



Twelfth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan

Attacks on civilians in Western and Central Equatoria States, Southern Sudan, between 15 December 2008 and 10 March 2009 by the Lord's Resistance Army (LRA)



Issued by the Office of the High Commissioner for Human Rights

Executive Summary

The twelfth periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan focuses on attacks against civilians in Western and Central Equatoria States in Southern Sudan between 15 December 2008 and 10 March 2009 by the Lord's Resistance Army (LRA). The information contained in this report is based primarily on the work of Human Rights Officers working for the United Nations Mission in Sudan (UNMIS) under Security Council Resolution 1590. This report has been shared with the Government of Southern Sudan (GoSS).

On 14 December 2008, the Ugandan National Army (UPDF), backed by the Government of Southern Sudan's Army (SPLA) and the Democratic Republic of the Congo's (DRC) National Army (FARDC), launched an attack on the LRA's base in the Garamba National Park in northeast DRC, codenamed Operation Lightning Thunder. After the operation, the LRA reportedly splintered into several small groups, at least two of which entered Western and Central Equatoria in Southern Sudan. These groups attacked civilians in Southern Sudan from mid December. Attacks were also carried out in the Central African Republic (CAR) and the DRC. At the time this report was finalised, attacks were ongoing.

Information was gathered on thirty incidents which took place in Western and Central Equatoria between 15 December 2008 and 10 March 2009, twenty-seven of which have been confirmed. The twenty seven attacks consist of nineteen attacks on villages, four vehicle ambushes and four attacks on individuals. Victim and witness statements confirm that the attacks were perpetrated by the LRA. Civilians were systematically targeted with and subjected to brutal violence without regard for age, sex or ethnicity. At least eighty one civilians were killed in the attacks and many were injured. As well as killing, causing serious injury and mutilating, the LRA also abducted many people, including children, whom it forced to work as child soldiers.

The Sudanese People's Liberation Army (SPLA) Brigade in Western Equatoria State (WES) was reinforced shortly before the attacks covered in this report occurred. It faced considerable challenges when responding to the attacks, due to the guerilla tactics of the LRA, the vast and difficult terrain, its lack of mobility and other logistical challenges. On occasions it was slow to take action. Joint Integrated Units (JIUs), responsible to the Government of National Unity (GNU), also failed to respond effectively on at least one occasion. Recognising the inadequacy of state protection, local authorities have encouraged the reliance, by local communities, upon self defence groups. Several of these groups are in operation and have been involved in acts of violence against suspected LRA attackers.

The LRA attacks caused major loss of life and serious injury to many people. Many were also abducted and an unknown number of rapes took place. Villages were pillaged and burnt and livelihoods were lost as a result of the massive internal displacement provoked by the attacks. Concerns about a humanitarian crisis are exacerbated by the large influx of refugees to Southern Sudan as a result of attacks in neighbouring DRC and CAR. Confidence in the security forces of Southern Sudan has suffered. The attacks have left a legacy of trauma, both individual and collective, and those affected continue to live in fear of their lives.

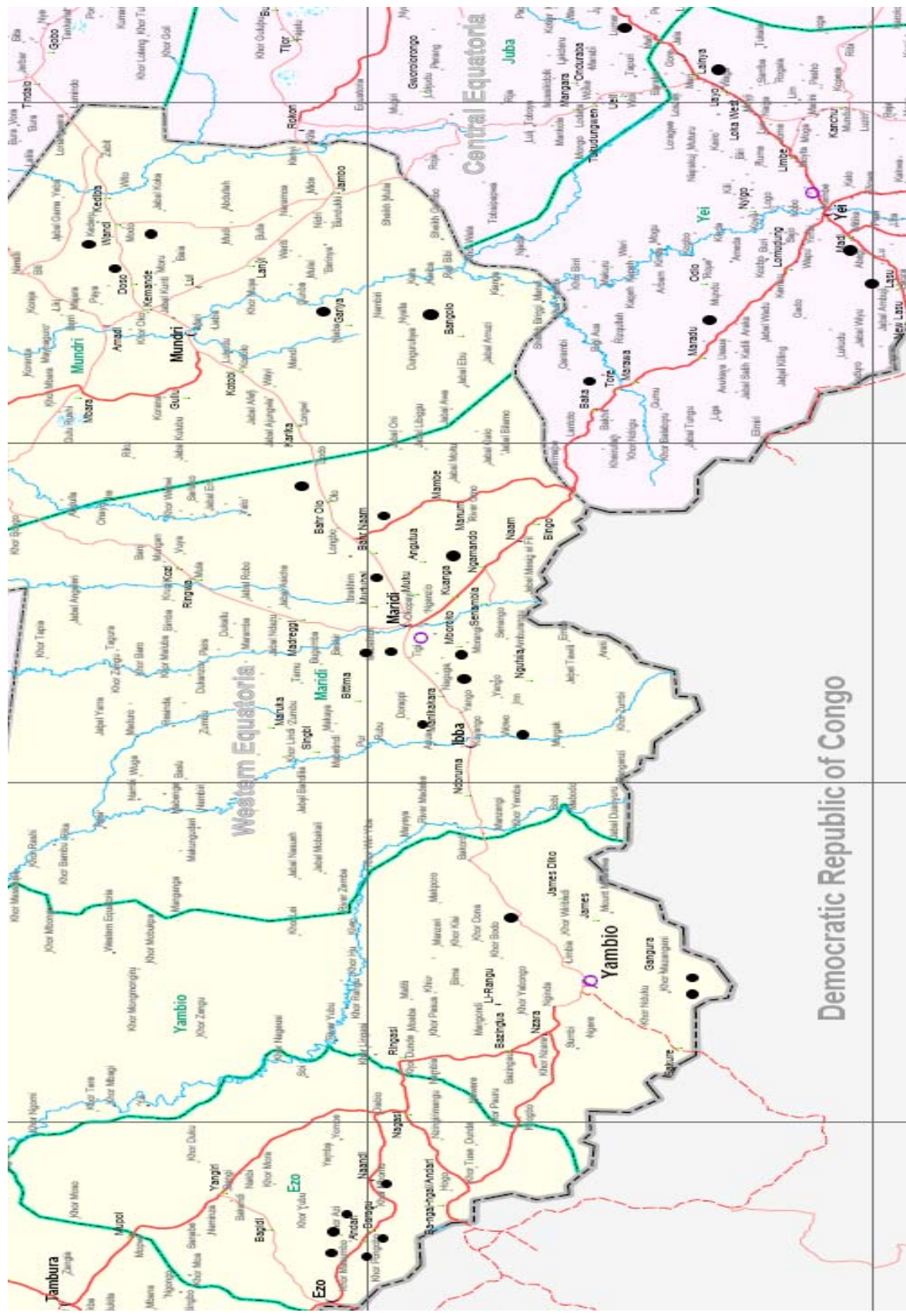
The evidence presented in this report suggests that LRA actions may amount to crimes against humanity. These acts are also covered by Southern Sudanese criminal law. With the signing of the Comprehensive Peace Agreement (CPA) in 2005, the Government of Southern Sudan (GoSS) assumed responsibility for security in Southern Sudan and is therefore bound to protect the right to life. On some occasions the GoSS failed in this obligation.

