving thousands of IDPs into an already-overcrowded POC3. CIVIC correspondence with a humanitarian official, September 2016.

310 CIVIC interview, Juba, August 2016.

311 For example, IDPs have diverted electricity from UNMISS installations to their shelters. CIVIC interview with humanitarian officials, Juba, August 2016. Soldiers also expressed fear that cholera and other diseases would spread from the civilian population to their troops. CIVIC interview with UNMISS battalion leadership, Tongping base, August 2016.

Internal UNMISS documents obtained by CIVIC assess the risk posed to civilians during transit to UN House and after relocation as low, with specific supporting reference made to the consent and participation of the South Sudanese government.³¹² However, humanitarian officials and some IDPs in Tongping questioned this assessment, raising concerns that particular groups of civilians, including specific opposition leaders and members of the Bul Nuer ethnic group, could face protection concerns if forced to relocate.³¹³

Many South Sudanese women interviewed by CIVIC in Tongping expressed a fear of relocating to the UN House POC sites, after hearing about the security problems and SGBV that has taken place there.³¹⁴ Several women framed the relocation as a choice between physical safety and food. A 21-year-old woman living with her two children and sister-in-law explained that, “There are advantages and disadvantages [to relocation]. We can’t afford food here and there we will be given food. The disadvantage of the other site is security.”³¹⁵ A 27-year-old woman, separated from her husband and caring for their four children, likewise stated, “It is better to be where it is safe but there is no food, than where we have food but are not safe.”³¹⁶ As UNMISS proceeds with relocations, it needs to better understand and respond to these protection issues that lead many people to express a preference for staying at Tongping. The Mission also needs to make greater efforts to secure adequate space to shelter IDPs transferred from Tongping, as the UN House POC sites are already severely overcrowded.³¹⁷

Thus far, relocation of civilians from Tongping base to the UN House POC sites has been voluntary. However, according to an internal UNMISS document, UNMISS has employed an “incentives and deterrents” strategy in which they “concentrate incentives in POC3 and deterrents at Tongping progressively e.g. allowing registration for food assistance and communal shelters in POC3 while progressively applying targeted operations in Tongping to reduce on the operating space of the IDPs.”³¹⁸ One humanitarian official described the policy as a “deliberate tactic of making conditions in Tongping unpalatable.”³¹⁹ Such tactics raise protection concerns and also risk further undermining the Mission’s relationship with and perception among civilians in South Sudan (for more on civilian perceptions of UNMISS following the crisis, see page 78).

312 Confidential UNMISS document, August 14, 2016 (on file with CIVIC).

313 CIVIC interviews with IDPs, Tongping base, August 2016; and with humanitarian officials, Juba, August 2016. For more on the Bul Nuer’s role in the conflict, see Small Arms Survey, “The Conflict in Unity State,” July 3, 2015, pp. 1-7, <http://www.smallarmssurveysudan.org/fileadmin/docs/archive/south-sudan/conflict-crisis-2013-15/unity-state/HSBA-Conflict-Unity-July-2015.pdf>.

314 CIVIC interviews with Nuer IDPs, Tongping base, August 2016.

315 CIVIC interview, Tongping base, August 2016.

316 CIVIC interview, Tongping base, August 2016.

317 CIVIC interviews with humanitarian officials, Juba, August 2016; and email correspondence, September 2016.

318 Confidential UNMISS report, August 14, 2016 (on file with CIVIC).

319 CIVIC interview with humanitarian official, Juba, August 2016.



A young boy watches a UN peacekeeper on patrol (August 2016) © Justin Lynch

WHAT UNMISS IS DOING NOW

In the aftermath of the July violence, UNMISS initiated After-Action Reviews led by several different parts of the Mission to look critically at different departments' response and to examine what changes should be made. It also conducted a preliminary investigation into the failure of peacekeepers to respond to requests for assistance at the Terrain compound,³²⁰ which, along with other key aspects of the July crisis, is also the focus of a special investigation from New York.³²¹

