

## **Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response**

### **Background**

The crisis that took place in Juba, South Sudan, from 8 to 11 July 2016, saw three days of intense fighting that resulted in the death of many civilians, two peacekeepers of the United Nations Mission in South Sudan (UNMISS), and the collapse of the fragile peace agreement between the President of South Sudan, Salva Kiir, and his former First-Vice President, Riek Machar. The crisis brought unrestrained violence to the capital of the world's youngest nation and the participating fighters left a trail of destruction and suffering in their wake.

On 23 August 2016, the Secretary-General established an Independent Special Investigation led by Major General (ret) Patrick Cammaert, mandated to examine two aspects of the crisis in Juba, South Sudan, in July 2016: violence against civilians, including sexual violence, within or in the vicinity of the UNMISS Headquarters, known as "UN House" and its two adjacent "protection of civilians" (POC) sites, which house more than 27,000 internally displaced persons (IDPs), and the attack on Terrain camp, a private compound where UN personnel, aid workers and local staff were robbed, beaten, raped and killed by armed soldiers. This included determining whether the Mission and its contingents responded appropriately; assessing the UN security plans and procedures and the Mission's role in them; and, with regard to the attack on Terrain camp, determining the perpetrators. Under both areas of focus, the Secretary-General mandated the Special Investigation to put forward recommendations, including remedial actions, with regard to, inter alia, underperformance of UNMISS personnel, if necessary.

### **Methodology**

The Special Investigation team undertook desk reviews and held meetings in New York, including with humanitarian protection partners. The team travelled to Entebbe, Uganda, and Juba, South Sudan, from 9 to 29 September 2016, where 67 interviews were held with numerous witnesses, victims, ministers and officials from the Government of South Sudan, staff from all components of UNMISS, the UN Country Team, and humanitarian non-governmental organizations (NGOs). In Juba, the Special Investigation visited the UNMISS headquarters at UN House and its Tomping base, the Juba Protection of Civilians (POC) sites, the Terrain camp, the looted World Food Programme (WFP) warehouse, and other locations.

## **Findings**

### *Before the crisis*

The return of former First-Vice President Riek Machar to Juba with more than 1,200 armed fighters was pursued as an essential starting point for the implementation of the peace agreement. Despite the security risks, and over the strong objections of the Special Representative of the Secretary-General (SRSG), international security advisors, and generals in the Government army, these Opposition soldiers were placed less than a kilometre from UN House and the POC sites, putting IDPs and UN personnel in the crossfire should fighting break out. International mediators working with the Government and Opposition at the time agreed that this was a necessary compromise in order to secure the peace agreement.

In the weeks prior to the violence, UNMISS and the humanitarian community saw timely and accurate warning signs of the resumption of hostilities in Juba between the Sudan Peoples' Liberation Army (SPLA) and Sudan Peoples' Liberation Army in Opposition (SPLA-IO). Despite the early warning that fighting would take place near UN House, the Mission did not properly prepare for three critical and foreseeable scenarios. First, that fighting along the northern perimeter of UN House would prompt IDPs in POC site 1 to enter the UN House compound to seek greater protection. Second, that the Mission would face significant movement restrictions from the Government, envisaged in many scenarios but never clearly planned for in integrated military and security contingency plans. Third, that UN House would likely be caught in crossfire; watchtowers and defensive positions along the perimeter were poorly prepared and equipped to stop even small arms fire, severely limiting the Mission's ability to respond when fighting with heavy weapons started.

### *During the crisis*

Caught on the frontlines of active conflict, the Mission faced an extremely challenging set of circumstances during the crisis.. Artillery, tanks and helicopter gunships were all used, sometimes within meters of the UN House. In three days of fighting, two Chinese peacekeepers were killed and several injured, 182 buildings on the UN House compound were struck by bullets, mortars and rocket-propelled grenades (RPGs), and thousands of internally displaced persons fled into UN House from the POC sites seeking protection.

The Special Investigation found that a lack of leadership on the part of key senior Mission personnel culminated in a chaotic and ineffective response to the violence.

On the civilian side, despite strong efforts from the UNMISS Joint Operations Centre (JOC), Mission-wide and integrated coordination was poor before and during the crisis. The Mission's established culture of reporting and acting in silos inhibited effective action during a period in which swift, joint action was essential. The JOC and the Security Information Operations Centre (SIOC) were not co-located, as required by UN policy, contributing to a fragmented security response.