LRA attacks in Southern Sudan have been ongoing since the end of the reporting period. In addition to a detailed annex of attacks which occurred during the reporting period, Annex II contains information on attacks after 10 March 2009. Some of the subsequent attacks remain unconfirmed.

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Map of Incidents



Abbreviations

CPA	Comprehensive Peace Agreement
DRC	Democratic Republic of the Congo
FARDC	Forces Armées de la République Démocratique du Congo
GoS	Government of Sudan
GoSS	Government of Southern Sudan
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICSS	Interim Constitution of Southern Sudan
IDP	Internally Displaced Person
IHL	International Humanitarian Law
JIU	Joint Integrated Units
LRA	Lord's Resistance Army
OSRSG/CAAC	Office of the Special Representative to the Secretary General for Children and Armed Conflict
SAF	Sudanese Armed Forces
SCR	Security Council Resolution
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement
SSRRC	Southern Sudan Relief and Rehabilitation Commission
UNMIS	United Nations Mission in Sudan
UPDF	Ugandan People's Defence Forces

1. Introduction

1.1. The twelfth periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan focuses on attacks against civilians in Western and Central Equatoria States, in Southern Sudan, between 15 December 2008 and 10 March 2009 by the Lord's Resistance Army (LRA).

1.2. The information contained in this report is primarily based on the work of Human Rights Officers in the United Nations Mission in Sudan (UNMIS) who are deployed in Sudan pursuant to Security Council Resolution 1590, which calls for an adequate human rights presence within UNMIS to carry out human rights promotion, civilian protection and monitoring activities to assist the parties to the 2005 Comprehensive Peace Agreement – the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) – “in the protection of the human rights of all people of Sudan”.¹

1.3. The information in this report has been brought to the attention of the competent state and local authorities, as well as the Government of National Unity (GNU) and Government of Southern Sudan (GoSS).

2. Methodology

2.1. Information was gathered from various UNMIS sections and UN agencies operating in the affected areas (Ezo, Yambio, Maridi and Mundri West counties in Western Equatoria State, and Yei and Lainya counties in Central Equatoria State). Further information came from state institutions in Southern Sudan, civil society organizations and media reports.

2.2. Between January and March 2009 several investigative field missions were conducted by UNMIS to verify information and interview victims, witnesses and authorities. Due to security reasons, it was not possible to travel to the scene of some of the more remote locations in which attacks were reported.

3. Background

3.1. The LRA is an armed Ugandan rebel group that was formed in the late 1980s in opposition to President Yoweri Museveni's Government. For around two decades, the LRA directed attacks against Ugandan Government security forces and the civilian population in northern Uganda.

3.2. In December 2003, President Museveni referred the situation to the Prosecutor of the International Criminal Court (ICC). In 2005, the ICC Pre-Trial Chamber II issued arrest warrants for the LRA's Commander-in-Chief, Joseph Kony and other senior LRA commanders² on charges of crimes against humanity and war crimes, including attacks against the civilian population, murder, inhumane acts, cruel treatment, pillaging, rape, enslavement, sexual enslavement and enlisting of children, committed in northern Uganda since 1 July 2002.

¹ Security Council Resolution 1590 (2005), paragraph 4 (a) (viii) & (ix).

² Vincent Otti (allegedly killed in 2007), Raska Lukwiya (killed in 2006), Okot Odhuambo and Dominic Ongwen.

3.3. Since 2005, the LRA has reportedly operated from a base in the Garamba National Park in the north east of the Democratic Republic of the Congo (DRC), which borders the Sudanese state of Western Equatoria. LRA forays into Southern Sudan targeted both Sudanese civilians and GoSS security forces, primarily the SPLA. The Western Equatorian town of Maridi was attacked on 26 December 2005 and Yambio, the state capital, in October 2006. Attacks on the SPLA continued throughout 2007 and 2008. On 20 February 2008, an LRA attack on the SPLA garrison in Source Yubu (Western Equatoria State) resulted in the death of an SPLA soldier and the abduction of seventeen civilians, mostly women. On 5 June 2008, the LRA attacked the SPLA base in Nabanga (Western Equatoria State), reportedly killing twenty people, thirteen of whom were soldiers. Another SPLA soldier was killed in an LRA attack on Sakure (Nzara County) on 17 September 2008, a 15 year old was reportedly thrown into a fire and burned to death and eleven civilians abducted. Eight LRA fighters were also killed during this attack.

3.4. After the Comprehensive Peace Agreement (CPA) was signed in 2005, the newly established GoSS initiated and mediated peace talks between the LRA and the Ugandan Government in Juba, Southern Sudan. The latest phase of this process ended unsuccessfully when Joseph Kony failed to attend a peace agreement signing ceremony in Ri-Kwangba, Southern Sudan on 29 November 2008.

3.5. In response to Joseph Kony's failure to attend the ceremony, the Ugandan National Army (UPDF), backed by the SPLA and the Congolese National Army (FARDC), launched Operation Lightning Thunder against the LRA. The objective was to eliminate the LRA leadership with an attack on its base in the Garamba National Park. The UPDF has been patrolling areas of Western Equatoria along the border of Sudan since 2002. Following Operation Lightning Thunder it focused specifically on the LRA.

3.6. Reports suggest that the offensive caused the LRA to splinter into several small groups, at least two of which have moved into Western and Central Equatoria in Southern Sudan. Following Operation Lightning Thunder, the LRA increased their attacks against civilians in the DRC, the CAR and in Western and Central Equatoria in Southern Sudan in mid to late December 2008. Until the drafting of this report, the attacks have not ceased in some areas of Western and Central Equatoria in Southern Sudan.

4. Findings

4.1. Information was collected on thirty separate incidents occurring between 15 December 2008 and 10 March 2009 in Southern Sudan. Twenty-four of these incidents were reported in Western Equatoria and six in Central Equatoria. Of the thirty incidents, twenty-seven have been verified (sixteen directly by UNMIS Human Rights and eleven by other sources, including the GoSS' Southern Sudan Relief and Rehabilitation Commission (SSRRC)). The twenty-seven verified incidents consist of nineteen attacks on villages, (bomas) four vehicle ambushes and four attacks on individuals. Up to the writing of this report no one has been brought to justice in connection with the incidents documented.

4.2. Victim and witness testimony collected during the investigation confirms that the LRA perpetrated the attacks. While the attackers had no specific LRA identification or insignia, physical descriptions of attackers and *modus operandi* of attacks provided by the victims and witnesses are consistent with accounts provided by former LRA abductees, some of whom had been held by the LRA for up to a year, during which they had witnessed LRA activities in Western Equatoria. For example, several former abductees described having been part of small LRA groups which attacked villages and then regrouped with larger LRA groups, before splitting up to attack again. This is consistent with the pattern and dates of attacks covered by this report. Furthermore, a recent escapee from LRA captivity explained the following: “...after the 14th December attack, the LRA dispersed, forming four groups to escape Garamba Park: the first one went to DRC, two other ones went to Southern Sudan and the last one with the high ranking commanders went to Central African Republic. [Joseph] Kony sent a message to all the LRA commanders to attack the villages in Southern Sudan and kill the villagers. This message was passed on to the fighters...I could see they had satellite phones, cell phones, and hand held radios...”

