



‘THEIR VOICES STOPPED’

MASS KILLING IN A SHIPPING
CONTAINER IN LEER, SOUTH
SUDAN

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Cover photo: Two shipping containers in the Comboni Catholic Church compound in Leer town, Leer County, Unity State, South Sudan. The red container was repeatedly identified by witnesses as the one used by government forces to hold detainees in October 2015 until they died from suffocation.

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Warning: Some of the images in this briefing may be disturbing to readers.

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CONTENTS

Executive Summary.....	4
Background.....	8
Arbitrary Arrests and III-Treatment of Civilians	10
Arbitrary Arrests in Luale.....	10
Arbitrary Arrests and III-Treatment in Leer.....	11
Inhuman Conditions OF CONFINEMENT, Torture AND Unlawful Killing of Civilians.....	13
Torture and Killing of Civilians Arrested in Luale.....	13
Torture AND Killing of Civilians Arrested in Leer	15
Degrading the Dead, Failure TO PREVENT Despoilation of Bodies	18
On Site Investigation and Forensic Analysis of Container and Corpses	20
Evidence Detainees Were Tortured and wilfully Killed.....	23
Recommendations	25
To the Government of South Sudan	25
To the African Union.....	25
To the UN Security Council	25
To the UN Human Rights Council	26

EXECUTIVE SUMMARY



In August 2015, after more than 20 months of intermittent negotiations, South Sudan's warring parties finally agreed to the terms of a peace agreement. Despite the agreement, fighting continued in several parts of the country, and along with it a number of violations of international humanitarian law including unlawful killings, abductions, sexual violence, and attacks on civilian property, including food and other items needed for survival. Amnesty International has documented numerous cases in Leer County, Unity State, since the August peace agreement was signed, where government forces breached both their commitment to a ceasefire as well as their obligations under international humanitarian law. No process has been undertaken to identify and hold responsible parties to account.

This briefing paper describes in detail one particularly egregious incident of war crimes and other violations of human rights including arbitrary detention, torture and wilful killing of civilians by government forces in Leer town. Government forces also failed to treat the bodies of the men and boys they killed in a respectful manner or take measures to prevent their bodies from being despoiled, in violation of customary international humanitarian law.

This incident reveals a total disregard for human life and highlights the urgency of thorough criminal investigations and the need to end the culture of impunity that creates a context in which such acts are perpetrated without any fear of repercussion.

Between 20 and 23 October 2015 South Sudanese government forces detained dozens of individuals, primarily men, but also some boys, in at least one shipping container on the

grounds of the former Comboni Catholic Church compound in Leer town, Unity State, causing their deaths. The compound had been taken over by government forces and was being used as a base by the Leer County Commissioner. Within hours of the arrests, civilians in Leer and from a number of villages in Guat payam went to the Comboni Catholic Church compound to support and intervene on behalf of the detainees. Amnesty International researchers who visited Leer in January and February 2016, were able to compile a list of 62 men and boys killed in the container. Thirty-seven of these victims were identified by multiple interviewees.

According to witnesses, the containers had no air holes or vents and caused detainees held in at least one to die from suffocation while in the custody of the government forces. Amnesty International has gathered evidence indicating that government forces, including the area commander at the time, stationed immediately outside the container, were aware of the detainees’ extreme distress and decided to keep them locked inside the container even after some individuals had died.

Amnesty International researchers interviewed 42 people, including 23 who saw the men and boys being forced into the shipping container, saw their dead bodies removed from the container, or who visited the site where government forces dumped the corpses. Information that would identify interviewees has been removed for their security, including their names, ages, and in some cases details about what they saw, knew, or experienced. Pseudonyms have been used in all cases. Amnesty International also interviewed a senior government official with knowledge of the incident.

Most of the witnesses who spoke with Amnesty International researchers could not recall the exact date on which the arrests took place. They did, however, consistently state that the detainees died the day after they were arrested. One witness said that some of the detainees were arrested in Luale on 20 October, about a one hour’s walk from Leer, and other witnesses said some of the detainees were arrested in Leer town on 22 October. One other witness said the arrests in Leer took place on 23 October.

It is possible that arrests took place on different days and that the detainees therefore died on different days during this time period. However, additional information on the incident gathered by Amnesty International researchers suggests that the detainees were arrested in two different locations, but on the same day and that they died at approximately the same time.