These efforts to examine underperformance are critical, but ultimately require transparency, accountability, and the implementation of lessons learned for the Mission to better confront future challenges in South Sudan—and for UN peacekeeping more generally. UNMISS has already taken several practical steps to address problems that arose during the July violence. As described above, the Mission has increased its patrolling in areas around UN House in response to incidents of sexual violence, including through beginning foot patrols in mid-August. To address the problems that arose when movement between its bases was cut off, UNMISS has established a forward headquarters of Sector South at UN House and has received approval for the establishment of a Level 3 Hospital there as well. Contingency planning has been prioritized and should help streamline the Mission's response to future incidents, though there are concerns that the planning entrenches a mindset in which the Mission will be limited in undertaking many key parts of its mandate. Similarly, UNMISS is working to reinforce the security of its bases, though the focus appears primarily on protecting itself from the incursion of IDPs—rather than on better securing the POC site perimeters.

While many of these actions represent positive steps, the Mission, as well as UN leadership in New York, need to go further if they are to avoid a repetition of Malakal and Juba. Many UNMISS and humanitarian officials were skeptical that the Mission had implemented the changes necessary to respond more effectively to future crises.³²²

320 CIVIC interview with UNMISS official, Juba, August 2016.

321 United Nations Press Release, "Secretary-General Appoints Major General Cammaert of Netherlands to Lead Investigation into July 2016 Violence in South Sudan, Response of United Nations Mission," August 23, 2016, <http://www.un.org/press/en/2016/sga1677.doc.htm>.

322 CIVIC interviews, Juba, August 2016.

Sector South Forward HQ and Level 3 Hospital

Before the July crisis, Sector South headquarters, including the Sector Commander, was stationed at Tongping base, while the majority of the UNMISS Force underneath Sector South command was garrisoned inside UN House. UNMISS does not appear to have planned for a situation in which it was unable to navigate the 30-minute drive between the two bases, which quickly became the reality due to heavy fighting and the presence of SPLA tanks and soldiers near UN House. Indeed, the situation could have been much worse, as cell phone, Internet, and two-way radio networks all remained operational throughout the crisis.³²³ UNMISS military officials repeatedly told CIVIC that the severing of Tongping from UN House undermined command and control and the Mission's response more generally.³²⁴

The severing of Tongping from UN House undermined command and control

After the problems were exposed during the crisis, UNMISS established a Sector South forward headquarters within the UN House base to ensure that key military leadership is present in the event of any future deterioration in the security situation in Juba.³²⁵ An UNMISS civilian official also noted that the Mission has taken steps to ensure a much clearer command structure if key military leaders of overall Force headquarters, such as the Force Commander, are absent during a crisis.³²⁶

UNMISS has also taken steps to address the devastating emergency trauma care problems exposed during the crisis (see text box on page 45), which led to an inability to either care for or evacuate injured peacekeepers, at least one of whom likely died a preventable death as a result. To address the immediate issues, the Mission has brought in a temporary surgical team

and constructed a temporary operating theatre inside the base. It has also increased its number of medical personnel more generally, to assist in treating casualties.³²⁷ Several UNMISS officials said that they had received approval from New York to establish a fully operational Level 3 Hospital at UN House; at present, the Level 3 Hospitals for UNMISS staff are located in neighboring countries and require medical evacuation. The officials said that UN headquarters in New York was having trouble recruiting a TCC medical team to staff such a hospital, however.³²⁸ This should be an urgent priority for the Secretariat and Member States, given the challenging and dangerous environment in which UNMISS operates.

Contingency Planning

Initial After-Action Reviews following the July crisis “pointed to the need for UNMISS to review and update its operational contingency plans,” according to the Mission’s response letter to CIVIC. It further noted that the process “is underway. An updated tactical plan for the defense of UN House and the POC sites is also under final review and will then be rehearsed.”³²⁹ Positively, that contingency planning is grappling with both “most likely” and “worst case/most dangerous” scenarios. Since July, the Mission has also been more transparent about what it believes it can and cannot do in a crisis situation. Unfortunately, planning appears to accept that UNMISS will be unable to fulfill critical parts of its mandate, particularly in the event of a scenario similar to the July crisis.