4.3. Commonly, victims and witnesses described the attack groups as composed of five to twenty individuals.³ They wore different coloured military fatigues with rubber boots.⁴ Most wore their hair in dreadlocks, although some had short hair.⁵ They were of different tribal origins and spoke different languages.⁶ It seems likely that some are from Southern Sudan, as victim and witness statements also indicated that some attackers were very familiar with the areas attacked.

4.4. The attackers used two types of weapon: bladed weapons, including pangas (machetes), axes, bayonets, knives, hoes, clubs and spears; and firearms, either AK-47s or PKMs (machine guns). In many attacks, they preferred the use of bladed weapons over firearms. Examples are the attacks on Nabiapai boma on 26 December 2008 and Mboroko on 2 January 2009 in which attackers used pangas, axes, bayonets, hoes and knives on the majority of the victims. They reserved their firearms for those who attempted to escape.

4.5. The attackers systematically targeted civilians without regard for age, sex, or ethnicity. The youngest victims were babies in arms; the oldest of advanced years, the most senior members of their communities. Members of the Azande, Baka, Mundu, Avokaya, Moru and Kakwa tribes were among the victims as the attackers made no distinction between the many tribal groups which populate the area. The attacks took place in rural areas and most of the victims made their living from the land. The violence used against them was consistent in its brutality. Many victims were mutilated.

3 One attack, in Rejongu and Sakaya (Central Equatoria State), was reportedly carried out by 40 to 50 attackers.

4 Their uniforms were either plain or camouflage, and ranged in colour from light to dark green, dark blue and sandy brown. Former abductees report that they saw “all sorts of uniforms in the LRA camp belonging to FARDC, SPLA, and UPDF.” The LRA’s use of foreign uniforms has been observed. For example, on 28 February 2009, seven LRA wearing SPLA uniforms arrived in Andari Payam, in Ezo. When the population went to greet them, the LRA fighters attacked, killing four civilians and abducting a 17-year old girl.

5 A former abductee explained that senior officers often had short hair whereas soldiers had dreadlocks.

6 Witnesses identified that attackers were speaking Acholi, Arabic, Linguala, Swahili, Madi, Lugbara, Zande, English, Largo, or other tribal languages unknown to them.

4.6. At least eighty-one civilians were confirmed to have been killed during the attacks and attempts were reportedly made to kill at least another thirty-two, many of whom were injured. At least seventy-four people were abducted, many of whom can be presumed dead and attempts were reportedly made to abduct a further ten. Furthermore, an unknown quantity of rapes took place⁷ and it can be presumed that many people suffered inhumane treatment in captivity.⁸ Finally, at least eleven villages were pillaged, most of which were partly or entirely burnt down. (Please see the Annex for specific details)

4.7. The attack on Mboroko Boma on 1 January 2009 provides a representative example. On the night of 1 January 2009, an armed group of fifteen to twenty men appeared from the bush to attack Dam'za, Nyadua, Mborokenyi⁹ and Mboroko villages. As described by one of the witnesses in Nyadua village: *“At 8 pm, a man with an AK-47 entered our tukul [house] and ordered us to remain seated. I saw that other men had surrounded the tukul. We were scared and decided to run away. The man inside the tukul shot my brother in the back as he tried to escape. I ran into the bush. I could hear my relatives screaming as they were attacked. The next morning I came out of my hide-out and found the bodies of my relatives. My uncle had been hacked to death and my sister-in-law had been cut into pieces. My aunty was still alive but had been stabbed with a bayonet...”* During the same attack, another victim was attacked with an axe and then pushed into a fire while still alive.

4.8. A witness to another attack, this time on Moba village in Mundri West County (Western Equatoria State) on 9 January 2009, reported discovering the mutilated body of a fellow villager. The villager's leg had been chopped off, his jaws had been dislocated and his teeth had been pulled out.

4.9. The attackers also looted goods and property and burnt down villages and fields. For example, seventy-two tukuls were burnt down during the 26 December 2008 attack on Nabiapai village (Gangura/Yambio, Western Equatoria State), and money, weapons, grain, chickens, goats and other property was stolen.

4.10. Attacks on villages often, but not always, resulted in the abduction of villagers. The number of abducted persons ranged from one to twelve per attack. Attackers abducted men, women and children, of all ages.

4.11. Most of those abducted during these attacks are either presumed dead or remain in LRA captivity so it has not been possible to interview them. Information obtained from abductees from previous attacks provides an idea about the likely fate of the recent abductees. Those interviewed reported being held in LRA camps, where they suffered systematic violence. One former abductee reported that the LRA used to tie the hands of abductees and attach weapons, ammunitions and belongings to their bodies. Any person unable to carry these loads would be killed with a machete. Another young boy who escaped LRA captivity said: *“...whenever I made a small mistake I would receive 30 strikes with the flat part of a panga [machete]”*.

⁷ Former female abductees interviewed claimed that all abducted women were raped on a regular basis.

⁸ Former abductees interviewed claimed that many of those abducted were subjected regular beatings and lashings.

⁹ Mborokenyi is also known as Mboroko 'B'

4.12. Escapees abducted in previous attacks confirm that women were raped, sexually abused and mistreated on a regular basis. According to one woman who escaped LRA captivity; “...at night the fighters used to tie the abducted men one to another, make them lie on the ground and cover them with a plastic sheet. They would then take all the women to the bush and rape us. They barely gave us any food and would beat us on a regular basis with sticks, the butts of the guns or their fists”. There is evidence to suggest that women abducted in these attacks have suffered similar abuse.

4.13. UNMIS Child Protection confirms that at least eighteen children were abducted in the attacks covered by this report. Some of the abducted children have since escaped or been freed from LRA captivity. Interviews with these children corroborate information received from other children abducted in previous LRA attacks. Abducted girls are used to perform cleaning, laundry and cooking duties; they are also forcibly and systematically assigned as “wives” to LRA commanders. Boys are forced to carry looted goods, guard LRA settlements and are used as spies. They are also used as fighters and made to commit atrocities against civilians.

4.14. In addition to attacks on villages, four vehicle ambushes were reported. According to testimony, the LRA appeared from the bush, aimed firearms at the vehicles and ordered drivers to stop. Those that refused to stop were shot. Once vehicles had stopped, the attackers forced passengers to disembark, before subjecting them to violence. They looted and burned the vehicles before escaping into the bush.