For instance, several witnesses, regardless of whether they believed the arrests took place on 20, 22, or 23 October, asserted that the sole survivor exited the container the day after the men and boys were arrested. In addition, witnesses told Amnesty International that a group of five to seven men detained in Leer at the same time as the other detainees were released the same day of the arrests. The dates the witnesses believed the arrests took place were different but they were consistent in their recollection that these men were released on the same day as the arrests and the day before the other detainees died in the container.

Amnesty International researchers visited the Comboni Catholic Church compound in Leer where the men and boys were detained. The church compound consists of the St. Joseph Church, 14 other buildings, a perimeter fence, and numerous tents. While at the church compound Amnesty International researchers observed four shipping containers. Two

shipping containers, one red and one blue, were positioned next to one another at a short distance apart on the side of the compound used by the Comboni Sisters. The containers are situated under a tin roof and behind them there is a small rectangular office made from metal. The two other containers, one red and one white, that Amnesty International researchers observed were situated on the Comboni Brothers side of the church compound, also under a tin roof.

Witnesses most consistently told Amnesty International researchers that they saw the detainees who subsequently died being held in the red container on the side of the compound used by the Comboni Sisters. The then-commissioner of Leer County, who was not present in Leer during the incident, told Amnesty International researchers that he subsequently requested an internal report about the killings. He told Amnesty International researchers that he was told the detainees who died were held in the red container on the Comboni Sisters side of the compound. Some witnesses however, said that the detainees who died were in a blue container or in a red container on the Brothers' side of the compound. All of the containers that witnesses described did not have any visible air holes or ventilation systems. Amnesty International was not able to determine whether the detainees who died were held in different containers on the church compound, but it is clear that at least some of these detainees died in the red container on the Sisters side of the church compound.



Satellite image of the Comboni Catholic Church compound where detainees were held by government forces. DigitalGlobe Image, 31 October 2015.

Amnesty International researchers visited the site in Leer one kilometre to the northeast of the Comboni Catholic Church compound where witnesses said government forces dumped the bodies of the deceased. Even months after the bodies were dumped at the site, Amnesty International researchers were able to identify human remains there.

Amnesty International commissioned a forensic analysis of the images of the corpses taken

by Amnesty International researchers in Leer on 11 February 2016. The forensic analysis was consistent with witness statements regarding the time of death and decay, and the evidence of scavenging.

In a report dated 19 December 2015, the Ceasefire Transitional Security Arrangement Monitoring Mechanism (CTSAMM), the body responsible for reporting on the implementation of a permanent ceasefire, stated:

Between 20 and 22 October 2015 a group of Government Forces were involved in some sort of operation in Leer County, during which... about 50 people (reports vary between 53 and 60) were rounded up and put in a shipping container in Leer. The container is in the compound used by the government forces as headquarters.

A large number of these people suffocated. Their bodies were taken and thrown in the bush along the Gandor road. Many of the bodies were recovered by their families.

The monitors, however, did not identify the individuals responsible for the act. They recommended “that some sort of commission of enquiry is established to fully investigate the incident”.

Amnesty International is urging a prompt and independent investigation into the killings and for the perpetrators to be brought to justice through fair trials not subject to the death penalty.

BACKGROUND

On 15 December 2013, a political dispute within South Sudan's ruling party, the Sudan People's Liberation Movement (SPLM), escalated into an armed confrontation in Juba between forces loyal to President Kiir and those loyal to former Vice-President Riek Machar. By the end of 2013, violence had spread to Jonglei, Unity and Upper Nile States.

Both government and opposition forces have committed violations of international humanitarian law and violations or abuses of international human rights law during the fighting, with a devastating impact on civilians. Thousands of people have been killed and entire towns and villages are in ruins. Over 2.3 million South Sudanese have fled their homes since the outbreak of fighting, with some 1.7 million internally displaced and another 600,000 living in neighbouring countries as refugees. An estimated 2.8 million people—close to one quarter of the population—are facing acute food and nutrition insecurity.