323 CIVIC interview with UNMISS official, Juba, August 2016.

324 CIVIC interviews, Juba, August 2016.

325 CIVIC interviews with UNMISS military officials, Juba, August 2016.

326 CIVIC interview, Juba, August 2016. In its letter response, UNMISS said that there was a “planned relocation of all Juba operation centers to one central location—addressing a critical shortcoming identified during our internal review that should help to improve command and control.” UNMISS response letter, September 28, 2016 (on file with CIVIC).

327 CIVIC interview with UNMISS civilian officials, Juba, August 2016.

328 CIVIC interviews, Juba, August 2016; and email correspondence, August 2016.

329 UNMISS response letter, September 28, 2016 (on file with CIVIC).

UNMISS's prioritization of protection activities reveals major gaps

Based on interviews with several UNMISS officials involved in the contingency planning, security threats will be evaluated on a system of five levels, with Level Four indicating a serious deterioration in the security situation outside of UN bases, and a Level Five—the worst case scenario—indicating a physical threat to UN bases.³³⁰ A key focus is rightfully on recognizing early warning signs and responding preemptively, for example to protect food warehouses and to consolidate personnel in safe spaces. However, UNMISS's ability to actually perform these tasks in the event of anything but a minor uptick in violence appears uncertain. An UNMISS military official told CIVIC that a Level Five scenario would trigger large-scale staff evacuation. "Digging in

and protecting ourselves, that's basically the plan [at that level]," the official said. "By phase three and four, much of the defense of the mandate [goes out]. The POCs are on their own at phase five."³³¹ The official told CIVIC that a crisis similar to July 8-11 would be considered a Level Five.³³²

As indicated by the military official, one focus of the contingency planning is on linking early warning signs and the deterioration of the security situation to the progressive evacuation of staff considered non-essential.³³³ Given the serious threat to UNMISS staff safety in July, those plans are necessary. However, several UNMISS officials questioned who was being considered non-essential, as plans at the time of CIVIC's research would have led to the evacuation of entire departments in Juba that play a vital protection function during times of crisis.³³⁴

Since the crisis, UNMISS has met with humanitarian actors to outline its protection priorities in the event of future outbreaks of violence. Such transparency is key to allow UN agencies and humanitarian organizations to plan for their own security and to anticipate how best to carry out their mandates in the event of crises. Unfortunately, UNMISS's current prioritization of protection activities reveals major gaps between what the Mission is mandated to do and what it anticipates being able to accomplish. Based on interviews with people involved in the discussions as well as a copy of the priority list, UNMISS's ranked priorities for Force protection in a crisis situation are:

1. Protection of UNMISS bases, staff, and POC sites, including through "static security of UNMISS perimeters" and "increase[d] mobile and foot patrols in and around UNMISS bases";
2. "Security for UNMISS assets in priority areas";
3. "UNMISS life support," including through protection of water and fuel trucks; and
4. "Protection of humanitarian warehouses."³³⁵

UNMISS indicated that "other priorities" that were "unlikely or not likely to receive Force Protection" in the context of a crisis include the "movement of ambulances with critically wounded IDPs and essential medical staff and supplies"; "extraction by UNMISS and UNDSS of UN and NGO staff"; "presence by UNMISS in/ or near concentrations of IDPs outside the POCs"; "[p]resence by UNMISS on critical roads and junctions leading to ... UN concentration points and evacuation routes"; and "presence at the airport to protect staff leaving and arriving."³³⁶

While it is positive to see UNMISS place protection of the POC sites, including through improved patrolling, at the top of its priority list, the other priorities fall almost exclusively under the protection of its own staff and assets. In many ways, this formalizes the stance that the Mission took during the July violence.

330 CIVIC interviews with UNMISS civilian and military officials, Juba, August 2016; and with diplomat, Juba, August 2016.