On the uniformed side, the Force did not operate under a unified command, resulting in multiple and sometimes conflicting orders to the four troop contingents from China, Ethiopia, Nepal and India, and ultimately underusing the more than 1,800 infantry troops at UN House. The Force Commander appointed the Chinese Battalion Commander as the Incident Commander, commanding all the forces at the UN House in addition to his own battalion. Furthermore, the Force Commander ordered the Incident Commander to retain an explicit and ultimately confusing command link to Sector South headquarters in Tomping, which was physically cut off from the UN House for the duration of the fighting. This confused arrangement, in combination with the lack of leadership on the ground, contributed to incidents of poor performance among the military and police contingents at UN House. This included at least two instances in which the Chinese battalion abandoned some of its defensive positions at POC 1 on 10 and 11 July. The Nepalese Formed Police Unit's performance to stop looting by some IDPs inside UN House and control the crowd was inadequate.

#### *Government and Opposition's role*

The Special Investigation emphasizes that the responsibility for the protection of South Sudanese civilians rests first and foremost with the Government of South Sudan. During the crisis, Government and Opposition forces fired indiscriminately, striking UN facilities and POC sites, and attacked civilians, resulting in the deaths of more than 20 IDPs in the POC sites and injuries to dozens more. Government soldiers also perpetrated the attack on Terrain camp, a charge the Government did not dispute in a 15 September meeting with the Special Investigation team. Government forces have been implicated in the sexual violence against civilians around the POC sites in the aftermath of the fighting.

#### *Terrain camp incident*

The Mission failed to respond to the situation at Terrain camp, located 1.2 kilometres from UN House. When Government soldiers forcibly entered Terrain camp on 11 July, there were approximately 70 civilians in the camp. This included Terrain camp staff and residents, of which five were UN personnel whom the Mission had a clear mandate to protect, as well as more than a dozen humanitarian aid workers who fell within the UN's

security framework and the Mission's broader mandate to protect civilians. At approximately 15:30, when the soldiers began looting and forcing their way into the accommodations, the residents immediately notified UN Security and UNMISS. During the attack, civilians were subjected to and witnessed gross human rights violations, including murder, intimidation, sexual violence and acts amounting to torture perpetrated by armed Government soldiers.

The JOC made multiple requests to stand up a quick reaction force to respond but each UNMISS contingent turned down the request, indicating their troops were fully committed. The situation at UN House remained chaotic at this time, with thousands of IDPs in the staff accommodation area, armed men still threatening the perimeter of POC site 3, and large numbers of armed Government soldiers still on Yei road in front of UN House's main gate. Even after the Government's highest ranking general provided a liaison officer to meet an UNMISS quick reaction force at a checkpoint near the main gate to facilitate its movement to Terrain camp, no response team materialized.

By approximately 19:00, members of the South Sudan National Security Service had extracted the majority of residents at the Terrain camp. Three international female humanitarian workers were left behind. The Mission learned they were unaccounted for by 20:40 but made no attempt to send a force to extract the three women on the evening of 11 July. Between 21:00 and 22:00, one of the three women managed to call UN Security. The security officer, whom the Special Investigation was unable to identify, was dismissive of her appeal for assistance and did not call her back when her phone credit expired. UN Security did not log this call. While the UNMISS JOC worked through the night to prepare plans to launch a quick reaction force at first light, no team was deployed. The three women remained overnight at the Terrain camp, as well as about 20 Terrain camp staff in several locations around the camp. A private security company, dispatched by an NGO, extracted the three remaining female humanitarians at approximately 07:00 on 12 July.

### *Sexual violence*

The weeks after the fighting also saw an increase in sexual violence against civilians in and around the POC sites in Juba. The Special Investigation reviewed several reports from the media and NGOs of sexual violence, particularly around the POC sites, alleging that peacekeepers failed to respond to incidents of sexual violence occurring directly in front of them on 17 and 18 July. While these incidents of sexual violence most certainly occurred, the Special Investigation was unable to verify the allegations regarding the peacekeepers' response. The Special Investigation received other information, however, that suggests poor performance by peacekeepers in protecting civilians from sexual

violence in the vicinity of the POC sites. On at least one occasion on 2 September, attackers assaulted a woman just metres away from the entrance to POC 1, in plain sight of UNMISS troops and UN Police. Despite the woman's screams, they did not react. UNMISS staff officers in the area intervened and prevented a further assault.