Central and southern Unity State has experienced some of the most brutal violence in South Sudan's conflict. Beginning in April 2015, government and allied militia groups led an offensive against opposition fighters and communities they deemed to be supportive of the opposition in Rubkona, Guit, Leer and Koch counties of Unity State. They set entire villages on fire, beat and killed civilians, burned people alive, committed acts of sexual violence and abducted women and children. They also looted property and livestock, particularly cattle, which are a primary source of nutrition and also have significant economic and cultural value. As a result of these abuses and the ensuing loss of livelihoods, thousands of people were forced to flee in search of safety, protection and assistance; many fled to islands and swamps, to Panyijiar County in southern Unity State, or to the UNMISS Protection of Civilians site in Bentiu. Humanitarian organizations estimate that between April and September 2015, 1000 civilians were killed in Leer, Mayendit and Koch counties.

Leer town has been mostly under government control since the conflict started, while the rest of the county has ostensibly been held by opposition forces. Government forces, however, have been consistently able to enter opposition-held territory to attack villages and loot property without encountering significant resistance from opposition forces.

In August 2015, after more than 20 months of intermittent negotiations, South Sudan's warring parties finally agreed to the terms of a peace agreement. The agreement provided a framework for parties to end hostilities and addressed a wide range of issues including: power sharing, security arrangements, humanitarian assistance, economic arrangements, justice and reconciliation, and the parameters of a permanent Constitution. Under the agreement, a Hybrid Court for South Sudan is to be established by the African Union Commission as well as a Truth, Reconciliation and Healing Commission and a Compensation and Reparations Authority.

However, despite the peace agreement, fighting continues in several parts of the country, although at a lower intensity. In a three week fact finding mission in Unity State in January and February 2016, Amnesty International researchers found that civilians had continued to suffer from attacks by government forces in the months after the passage of the peace

agreement. Residents of the UNMISS Protection of Civilians site in Bentiu as well as those in Leer County who spoke to Amnesty International researchers said that government forces supported by armed militias attacked villages well into December, shooting at fleeing civilians, abducting women and girls and subjecting them to repeated sexual assaults, and attacking civilian property. Homes were set on fire, livestock stolen, and crops, home goods, and other property looted or destroyed.

The information below describes one particularly egregious incident that occurred in Leer town between 20 and 23 October 2015. Amnesty International's findings on other laws of war violations in Unity State will be published in a separate report.

ARBITRARY ARRESTS AND ILL-TREATMENT OF CIVILIANS

Information gathered by Amnesty International researchers indicates that government forces arbitrarily arrested and ill-treated two groups of men and boys and then detained them in at least one container in Leer sometime between 20 and 23 October, resulting in their deaths by suffocation. At least 15 individuals were arbitrarily arrested in Luale village, Guat payam. The second group, all from different villages in Guat payam, was arbitrarily arrested in Leer town. In all of the arrests, the government forces appeared to be targeting cattle keepers, and were not detaining the men and boys based on individualized suspicion of criminal activity. Within hours of the arrests, civilians in Leer and a number of villagers from Guat payam went to the Comboni Catholic Church compound to support and try to intervene on behalf of the detainees.

ARBITRARY ARRESTS IN LUALE

Witnesses told Amnesty International researchers that men in Luale village were arrested by uniformed government soldiers acting under the direction of the then-area commander and then taken to Leer and subsequently detained in a shipping container there. Witnesses said that government forces appeared to be targeting all of the male cattle keepers who remained in the village.

Three Luale residents told Amnesty International researchers how they witnessed a government operation at the village during which their male relatives were arrested and subsequently tied along with several other people and taken to Leer on foot and in government vehicles. Many Luale residents followed those arrested to Leer and saw them being placed in a container in the Comboni Catholic Church compound. Witnesses followed their arrested relatives, hoping to intervene on their behalf for their release and also to give them food. According to one witness, 10 women were also arrested in the village and forced to walk towards Leer but were then released shortly before arriving in Leer. The witnesses gave Amnesty International researchers the names of 15 men that were arrested but added that other men whose names they did not know were also arrested. Nyalual told Amnesty International that on 20 October, the then-area commander and other soldiers wearing the Sudan People's Liberation Army (SPLA) uniform came into the village and arrested her relative, and nine other men. She described the arrested men as traders and cattle keepers, not fighters.¹ A second witness, Nyakume, told Amnesty International that her relative was also among those arrested by the SPLA soldiers from Luale.²

Nyekur said that she saw government forces detain her relative along with other men from the

¹ Amnesty International interview in South Sudan in February 2016.

² Amnesty International interview in South Sudan in February 2016.

village and tie them together. She said, “when the soldiers came and took my [relative]...I was there watching them. They came...and they tied him to the other men... I cried....”³ She and the other witnesses told Amnesty International that after the arrests they went to the gate of the Comboni Catholic Church compound where they saw the detainees were being held in a shipping container.