331 CIVIC interview, Juba, August 2016.

332 Ibid.

333 CIVIC interview, Juba, August 2016.

334 CIVIC interviews, Juba, August 2016.

335 CIVIC interviews and email correspondence, August 2016.

336 CIVIC interviews and email correspondence, August 2016.

Reinforcing Perimeter Security

Even prior to the July crisis, UNMISS was working to reinforce the perimeter of its own base area at UN House. These measures have been accelerated after seeing how exposed the Mission was to crossfire and how easy it was for IDPs in POC1 to flee into the core UN base. While UNMISS has also made some efforts to improve security of the POC sites, it appears to be investing fewer resources there, despite the considerable needs.

Reinforcing the camp's external perimeters would contribute to the safety of both IDPs and UNMISS staff

Much of the gunfire and artillery fire that hit the POC sites during the crisis would not have been stopped by the best perimeter fence or berm; it often landed deep into the POC sites and descended through roofs of buildings and shelters, suggesting a high trajectory. But the weak perimeter fencing—often only a chain-link fence topped by barbed wire—certainly compounded the problem, allowing both bullets and people to enter easily. Many civilians in POC3 were able to take cover in large drainage ditches throughout the site; these ditches functioned similar to bunkers, and, according to several humanitarian officials, very likely lowered the number of civilian casualties there.³³⁷ However, IDPs in POC1 did not have similar means to shelter from shelling, which, along with the peacekeepers' desertion of their posts, drove

them to flee into the UN House base. In interviews with CIVIC, many civilians called for UNMISS to reinforce perimeter security and to create some safe spaces within the POC sites that would offer more effective protection from gunfire.³³⁸

Following the July crisis, UNMISS has made some improvements to perimeter security, as indicated in its letter response to CIVIC:

*The Mission has ... begun a process of establishing a 200m 'weapons-free zone' that will surround the external perimeter of UN House and the POC sites. ... Beyond this weapons-free zone, a 400m coordinated patrol zone is being established, which will be patrolled by UNMISS and the [South Sudan National Police Service] in separate locations in a coordinated manner to strengthen security in the immediate vicinity of the POC sites. ... [T]he Mission is also working to establish a platoon-sized Immediate Reaction Force that will be on five-minute notice to move to provide rapid support to patrols operating in the weapons-free and coordinated patrol zones.*³³⁹

These initiatives are important, and the Mission needs to ensure it follows through and enforces the buffer zone. In particular, the relevant rules of engagement, including related to the escalation in the use of force if necessary, need to be clear, disseminated, and exercised.

Civilians in POC1 also showed CIVIC where UNMISS had raised the height of sandbanks along the perimeter. UNMISS has also built new and reinforced existing HESCO bastions,³⁴⁰ as well as dug bunkers on the inside of perimeter. While these are intended primarily to serve as protected vantage points for TCCs to shelter and fire in the event of hostilities near UN House, several UNMISS officials noted that IDPs would likely be able to take shelter in the bunkers as well.³⁴¹ However, several UNMISS officials said, and CIVIC's own observations

337 CIVIC interviews, Juba, August 2016.

338 CIVIC interviews with IDPs, UN House POC1 and POC3, August 2016.

339 UNMISS response letter, September 28, 2016 (on file with CIVIC).

340 HESCO bastions, named after a company that developed them, are earth-filled containers, surrounded by wire mesh frames, that are often used as defensive barriers.

341 CIVIC interviews, Juba, August 2016.



New bunkers and HESCO fortifications constructed by peacekeepers along the inside of the perimeter of POC1 at UN House, Juba (August 2016) © Matt Wells, CIVIC



A newly constructed bunker filled with fetid water, like many others inside POC1 (August 2016) © Matt Wells, CIVIC

confirm, that many of the HESCOs and ditches are poorly constructed.³⁴² They are often placed right adjacent to the perimeter berm, meaning that a peacekeeper inside would not be facing toward where an incursion was taking place, but rather away. Many of them are also filled with fetid water and have become sites for defecation (see photos). An UNMISS military official believed that the Mission, and in particular DSS, needed to establish basic standards for such construction, so quality did not vary widely from TCC to TCC.³⁴³

In addition to making some physical improvements and planning for the establishment of a weapons-free zone, UNMISS held a tactical exercise focused on perimeter protection on August 13. Two UNMISS officials, one military and one civilian, told CIVIC the exercise involved relevant actors from across the Mission, including Sector South, UNPOL, JOC, and DSS.³⁴⁴