After the crisis, the Force and Police components continued to display a risk-averse posture unsuited to protecting civilians from sexual violence and other opportunistic attacks. More than two months after the crisis, the Mission still does not conduct regular dismounted (on foot) patrols, standing patrols or patrols outside its perimeter at night. When the Mission does conduct patrols, its soldiers peer out from the tiny windows of armoured personnel carriers, an approach ill-suited to detecting perpetrators of sexual violence and engaging with communities to provide a sense of security.

### *Looting*

The end of the fighting brought widespread looting to areas around UN House. The World Food Programme (WFP) had requested UNMISS force protection for its compound and main warehouse prior to the crisis. The Mission did not provide this protection and USD 29 million of food, equipment and supplies were looted over more than three weeks. Similarly, the Food and Agriculture Organization (FAO) warehouse that contained seeds and agricultural equipment was looted.

### *POC challenges*

The Mission continues to face challenges in providing security in and around the POC sites. As highlighted in the UN Board of Inquiry for Malakal, protecting the POC sites—effectively small cities of thousands of people—is beyond the capability of UNMISS or any peacekeeping mission, and a task that raises unreasonable expectations. The Mission recognizes however that the POC sites will likely remain for some years and that UNMISS has a key role in providing security and maintaining their civilian character. The POC sites at UN House have been surrounded by thick bush in some places, making observing criminal activities from perimeter watchtowers difficult, if not impossible. Porous perimeters with numerous holes allow IDPs to easily smuggle weapons in and out of the sites.

The Special Investigation found that the lack of preparedness, ineffective command and control and a risk-averse or “inward-looking” posture resulted in a loss of trust and confidence—particularly by the local population and humanitarian agencies—in the will and skill of UNMISS military, police to be proactive and show a determined posture to protect civilians under threat, including from sexual violence and human rights violations.

## **Recommendations**

On the basis of the Special Investigation's findings and conclusions, the following actions are recommended:

### *To the UN Secretariat*

- DPKO, DFS and the Executive Office of the Secretary-General should address peacekeepers' failure to protect civilians. Recognizing that failures by peacekeepers to act when civilians are attacked rises above the level of simple underperformance, the Secretariat should draw on the thorough and systematic follow-up procedures established to address allegations of sexual exploitation and abuse by peacekeepers. Inaction by peacekeepers when civilians are attacked within one kilometre of a peacekeeping base should be promptly investigated and peacekeepers, commanders and relevant troop contributing countries should be held accountable for failures to protect. Discussions with troop- and police-contributing countries will be critical to establish clear expectations on all sides.
- DPKO and DFS should promptly develop an action plan with short timelines that outlines the key actions required to restore both the UN and UNMISS' credibility and regain the trust and confidence of national and international partners in the Mission's will and ability to fully implement its mandate to protect civilians and UN staff. The status of the implementation of the Special Investigation's recommendations should be assessed within three months of the presentation of the report to the Secretary-General and take appropriate follow-up measures to ensure swift implementation.
- DSS, relevant humanitarian agencies and NGOs should ensure clear and country-specific expectations and obligations.
- DPKO, including its Office of Military Affairs, should take the following steps:
  - Provide clear guidance and direction to new incoming Force Commanders on UN HQ's vision and expectations on the implementation of the mandate, rules of engagement and the use of force. It should also consider reintroducing a written Force Commander directive with instructions and guidance on key elements of a Force Commander's work at the start of a Force Commander's tenure.

- Ensure that all UNMISS battalion commanders, key battalion staff officers, and military staff officers have a working command of English.
  - Establish and deploy a mobile training support team of experienced peacekeepers and officers from troop-contributing countries, including the UNMISS troop contributors, to train battalion officers on the UNMISS mandate, rules of engagement, the use of force and challenges in peacekeeping; these teams should use a scenario training concept, including training on sexual violence, based on DPKO and DFS guidance and training on the protection of civilians.
- DPKO and DFS should increase support for existing effective training programs for contingent commanders and female military and police officers.
  - DPKO and DFS should revisit the current Force Commanders' and Deputy Force Commanders' mentoring programs to provide scenario training on protection of civilians, including from conflict-related sexual violence and make it more mission oriented and less HQ focused.
  - DPKO, DFS and DSS should ensure that missions have rigorous contingency plans in place that are regularly rehearsed through table-top exercises and rehearsals. All missions should regularly conduct table-top exercises and rehearsals. These plans should be revisited following any significant change in the environment and/or in the mandate.
  - Provide clarity on the implementation of Security Council resolution 2304, particularly on violations of the Status of Forces Agreement, restrictions on freedom of movement and use of force ("*robust action*") for UNMISS forces and the planned Regional Protection Force. Concerns about two types of forces in UNMISS with a deployment of a Regional Protection Force should be addressed through clear orders and statements on "One Mission, One Force," with UNMISS troops and the Regional Protection Force having the same authorization to use force under the same rules of engagement and freedom of movement directives.