4.15. Although it is clear that the LRA systematically targeted civilians, some SPLA soldiers and other state agents were also victims of LRA attacks. For example, a Southern Sudan Wildlife Guard vehicle containing 10 passengers was ambushed by the LRA on 24 December 2008 at Naktazara, Maridi County (Western Equatoria State). An SPLA soldier and a civilian were killed, and a Wildlife Guard and a 9 year old child were injured. On 7 January 2009, a Sergeant of the Southern Sudan Police Service (SSPS) was killed during an attack on Bangolo Payam, Mundri West County (Western Equatoria State).

5. Responses

5.1. The SPLA maintains three brigades in Greater Equatoria: one in Western Equatoria State, one in Central Equatoria State and one in Eastern Equatoria State.¹⁰ Following the LRA attack on an SPLA base in Nzara County in September 2008, (see 2.3, above) the Western Equatoria State Security Committee asked the central government in Juba to increase the SPLA presence in the state. The GoSS agreed and around mid-November 2008, the Eighth Brigade of the SPLA, stationed in WES, was reinforced with the arrival of an additional battalion.¹¹ By the time of the attacks reported here, the Eighth Brigade was headquartered in Yambio, with troops deployed in Maridi, Nabanga, Gangura, Ezo, Tambura, Sakure and Nzara counties.

¹⁰ Under international military standards a brigade usually comprises around 2,500 troops. The exact size of the SPLA brigades in WES is unknown.

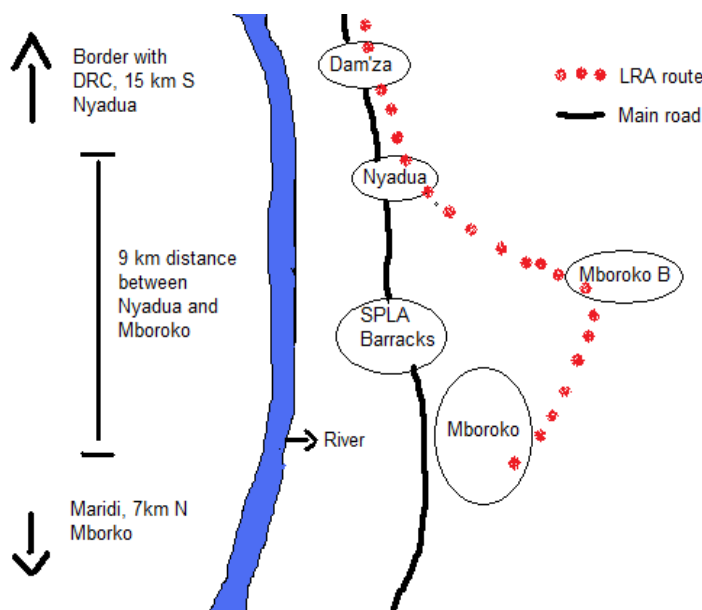
¹¹ Under international military standards a battalion usually comprises around 800 men. As above, the exact size of the additional battalion sent to WES in November 2008 is unknown.

5.2. The SPLA has confirmed that it was under orders not to launch attacks on the LRA until the peace negotiations with Joseph Kony reached their conclusion. SPLA participation in Operation Lightning Thunder marked a reversal of this policy. In response to the attacks on civilians covered by this report, SPLA operations were hampered by the distance between villages under attack and almost non-existent infrastructure in affected areas. Furthermore, the SPLA lacked mobility and was not able to respond quickly as soldiers had to travel on foot, weighed down with supplies. Moreover, the LRA purposefully avoided the SPLA and were difficult to locate. The LRA bands were small, mobile and able to disappear into the bush immediately after attacks. They also benefited from the local knowledge of Southern Sudanese recruits. The SPLA attempted to overcome these difficulties by mirroring the LRA's guerrilla tactics. It also deployed additional troops along the DRC border to prevent the entry of other LRA bands into Southern Sudan. The SPLA contends that it responded well to the LRA attacks, once all obstacles are taken into account.¹²

5.3. Local responses by the Southern Sudanese security forces to LRA attacks occurring in their vicinity are analysed in the following examples:

a) Mboroko Boma

5.4. Mboroko boma, 20km south of Maridi, is composed of different villages including Dam'za, Nyadua, Mboroko Mbrookenyi and Mboroko. Situated near Mboroko are the barracks of an SPLA company belonging to the 136th battalion (under the Eighth Brigade) – see Map below.



5.5. As mentioned above, on 1 January 2009, a group of fifteen to twenty LRA emerged from the bush and attacked the villages of Dam'za, Nyadua, Mboroko Mbrookenyi, and Mboroko. They attacked Dam'za first. From there they moved on to Nyadua, attacking the village at around 8:00pm. Later they passed through and

¹² This was reiterated by the SPLA Chief of General Staff in a column published in the February edition of "The Liberator", an SPLA magazine.

attacked Mboroko Mbrookenyi and finally attacked Mboroko at 1am (2 January 2009).

5.6. According to victims and witnesses, some villagers from Nyadua ran the two kilometres which separates their village from the SPLA barracks. They alerted the SPLA Commander (a Major) but he failed to send troops to defend the villages, despite the fact that the closest village of Mboroko, only around 300 metres away from the barracks, was under attack at the time. The SPLA did not start their search for the attackers until around 7am on 2 January, long after they had left the area.

5.7. According to one survivor, *“Some villagers informed the SPLA when the attackers entered Nyadua, but they did not react. After attacking Nyadua, the LRA avoided the SPLA barracks and attacked Mboroko. They burnt four houses in the village and again the people ran to SPLA. The SPLA failed to respond a second time. They did not show up until the morning.”*

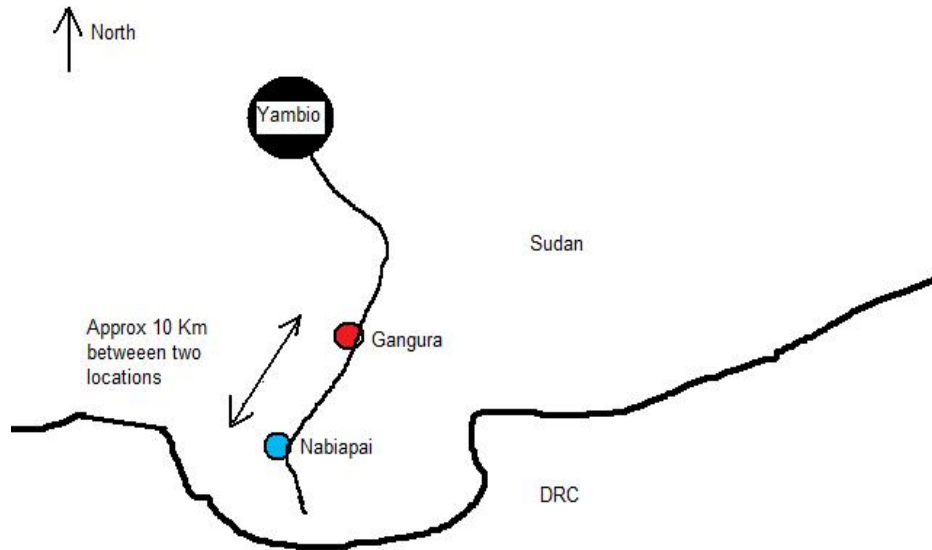
5.8. Eighteen dead victims were identified in Mboroko boma as a result of the attack.¹³ Eight injured people were also identified, including a two year old girl. Furthermore, six were reported abducted, including a five year old boy who later escaped and a two year old girl.