Although external perimeter improvements and related tactical exercises are encouraging, the Mission appears to be investing a much larger amount of resources in fortifying the internal perimeter between POC1 and the core UN House base. While this reinforcement began before the July crisis, CIVIC observed ongoing modifications to the barrier, which involve the placement of steel containers—approximately one meter thick and three meters high, filled with soil—along the boundary. The Mission has also added and reinforced HESCOs in that and other areas.³⁴⁵

With limited resources, UNMISS appears to be prioritizing investment to ensure that, in the event of another crisis, IDPs cannot enter the core UN House base.³⁴⁶ Several UNMISS officials told CIVIC in response to questions about this fortification that the Mission must first be able to protect itself before it can be expected to protect civilians.³⁴⁷ While protection of UN staff and assets is undeniably critical, UNMISS's mandate is unambiguous that, "protection of civilians must be given priority in decisions about the use of available capacity and resources within the Mission..."³⁴⁸ More fundamentally, reinforcing the camp's external perimeters would contribute to the safety and security of both civilians in the POC sites and UNMISS staff, as civilians flee into the core UN base when they are unsafe in the POC sites.

³⁴² CIVIC interviews, Juba, August 2016.

³⁴³ CIVIC interview, Juba, August 2016.

³⁴⁴ CIVIC interviews, Juba, August 2016.

³⁴⁵ The Mission was also building obstructions that would protect certain ground floors of UN offices from gunfire. CIVIC observations, Juba, August 2016; and interviews with UNMISS officials, Juba, August 2016.

³⁴⁶ CIVIC interviews with humanitarian officials, Juba, August 2016.

³⁴⁷ CIVIC interviews, Juba, August 2016.

³⁴⁸ UN Security Council Resolution 2304, August 12, 2016, para. 5.

Building Relationships with the SPLA

Aware of the need to establish a more consistent presence outside of the UN bases—and likely frustrated by the Mission’s inability to negotiate movement during the conflict—UNMISS military officials said they were trying to build relationships with the SPLA, particularly soldiers operating near the UN’s bases. While a positive initiative that may help the Mission’s protection efforts during times of relative calm, the SPLA has shown again and again that it will revert to rank obstructionism whenever engaged in fighting or human rights abuses. These efforts to build relationships should therefore not conflict with the Mission’s need to move even without explicit authorization.

UNMISS needs to demonstrate its refusal to back down

UNMISS officials described to CIVIC how peacekeepers on patrol, including military liaison officers, were more systematically visiting military checkpoints to engage with SPLA soldiers.³⁴⁹ CIVIC saw several such efforts at an informal military checkpoint near the Eye Radio junction by UN House; a small group of peacekeepers, including officers, were sitting and chatting with the SPLA. Senior UNMISS military officials envisioned a

type of social patrolling that built trust with the SPLA, allowed UNMISS to explain the intent of their patrols to armed actors, and facilitated increased patrolling.³⁵⁰

Given how consistently the government and SPLA have obstructed UNMISS’s patrolling, creative strategies to improve freedom of movement are commendable. Throughout the conflict, UNMISS has often received authorization from SPLA leadership for a given movement, only to be blocked by soldiers on the ground who profess not to have received word of the approval. Directly engaging soldiers at checkpoints could help address some of these problems during periods where tensions are relatively low.

However, social patrolling should be seen as a tool, not a strategy. Almost three years of evidence makes abundantly clear that the SPLA will continue trying to obstruct UNMISS’s movement whenever it wants to hide military activity or harm to civilians.³⁵¹ In the face of such obstruction, UNMISS needs to demonstrate its refusal to back down, rather than social patrolling. Yet key UNMISS military officials remain passive in their relationship with the SPLA. The leadership of one UNMISS battalion told CIVIC that “movement during the crisis required clearance and approval from both sides [SPLA and SPLA-IO].”³⁵² Even outside the context of the crisis, the battalion leadership spoke about the important function of military liaison officers in obtaining the consent of the state for their movements. It indicated that its troops were unable even to access a natural water source near the UN base without approval from the relevant South Sudanese officials; at times, the contingent has lost access to the water source when government actors deemed it unsafe for them to travel outside the base.³⁵³

349 CIVIC interviews, Juba, August 2016.

350 CIVIC interview, Juba, August 2016.

351 As fighting and abuses spread to Yei in August, the SPLA yet again denied UNMISS access. Radio Tamazuj, “UNMISS ‘impeded’ from patrolling in Yei,” August 31, 2016, <https://radiotamazuj.org/en/article/unmiss-impeded-patrolling-yei>.