*To UNMISS*

- Together with DPKO and DFS and concerned troop-contributing countries, address and implement as soon as possible relevant recommendations of the Special Investigation into the 16-18 February 2016 attack on the UNMISS POC

site in Malakal (31 May 2016) and the UN Board of Inquiry on the circumstances of the clashes that occurred at the UN POC Site in Malakal (25 June 2016).

- Immediately change how UNMISS troops implement their mandate to protect civilians from physical violence, including sexual violence, by enforcing a forward-leaning, highly mobile posture; conducting robust, dismounted day and night patrolling; dominating areas around the POC sites; and providing adequate protection aimed at preventing and ending human rights violations and abuses of civilians.
- Regularly conduct scenario-based training and rehearsals on mandate implementation, use of rules of engagement and directives on the use of force; on integrated contingency plans, including evacuation and extraction with key actors to facilitate preparedness for worst-case and most dangerous scenarios; and on the division of responsibilities between the Force, UN Police and UN Security on security of the POC sites, including but not limited to handover procedures from FPU to the Force.
- Revise operational and tactical arrangements in Juba to better facilitate crisis management..
- Force Commander should ensure that integrated dismounted patrols are conducted when possible to include (female) military, police and civilian sections such as Human Rights and Women's Protection Advisors in areas around the POC sites, UN House and other locations as appropriate.
- Mission Support should work with UN Security to ensure preparedness for potential crises, including:
  - Building shelters to protect from direct and indirect fire in close proximity of working spaces or sleeping accommodation in UN House;
  - Improving trauma care and medevac capabilities in UN House to send a strong message of support to UNMISS personnel and, if needed, temporarily fill gaps in such care and capabilities by hiring from the civilian market.
- Mission Support should work with the Force, UN Police and UN Security to ensure sufficient security infrastructure for the POC sites.
- The Mission's Chief of Staff should revisit crisis response coordination arrangements and establish an Integrated Operations Centre incorporating all



actors in UN House (military, UNPOL, UN Security and FPU,) that are co-located with but separate from the JOC, which has no tasking authority.

- The Principal Security Adviser should ensure that UN agency, funds and programme security needs are appropriately prioritized in security planning. He should also ensure that UN Security personnel are aware of their responsibilities to non-UNMISS personnel under the UN Security Management System and the *Saving Lives Together* framework, and that failures to take the security concerns of UN agencies and humanitarian NGOs seriously will result in reprimand and, where necessary, dismissal.

#### *To the Government of South Sudan*

- Ensure that the Government investigation into the attack on Terrain camp is transparent, swift and credible, with a process that holds perpetrators to account. Make clear and public statements from the highest levels of military and political authority that violence and attacks on humanitarian actors, aid workers and civilians will not be tolerated, are illegal, and will be prosecuted and punished.

#### *To the UN Security Council*

- Utilize the full spectrum of Council Members' authority to address restrictions on freedom of movement, violations of the Status of Forces Agreement and obstructions in the medical evacuation of UN personnel. These restrictions endanger lives and paralyze the mission. Security Council members should put increased political and economic pressure on countries that obstruct the implementation of Security Council mandates, including South Sudan.
- Recognize that the Mission's role in providing security and protection cannot be separated from its political role. The UNMISS SRSG should have the Security Council's full and united support in playing a more proactive role in engaging with the parties.

#### *To Troop and Police Contributing Countries*

- Confirm to DPKO and DFS in writing (compact) that troops are willing and able to conduct dismounted patrols, including standing patrols by day and night

outside the perimeter of UN compounds and POC sites in surrounding areas as ordered by the Force Commander; to use the rules of engagement to the fullest extent; to improve interaction with the local population; and to implement the mandate to protect civilians, humanitarian personnel and UN staff. Troop- and police-contributing countries should also ensure that commanders on the ground are trained and instructed accordingly and held accountable for underperformance by DPKO.

- All junior and senior commanders should conduct scenario training on the mandate and rules of engagement, and police FPU commanders should be trained on the directives on the use of force during their pre-deployment training. Troop-contributing countries and PCCs should be required to provide DPKO/DFS with their pre-deployment training programs, including the curriculum for these training activities.
- Police-contributing countries should send more female police officers to UNMISS to carry out community policing activities and to reach out to victims and survivors of sexual violence.