5.9. The incident was raised with the SPLA Battalion Commander in Maridi (a Colonel). He denied that any villagers from Nyadua had alerted the SPLA at their barracks. He said that the SPLA in Mboroko had been first alerted at 1am, after hearing a gun shot and seeing a tukul on fire. He noted that shortly after hearing and seeing this, the SPLA Commanding Officer visited the tukul that was on fire with a small escort but the woman in the tukul was unable to provide any information about the attackers, including their direction of escape. Additionally, the SPLA soldiers could not identify the attacker’s footprints in the dark. For these two reasons, the SPLA made the decision to return in the morning.

b) Nabiapai

5.10. Since November 2008, there have been approximately 300 SPLA soldiers of the 134th battalion (8th brigade) in Gangura, approximately eight to ten kilometres from Nabiapai.

¹³ Other sources identified up to twenty-seven victims in this attack.

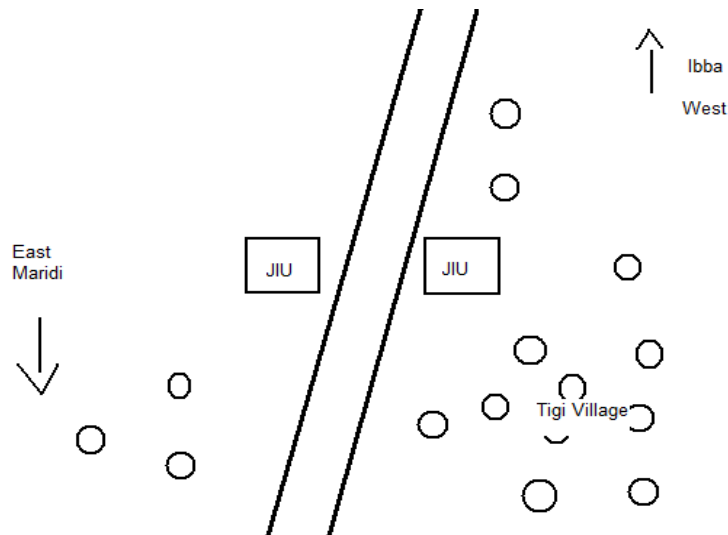


5.11. According to victims and witnesses, when the LRA attacked Nabiapai on 26 December 2008, some fleeing villagers came across SPLA soldiers and reported the attack to them. However, the SPLA did not arrive to defend Nabiapai until three days later.

5.12. According to the State Security Advisor for WES in Yambio, the group of fleeing villagers who encountered the SPLA Commander in Gangura had not informed the Commander in Arabic about the LRA attack and he was therefore unable to understand them. According to the State Security Advisor, it took a day for a villager to inform the Commander in Arabic about what had happened. The Commander then took action but a further delay was encountered as his soldiers had to walk the eight to ten kilometres to Gangura from Nabiapai.

c) Tigi Village

5.13. The village of Tigi (Rubo boma, Ibba County) is fifteen kilometres from Maridi town on the main Maridi to Ibba road. A Joint Integrated Unit (JIU) is located next to the village, on both sides of the road (see map).



5.14. According to sources interviewed, the JIU has been stationed in Tigi since 27 December 2008 and was equipped with Rocket Propelled Grenade Launchers (RPG's) and AK-47s at the time of the attack. The local County Commissioner reportedly told villagers that the JIU had been deployed there to defend the villagers in case of attack.

5.15. On the morning of 17 February 2009, the LRA killed a man in an attack on the neighboring village of Maniakakara. A villager from Maniakakara escaped the attack and alerted the village of Tigi. At 8am on 18 February, the LRA passed through Tigi, killing another man. At 9am, villagers went to the JIU to request assistance from the Commander (a Sudanese Armed Forces (SAF) Second Lieutenant). A witness provided the Commander's response: *"The fighting has not come to us; we will only confront the LRA when they attack our barracks"*. Instead, the Commander told the villagers they should defend themselves. The villagers report the JIU took no further action. At 6am on 19 February, another villager was shot in the knee by the LRA.

5.16. When the JIU Commander in Maridi (a SAF Major) was asked about the incident, he claimed he had sent troops from another JIU location to confront the LRA. He confirmed that he had sufficient troops and equipment to deal with the LRA.

5.17. On other occasions, protection of civilians by the security forces was more effective. When the Mboroko boma area was attacked for the second time on the morning of 18 February 2009, for example, villagers informed the SPLA at their barracks at 11am. Witnesses reported that by 12 noon, the SPLA had deployed a patrol to search for the LRA fighters. In a different example, on 6 March 2009, a man was attacked by nine LRA men armed with AK-47's and bayonets in Yei County (Central Equatoria State). He was tied up and stabbed repeatedly by his attackers. Despite this, he escaped with his life as another villager informed the Southern Sudanese Police Service who traveled to the scene and fired their weapons, causing the LRA to flee. The SSPS then escorted the injured man to the local hospital for treatment. Finally, when the LRA attacked the Maridi area for the second time on 18 February 2009, the SPLA engaged them and managed to repel them, an action which cost one SPLA soldier his life.

5.18. Some authorities in Southern Sudan have encouraged local communities to rely upon self defence forces to counter the LRA threat. When villagers demanded protection from state security forces in the face of LRA attacks across Western and Central Equatoria, they were advised to defend themselves with whatever resources they had. As a result, local authorities in Maridi, Mundri West, Yambio and Yei have all requested training and ammunition for civilian self defence forces, or “Arrow Boys”, and several groups of civilians in Western and Central Equatoria have already organized themselves into such groups.¹⁴ Both the numerical strength of these groups and the level of support they receive from authorities are unclear. What is certain is that these groups have been responsible for acts of violence against suspected LRA attackers. For example, a self defence group which aided the SPLA in its pursuit of the LRA in Maridi on 18 February 2009 is believed to have shot and killed an injured LRA fighter. Subsequently, the body of this LRA attacker was cut into pieces by members of the self-defence group and other locals armed with sticks and machetes.

6. Impact

6.1. The attackers caused major loss of life and shattered communities. Many of those who were not killed in the attacks will struggle with physical injuries throughout their remaining years. Furthermore, many people were also abducted during the attacks and their fate is still largely unknown. As well as injury and death, the attacks spread terror throughout communities, causing widespread displacement. Livelihoods have been lost as formerly self-sufficient people become displaced and no longer have land to farm. The attacks have also left an indelible psychological imprint on both individuals and communities.

6.2. Confidence in the security forces of Southern Sudan has suffered. Many people in the affected areas feel that the SPLA and JIU are either unwilling or unable to protect them against the LRA. Affected communities have resorted to protecting themselves against future LRA attacks and have formed local self defence groups.