352 CIVIC interview, Juba, August 2016.

353 CIVIC interview with UNMISS battalion leadership, August 2016.

Civilian Perceptions of UNMISS After the Crisis

Frustrated by the Lack of Action Taken

In general, civilians were discouraged and angered by UNMISS's inability to protect civilians inside the POC sites during the July 2016 crisis, although opinions differed somewhat by site. The harshest criticism typically came from civilians in POC1. Civilians in POC3 and Tongping base often had more positive comments about the performance of peacekeepers at their sites, but were aware of protection failures at POC1, around UN House, and even at Terrain.

“They are here for protection but when the real fighting comes, they run”

A 42-year-old man living in POC3 at the time of the July violence told CIVIC, “If their job is to protect IDPs, they are not that serious. They look like they are just here to collect their [pay] checks and when the real fighting comes, they run for their li[ves].”³⁵⁴ An 18-year-old woman inside POC1 expressed a similar sentiment: “They are just protecting themselves and not worrying or caring about others. This is why many children were harmed, because they ran...They should not run and leave their job when the war starts. That is their job. They should do their job.”³⁵⁵

The feeling that peacekeepers had abandoned them, even in a place called a protection site, left many civilians embittered and confused. A 34-year-old man in POC1, who is disabled and was unable to flee into the UN House base during the violence, stated:

They are here for protection but when the real fighting comes, they run.... I used to talk to the peacekeepers, but I don't any more. I am angry after what I have seen. It seems that they don't care about people's lives, that they don't view us as people. It seems that they... don't understand why people are in the POC sites—that we came here because of government actions of killing people... It is known to everyone what happened here. How can the UN not act? How can they still think that they can work with the government?³⁵⁶

A 17-year-old girl who fled into the UN House base by climbing over the fence and barbed wire around POC1 still had visible, deep wounds from the barbed wire when CIVIC interviewed her one month later. She told CIVIC, “What they were doing was not good. When firing was high, they didn't even open the gate, so civilians were climbing over and injuring themselves. If another problem happens, they need to stay in their places and protect people.”³⁵⁷

Misunderstanding about UNMISS's Role

Almost three years into the conflict, many civilians—including those who live in the POC sites—struggle to understand UNMISS's role, which leads to both undue criticism and undue praise. For example, many civilians do not understand the varied functions served by different UN military and police contingents. As a result, civilians criticized particular UNMISS contingents that CIVIC identified as being responsible for support roles like engineering for failing to protect them or to act robustly during the crisis. Many civilians also do not appear to understand the different mandated functions of UNMISS police and military.³⁵⁸

354 CIVIC interview, UN House POC3, August 2016.

355 CIVIC interview, UN House POC1, August 2016.

356 CIVIC interview, UN House POC1, August 2016.

357 CIVIC interview, UN House POC1, August 2016.

358 CIVIC interviews with IDPs, UN House POC sites and Tongping base, August 2016.

On the other hand, many civilians who CIVIC interviewed in the POC sites credited UNMISS for providing them items such as food, shelter, and charcoal, though these are almost exclusively provided by humanitarians. An 18-year-old woman described: “The good thing about the UN is that they give us food and water, but in security, it is not good, because when the war started they all ran and the gate was open. So, they are not good at security.”³⁵⁹

Although misconceptions will always exist, particularly when so many actors are operating in the confined spaces of the POC sites, these examples highlight the Mission’s need to engage more regularly with communities—and not just select community leaders, who often fail to relay key messaging to the civilians who need it most.