6.3. According to the SSRRC, the attacks had caused the displacement of at least 38,391 people in Western and Central Equatoria by 10 March 2009.¹⁵ Furthermore, reported attacks in the DRC and CAR had caused at least 16,886 refugees to flow across the border into Western Equatoria by 10 March 2009.¹⁶ These numbers have increased since then as attacks have continued in Southern Sudan, the CAR and the DRC. The scale of displacement creates the risk of a major humanitarian crisis which the UN and international community are helping to mitigate.

6.4. Both victims and witnesses to attacks were severely traumatized, particularly as a result of the level of LRA violence and the brutality of their killing. Some villagers interviewed had witnessed two or more of their relatives killed, seriously injured or abducted during the attacks. Many civilians continue to fear for their lives and those of their children. Furthermore, many IDPs are reluctant to return to their villages for fear of more attacks.

¹⁴ In Mundri West, the self defence forces are called “Community Police”.

¹⁵ There is some divergence between numbers of IDPs provided by the SSRRC at central level and local level.

¹⁶ According to data provided by UNHCR.

7. Legal Analysis

LRA Responsibility under International Criminal Law

7.1. Under the Statute of the International Criminal Court (the Rome Statute)¹⁷ the following are all crimes against humanity, provided they are carried out “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”¹⁸:

“Murder”¹⁹

“Enslavement”²⁰

“Imprisonment or other severe deprivation of physical liberty...”²¹

“Torture”²²

“Rape or sexual slavery...”²³

7.2. Given the gravity of the attacks contained in this report, they could constitute crimes against humanity, for which individual criminal responsibility could be sought.

LRA Responsibility under Southern Sudanese Criminal Law

7.3. In respect of the LRA abuses against the civilian population, should GoSS or GNU security forces succeed in apprehending the suspected LRA attackers they could be tried under Southern Sudanese Law. Applicable provisions of the Southern Sudanese Penal Code²⁴ on charges including the following:

“Murder”²⁵ and “attempted murder”²⁶

“Rape”²⁷

“Causing injury”²⁸

“Kidnapping”²⁹

17 The Rome Statute of the International Criminal Court 1998.

18 Article 7,(1), *ibid*.

19 Article 7,(1) (a), *ibid*.

20 Article 7,(1) (c), *ibid*.

21 Article 7,(1) (e), *ibid*.

22 Article 7,(1) (f), *ibid*.

23 Article 7,(1) (g), *ibid*.

24 The Penal Code of Southern Sudan 2008 is applicable to “every person, who either by an act or omission, acts contrary to the provisions of this Bill, commits an offence and upon conviction, shall be sentenced in accordance with the provisions of this Bill or other applicable law” (Section 6.1.PC2008).

25 Section 206 Southern Sudan Penal Code Act 2008.

26 Section 209, *ibid*.

27 Section 247, *ibid*

28 Section 233, *ibid*.

“Civil unrest”³⁰

“Conspiracy to commit the above offences”³¹

“Insurgency, banditry, sabotage or terrorism”³²

“Possessing weaponry for insurgency, banditry, sabotage or terrorism”³³

GoSS and GNU Obligations under International Human Rights Law

7.4. The International Covenant on Civil and Political Rights (ICCPR) details the obligations of the state to protect the right to life and physical integrity. With the signing of the CPA in 2005, part of this responsibility was transferred to the GoSS in respect of the security of those within the jurisdiction of Southern Sudan.³⁴ Article 6 of the ICCPR provides:

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

7.5. The right to life is also enshrined in the CPA, the Interim National Constitution of Sudan and the Interim Constitution of Southern Sudan, all of which provide that:

“Every person has the inherent right to life, dignity and integrity of his or her person which shall be protected by law; no one shall be arbitrarily deprived of his or her life.”³⁵

The CPA legitimised the SPLA as a military force responsible for the security of Southern Sudan. The SPLA Act 2008 mandates the SPLA to “protect the people of Southern Sudan”³⁶ and to, “undertake...defence of Southern Sudan against internal and external threats”.³⁷

7.6 The CPA also established the JIU which, during the Interim Period between the signing of the CPA and six months after the referendum, shall participate in the

29 Section 269, *ibid*

30 Section 67, *ibid*.

31 Section 48, *ibid*.

32 Section, 67, *ibid*.

33 Section 71, *ibid*.

34 The Sudanese State, as represented by the Government of National Unity, has exclusive competency over National Defense and Security and Protection of the National Borders (CPA: Chapter II: Power Sharing; Par V: Schedule A: National Powers). However, the CPA imposes obligations in terms of security on the GoSS (CPA: Chapter II: Power Sharing; Part III. The Southern Sudan Executive: 3.6.5.// Part V: Schedule B: Power of the [GoSS]: 3. Security and military forces during the Interim period). The CPA also contains provisions related to the expulsion of foreign insurgency groups (CPA: Chapter VI: Security Arrangements: Annexure I: Permanent ceasefire and Security arrangements implementation modalities and appendices; Naivasha, Kenya 25 Sept 2003: Part I: The Ceasefire arrangements: 12 Foreign Armed Groups).

35 Section 1.6.2.1 Comprehensive Peace Agreement, Article 28, Interim National Constitution of Sudan, Article 15, Interim Constitution of Southern Sudan. Both Constitutions also provide that all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by Sudan form an integral part of the constitutional Bill of Rights (Interim National Constitution, art. 27 (3); Interim Constitution of Southern Sudan, art. 13 (3)).

36 Section 7 (3), Sudanese People's Liberation Army Act 2008.

37 Section 7 (5), *ibid*.

defence of Sudan, along with the SAF and SPLA.³⁸ The JIUs are made up of equal number of forces from the SAF and SPLA and command of the JIU alternates between an SAF commander, with a SPLA deputy and vice versa. The JIU are responsible to the GNU.

7.7 Under the Optional Protocol to the Convention on the Rights of the Child, ratified by the Government of National Unity in 2005, authorities and security forces in Southern Sudan are under an additional duty to “take all feasible measures to prevent the recruitment and use of child soldiers” within their jurisdiction.³⁹

7.8. The slow SPLA responses in Mboroko and Nabiapai and the JIU in Tigi, as described above, represent either a lack of willingness or lack of capacity of the state to protect and guarantee the right to life, the right to bodily integrity and to prevent the recruitment of child soldiers.

8. Conclusions

- 8.1. The attacks covered by this report were perpetrated by the LRA as confirmed by victims and witnesses.
- 8.2. The attackers targeted civilians, killing many and causing serious injury without regard for sex, age or ethnicity. Many people were abducted and an unknown quantity of rapes took place. Villages were pillaged and burned down. When attackers came across them, members of the security forces were not spared.
- 8.3. The brutality employed during the attacks was consistent, deliberate and egregious.
- 8.4. Children abducted during these attacks were forced to assist the LRA in various capacities, including working as porters, spies and sex slaves, as well as carrying arms. They were forcibly recruited as child soldiers.⁴⁰
- 8.5. The attacks spread terror through affected areas causing displacement and loss of livelihoods. As well as physical harm to individuals, they also brought lasting psychological trauma. The fabric of affected communities has been destroyed and confidence in state security forces has been damaged.
- 8.6. The inability of state forces to ensure security in the face of attacks has lead communities to provide their own protection in the form of self defence groups.

38 CPA Chapter VI: Security Arrangements, Section 4: Joint Integrated Units

39 Article 4(2), Optional Protocol (OP) on the Convention on the Rights of the Child (CRC). Sudan ratified the OP on CRC in 2005.

40 The Official Definition of a Child Soldier as provided in the Cape Town Principles is as follows: “A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.”

- 8.7. Evidence suggests that the LRA attacks may amount to crimes against humanity, as well as domestic crimes under the Southern Sudanese Penal Code.
- 8.8. GoSS and GNU security forces, primarily the SPLA and the JIU, are under a duty to protect the right to life of those within its jurisdiction. Security forces were faced with many challenges in this regard, which they often lacked the capacity to overcome. On some occasions in which they had capacity to respond effectively, they lacked the will to do so. On other occasions their response was adequate.

9. Recommendations

Recommendations to the Government of Southern Sudan

- 9.1. The GoSS should use its good offices to persuade LRA leaders to sign the Final Peace Agreement. Any solution sought must fully incorporate justice and human rights.
- 9.2. The GoSS must observe its human rights obligations, in particular concerning the right to life. The special needs of women and children must be taken into account.
- 9.3. The GoSS should ensure that security forces effectively protect civilians from LRA attacks. It should take concrete steps to ensure that security forces have a clear understanding of their mandate and of their obligations under human rights and IHL, and are instructed to proactively patrol and protect civilians. The GoSS should also conduct a review of the performance of its security forces in order to identify and amend shortcomings.
- 9.4. The GoSS must discourage reliance upon civilian self defence forces to provide protection and assume full responsibility for the protection of civilians.
- 9.5. The GoSS must mobilize humanitarian assistance for persons displaced as a result of LRA violence in order to fulfill the basic elements of the rights to housing, food and health. Special attention should be paid to women, children and the elderly.
- 9.6. The GoSS must ensure adequate resources are provided to the institutions responsible for the administration of justice to ensure that perpetrators are processed with due regard for fair trial guarantees contained in the CPA and the Interim Constitution of Southern Sudan (ICSS) as well as the ICCPR, to which Sudan is a party.
- 9.7. The GoSS must take steps to tackle the crimes committed by the LRA. These should include making cooperation arrangements with neighbouring countries and ensuring that the framework is in place in Southern Sudan which includes provisions to deal with war crimes and crimes against humanity.

Recommendations to the Southern Sudan Human Rights Commission

- 9.8. The Southern Sudanese Human Rights Commission must investigate, monitor and record, and refer cases to the Office of the Attorney General for prosecution. It should also develop recommendations and make full use of its mandate to present advice to other organs of government on appropriate responses to the attacks and issues related to the attacks.

Recommendations to the Government of National Unity

- 9.9. The GNU must ensure that JIUs understand their obligation to protect civilians. It must also take concrete steps to ensure that JIUs have a clear understanding of their mandate, human rights standards and of IHL. The GNU should also conduct a review of the performance of JIUs in order to identify and amend shortcomings.

Recommendations to UNMIS

- 9.10.. UNMIS should liaise with other UN peace support operations in the region (MONUC⁴¹ and MINURCAT⁴²) as well as the African Union and International Non-Governmental Organisations with a view to supporting any meaningful peace process between governments in the region and the LRA in accordance with international human rights standards.
- 9.11. UNMIS should exercise its protection of civilians mandate to prevent further loss of life in accordance with Security Council Resolutions 1590 and 1870.
- 9.12. UNMIS should continue monitoring the human rights situation and the humanitarian impact in the aftermath of attacks. It should maintain regular contact with the state security forces and local authorities, advocating justice and due process principles with regard to all follow up, particularly investigations into the actions of captured fighters and civilian defence group.
- 9.13. UNMIS, MONUC, the UN in Uganda and the Office of the Special Representative of the Secretary General for Children and Armed Conflict should seek to develop collaborative structures for cross border referral of children. Working within the Security Council Resolution 1612 mechanism, they should also increase efforts to coordinate monitoring and reporting on forced recruitment and use of children by the LRA.

Recommendations to the International Community

- 9.14. The international community should support efforts to build the capacity of GoSS institutions, including institutions responsible for the administration of justice and those contributing to the security sector, to enhance the government's ability to respond appropriately to the challenges posed by the LRA.

41 United Nations Mission in DRC

42 United Nations Mission in the Central African Republic and Chad

- 9.15. The international community, including governments in the region, should cooperate with the International Criminal Court to search for, arrest and surrender the LRA leaders accused of crimes against humanity and war crimes under the Rome Statute.
- 9.16. The international community should support meaningful peace efforts between governments in the region and the LRA in accordance with international human rights standards. In particular, such peace efforts should not promise amnesties for war crimes, crimes against humanity or gross violations of human rights by the LRA.
- 9.17. The international community should assist the GoSS in providing humanitarian assistance to displaced people and other victims of violence, including offering psychological assistance.

Annex I – Table of Attacks Occurring During Reporting Period

Table of LRA attacks between 21 December 2008 and 10 March 2009

<i>Date</i>	<i>Location⁴³</i>	<i>Figures</i>	<i>Type of Attack</i>	
<i>1</i>	<i>21&22</i>	<i>Rejongu village, Lainya Payam and Sakaya</i>	<i>2 murders (initially abducted in Sakaya)</i>	<i>Attack on village</i>
	<i>12.08</i>	<i>village in Bereka Payam, Yei county CES</i>	<i>1 attempted murder</i>	
			<i>9 abductions (2 from Rejongu, released)</i>	
			<i>1 attempted abduction (abductee escaped)</i>	

⁴³ A “boma” is a village or group of villages. A “payam” is an official Southern Sudanese territorial demarcation below the size of a county, comprising several villages or bomas.