Questioning the Safety of the POC sites

Particularly in Juba, civilians are extremely aware of what is going on around the country, even if that information is often filtered through a partisan lens. Civilians interviewed by CIVIC repeatedly referenced protection failures during attacks on POC sites in Bor and Malakal, in addition to the more recent events in Juba. In the face of these repeated attacks and UNMISS’s response, some civilians seem to be pursuing different self-protection strategies, including by becoming refugees.

In mid-August, humanitarian actors conducted a headcount of IDPs inside the UN House POC sites. The latest figures revealed only a slight increase over the number of people registered a year before, despite the large-scale movement of civilians during the crisis. There are likely several factors responsible for the smaller-than-expected figures; one such factor, according to humanitarian officials and civilians, is that some people have chosen to leave the POC sites for surrounding countries because of a sense the POC sites are not safe.³⁶⁰ Anecdotal evidence from CIVIC’s research supports these claims. Multiple men at UN House and Tongping said they had recently sent their wives and children to refugee camps in Uganda.³⁶¹ Another man in a POC site told CIVIC, “A lot of people have left the POC site because of the violence and they have seen that there will be no protection.”³⁶²

An assessment that several international organizations conducted in August 2016 with civilians outside the POC sites consistently noted that they have chosen not to seek safety inside the sites because they view the sites as insecure. Many of these civilians said they would choose to flee from the country if they had the resources to do so, and if they believed the roads exiting the country were safe. Without the resources to flee and believing the POC sites to be safe, they remain within Juba town, despite ongoing violence and insecurity after nightfall.³⁶³

359 CIVIC interview, UN House POC1, August 19, 2016.

360 CIVIC interviews with IDPs, UN House POC sites, August 2016; and with humanitarian officials, Juba, August 2016.

361 CIVIC interviews with IDPs, UN House POC3 and Tongping base, August 2016.

362 CIVIC interview, UN House POC1, August 2016.

363 Confidential post-crisis assessment by international organizations, August 2016 (on file with CIVIC).



UNMISS police and military conduct a search for weapons and contraband in POC3 (July 2016) © UN Photo / Eric Kanalstein

CONCLUSION

“Do I think it would happen differently if [violence] kicked off now? It’s hard to say, but no. ... Contingency planning, yes, that’s improved. But I do not see an improvement in our patrols, in enforcing our SOFA, in our freedom of movement. ... [We have] the opportunity to succeed, but it takes a little bit of risk, and being out there, being persistent.” – UNMISS military official³⁶⁴

The July violence in Juba presented an extremely challenging environment for UNMISS, which found itself caught between two fighting forces. Had peacekeepers tried to push out of the base from July 8-11, the heavily armed soldiers in the area may have fired on them. Given the Mission’s problems with emergency medical care and evacuation for its own personnel, there was an understandable reluctance on the part of peacekeepers to put themselves in harm’s way.

Yet, even given the difficult environment, it is clear that the Mission underperformed in fulfilling core parts of its mandate. Peacekeepers still appeared unclear about their rules of engagement and, at least in POC1, abandoned their positions during the fighting. The Force failed even to try to leave the base to respond to the horrific attack on the Terrain compound. One of the most important humanitarian warehouses was looted for days after the fighting ended, without UNMISS intervening to try to stop it. In the weeks after the fighting, peacekeepers were unable to stem sexual violence within close proximity—and at times even eyesight—of the POC sites.

Following soon after a similar failure in Malakal in February 2016, the Mission’s performance during the July violence represents an existential moment for UN peacekeeping in South Sudan. The Mission’s sheltering of some 200,000 civilians for almost three years has unquestionably saved lives. The scale of civilian killing in Juba in July 2016 did not resemble that which occurred in December 2013; that difference may relate, in part, to the fact that tens of thousands of at-risk civilians remained in UNMISS’s backyard. But the Mission’s inability, yet again, to undertake meaningful protection outside its bases—including in the immediate proximity—threatens to undermine the core meaning of a Chapter VII protection mandate as well as faith in the United Nations by the civilians it is dispatched to protect.