2	22.12.08	Lokurubanga, Yei County, CES	12 abductions 6 houses destroyed	Attack on village
3	22.12.08	Tore boma, Yei county, CES	2 murders	Individual case
4	24.12.08	Between Rassolo and Mambe, Naktarzaya, Maridi County, WES	2 murders 8 attempted murders	Vehicle ambush
5	25.12.08	Luro & Mukku II, Maridi County, WES	3 murders 8 abductions	Attack on village
6	25.12.08	Maridi area, Maridi county WES	1 attempted abduction (same victim was raped)	Individual case
7	26.12.08	Nabiapai , Yambio County, WES	3 murders 2 attempted abductions 72 houses burnt	Attack on village
8	26.12.08	Nabiapai, Yambio County, WES	1 abduction	Vehicle ambush

			<i>4 attempted abductions</i>	
<i>9</i>	<i>26.12.08</i>	<i>Edda, Maridi county, WES</i>	<i>4 abductions</i>	<i>Attack on village</i>
<i>10</i>	<i>26.12.08</i>	<i>Letuwa and Inikesi, Maridi county, WES</i>	<i>7 murders</i>	<i>Attack on village</i>
			<i>6 abductions</i>	
			<i>1 attempted abduction</i>	
<i>11</i>	<i>02.01.09</i>	<i>Mboroko Boma, Maridi County, WES</i>	<i>18 murders (one witness reported 27 murders)</i>	<i>Attack on village</i>
			<i>6 abductions</i>	
			<i>8 attempted murders</i>	
			<i>Villages destroyed</i>	
<i>12</i>	<i>4.01.09</i>	<i>Tore Wandu , Mundri West County, WES</i>	<i>8 murders of people previously abducted</i>	<i>Attack on village</i>
			<i>2 abductions</i>	

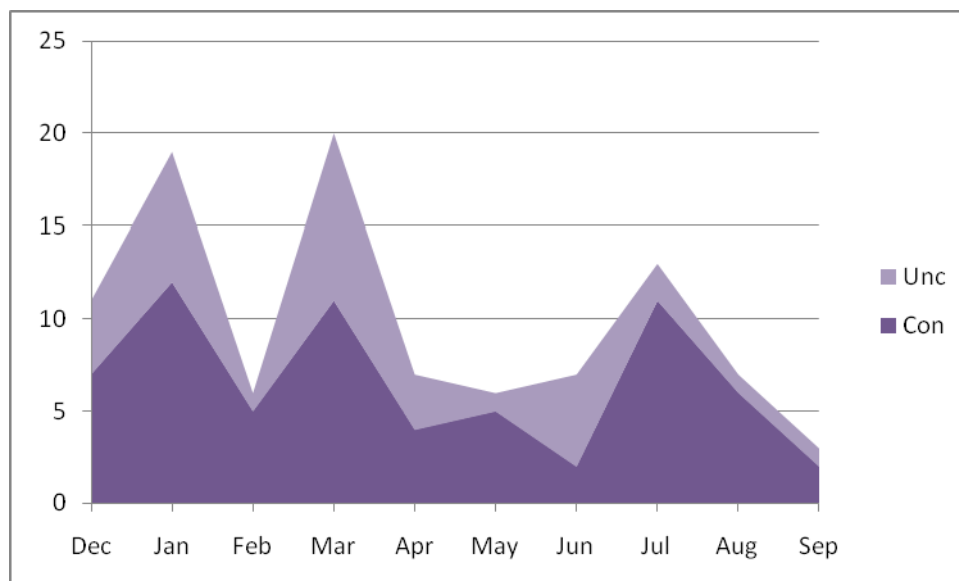
			<i>1 attempted abduction</i>	
<i>13</i>	<i>7.01.09</i>	<i>Moba Boma, Mundri West, WES</i>	<i>2 murders of people previously abducted</i>	<i>Attack on village</i>
			<i>7 abductions</i>	
<i>14</i>	<i>7.01.09</i>	<i>Bangolo, Mundri West County, WES</i>	<i>2 murders</i>	<i>Attack on village</i>
			<i>3 abductions</i>	
			<i>14 houses looted</i>	
<i>15</i>	<i>7.01.09</i>	<i>Road from Tore To Yei, Yei County , CES</i>	<i>1 attempted murder</i>	<i>Vehicle ambush</i>
			<i>4 cases of inhumane treatment</i>	
<i>16</i>	<i>9.01.09</i>	<i>Moba Sub/Boma, Mundri West County, WES</i>	<i>1 murder</i>	<i>Individual case</i>
<i>17</i>	<i>9.01.09</i>	<i>Wowo Village, Ibba County, WES</i>	<i>5 murders</i>	<i>Individual case</i>
			<i>3 attempted murder</i>	

			<i>3 abductions</i>	
<i>18</i>	<i>11.01.09</i>	<i>Garyia, Mundri West County,</i>	<i>2 murders</i>	<i>Vehicle ambush</i>
		<i>WES</i>	<i>7 abductions</i>	
<i>19</i>	<i>16.01.09</i>	<i>Mbamu, Ezo County, WES</i>	<i>No casualties</i>	<i>Attack on village</i>
<i>20</i>	<i>18.01.09</i>	<i>Benagu, Ezo County, WES</i>	<i>Food and crops stolen</i>	<i>Attack on village</i>
<i>21</i>	<i>19.01.09</i>	<i>Bamani, Ibba County, WES</i>	<i>1 murder</i>	<i>Individual case</i>
			<i>1 attempt of murder</i>	
<i>22</i>	<i>7.02.09</i>	<i>Andari, Ezo County, WES</i>	<i>1 murder</i>	<i>Attack on village</i>
<i>23</i>	<i>17.02.09</i>	<i>Mangua, Mboroko boma, Maridi County,</i>	<i>1 murder</i>	<i>Attack on village</i>
		<i>WES</i>		
<i>24</i>	<i>17.02.09</i>	<i>Maniakara village, Ibba County, WES</i>	<i>1 murder</i>	<i>Attack on village</i>

			<i>looting</i>	
25	18.02.09	<i>Tigi village, Ibba County, WES</i>	<i>1 murder</i>	<i>Attack on village</i>
			<i>4 attempted murder</i>	
			<i>Looting</i>	
26	25.02.09	<i>Boribori village, Ezo County, WES</i>	<i>1 murder</i>	<i>Attack on village</i>
			<i>Looting</i>	
27	28.02 to 1.03.09	<i>Andari village, Ezo County, WES</i>	<i>1 abduction</i>	<i>Attack on village</i>
			<i>5 murders</i>	
28	4.03.09	<i>Kirkwat village, Tokori Boma, Yei County, CES</i>	<i>4 murders</i>	<i>Attack on village</i>
			<i>2 attempted murders</i>	
			<i>2 abductions (including one who managed to escape)</i>	

			<i>1 attempted abduction.</i>	
<i>29</i>	<i>6.03.09</i>	<i>Lotaya, Yei Payam, Yei County, CES</i>	<i>7 murders (2 of them were initially abducted and killed later)</i>	<i>Attack on village</i>
			<i>4 attempted murders</i>	
			<i>3 abductions</i>	
<i>30</i>	<i>6.03.09</i>	<i>Baruga, Ezo County, WES</i>	<i>2 murders</i>	<i>Attack on village</i>

Annex II – Confirmed and unconfirmed attacks up to and since the reporting period (15 December 2008 – 1 September 2009)



LRA attacks per month since December 2008

	Confirmed	Unconfirmed	Total
Dec	7	4	11
Jan	12	7	19
Feb	5	1	6
Mar	11	9	20
Apr	4	3	7
May	5	1	6
Jun	2	5	7
Jul	11	2	13
Aug	6	1	7

Confirmed killings and abductions during the reporting period (15 December 2008 - 10 March 2009)/Confirmed and unconfirmed killings and abductions following the reporting period (11 March - 1 September 2009)