364 CIVIC interview, Juba, August 2016.

To ensure that similar failures will not be repeated, decisive action is needed from all levels of the UN. First, the UN Security Council must put UNMISS in a better position to succeed. After giving UNMISS a Chapter VII mandate, the Security Council has failed to act as the parties to the conflict—and the Government of South Sudan in particular—have relentlessly obstructed and harassed UN personnel and at times even attacked UN bases. The indiscriminate fire around UN House is only the latest in a long line of outrages against UNMISS's sanctity; in response, the Security Council has only offered empty condemnations. If the Security Council is serious about the protection of civilians in South Sudan, it must impose consequences for the parties' continued obstruction of UNMISS. To start, it should enact a long-overdue arms embargo, in line with the recent Security Council resolution.³⁶⁵

Decisive action is needed from all levels of the UN

Second, the UN Secretariat has to ensure meaningful transparency and accountability for the failures in July. The Secretary-General has notably established an independent Special Investigation to look into UNMISS's response to the Terrain incident and to the sexual violence around UN House, among other incidents. It is critical that, in contrast with its treatment of the Malakal Board of Inquiry report, the UN Secretariat publish the full report of the Juba investigation—including findings about which units and individuals underperformed. The Secretariat also needs to ensure meaningful and transparent accountability, in order to show unambiguously that UN leadership does not tolerate major failures to perform. Finally, the Secretariat needs to monitor closely whether and how UNMISS implements measures responding to the Special Investigation's recommendations.

Third, and finally, UNMISS needs to make meaningful changes to better position itself to protect civilians both inside and outside the POC sites. The Mission should be more forceful in reasserting its right to move, if only to provide further evidence to the Security Council that the government refuses to change. UNMISS should put in place measures to respond systematically and swiftly to requests for Force protection, so that individuals and organizations are not left in a dangerous limbo during crisis situations. It should reallocate assets to improve external perimeter security and communicate more consistently and clearly with civilians, and women in particular, about its protection activities and its limitations. Finally, in line with the Malakal Board of Inquiry's recommendation, it should investigate and report cases of underperformance or failure to follow orders.

In the midst of a conflict in which the parties have targeted civilians consistently and deliberately, UNMISS has often been the only actor civilians can look to for protection. This is a heavy burden. But it is a burden the Mission must begin to meet more effectively, as the violence in South Sudan is unlikely to end soon.

³⁶⁵ Security Council Resolution 2304, para. 17 ("Decides that if... the Secretary General reports political or operational impediments to operationalizing the Regional Protection Force or obstructions to *UNMISS in performance of its mandate*, due to the actions of the Transitional Government of National Unity, within five days of receipt of such report it shall consider appropriate measures including" an arms embargo, as described in the Resolution's Annex") (emphasis added).

ABOUT THE REPORT

Under Fire: The July 2016 Violence in Juba and UN Response examines how the United Nations Mission in South Sudan (UNMISS) responded to threats against civilian men and women as it found itself caught in the midst of intense combat between South Sudanese government troops and opposition forces. The report describes how parties to the conflict killed and injured civilians in displaced persons camps with indiscriminate gun and artillery fire, raped women who left those camps in search of food, and broke into a hotel and apartment complex to brutally attack international and national aid workers. It also details how, when confronted with the challenging operating environment, UNMISS peacekeepers were unable or unwilling to leave their bases to protect civilians outside and at times even underperformed in protecting the 37,000 civilians sheltered on its bases.

The report is based primarily on field research conducted in Juba in August 2016, which included more than 100 interviews with civilians directly affected by the violence, UNMISS civilian and military officials, and representatives of the humanitarian community. Decisive action is needed at all levels of the UN to ensure that the failures of July are not repeated and that the Mission is better able to fulfill its protection of civilians mandate.

ABOUT CENTER FOR CIVILIANS IN CONFLICT

Our mission is to improve protection for civilians caught in conflicts around the world. We call on and advise international organizations, governments, militaries, and armed non-state actors to adopt and implement policies to prevent civilian harm. When civilians are harmed we advocate for the provision of amends and post-harm assistance. We bring the voices of civilians themselves to those making decisions affecting their lives.