ARBITRARY ARRESTS AND ILL-TREATMENT IN LEER

Witnesses told Amnesty International researchers that men and boys from several villages in Guat payam,⁴ including Gueny, Gap, Luale, Kur, and Koat had taken their cattle to Leer in response to government directives that all cattle keepers should move their cattle to Leer town or risk having them taken by government forces during future offensives in Guat.

Five Guat payam residents told Amnesty International researchers that their male relatives took their cattle to Leer following the government directive. They said that the day after their relatives went to Leer however, government forces accused them of being opposition fighters despite the absence of any individualized evidence against them. Rather, they were arrested by government forces, beaten, and their cattle were seized. The residents learned about the arrests from men and boys who were in Leer at the time, and who returned to the villages to spread the news. Three of the residents interviewed believed that the men left for Leer on 21 October and that they were arrested on the morning of 22 October. Those interviewed by Amnesty International researchers described the arrested men as cattle keepers, students, farmers, and one evangelist.

Khor, a man from Guat payam, narrowly escaped the arrest in Leer. He told Amnesty International researchers how he was among a group of mostly men who took their cattle to Leer. They camped at the Leer airstrip with other cattle keepers from different villages, some of whom had been at the airstrip with their cattle for some time. Khor said that early the next morning government forces surrounded the people and the cattle on the airstrip. He said government forces began beating the men there and telling them to inform on which men had arrived the day before. Khor said he was able to escape by leaving the group of men he was with and sneaking into a circle of men who had been in Leer for some time. Khor saw government soldiers tying up the men from Guat who had just arrived, including some of his relatives. He said, “I started to see them tying people...my [relative]...was captured and could not get out...the men they were capturing were from Guat.”⁵

Gattuak, also from Guat payam, was among those at the airstrip. He told Amnesty International researchers that government forces surrounded the airstrip where they were sleeping and began detaining the new arrivals. Gattuak thinks this happened on 23 October, the day after he and the others went to Leer. “The government encircled the cattle. They

³ Amnesty International interview in South Sudan in February 2016.

⁴ South Sudan is divided into the following administrative divisions, in order of descending size: states, counties, payam, and boma.

⁵ Amnesty International interview in South Sudan in February 2016.

asked 'we need those who came yesterday at night,' " he said.⁶

Nyasunday, a woman who was camping out on the airstrip with the cattle keepers told Amnesty International that early in the morning the day after they arrived, soldiers came and tied the men's hands behind their backs, removed their clothes, and then detained them in a container.⁷

Two other men from Guat payam who were also on the airstrip with their cattle and witnessed what happened told Amnesty International researchers that approximately 32 people were arrested at the airstrip. They said the detainees were forced to remove their clothes and that their hands were tied behind their backs. They said they saw the then-Mayendit commissioner and the then-area commander there.⁸

⁶ Amnesty International interview in South Sudan in February 2016.

⁷ Amnesty International interview in South Sudan in February 2016.

⁸ Amnesty International interview in South Sudan in February 2016.

INHUMAN CONDITIONS OF CONFINEMENT, TORTURE AND UNLAWFUL KILLING OF CIVILIANS

Amnesty International spoke to several witnesses who saw the men from Guat payam being forced into a shipping container on the Comboni Catholic Church compound adjacent to the office of the area commander. During the time the men were locked in the container, the average temperature in Leer ranged from 23-37 degrees Celsius and according to the witnesses who spoke to Amnesty International researchers, the container did not have any windows or other form of ventilation. Witnesses told Amnesty International that they could hear the detainees screaming and crying while they were being held in the container and that they subsequently saw the bodies of the deceased detainees being carried out of the container by government soldiers.

TORTURE AND KILLING OF CIVILIANS ARRESTED IN LUALE

Amnesty International researchers spoke with three women from Luale who said that they walked to Leer—about an hour away—after their male relatives were arrested in the village, to try and intervene on their behalf and to bring them food. They said that their attempts to talk to or assist their relatives were rebuked, and that they themselves were mistreated by government soldiers. The women could see that their relatives were being held in a closed container.

One woman told Amnesty International researchers that she and others appealed to the then-area commander on behalf of their detained relatives. When she tried to intervene on her relative's behalf the then-area commander told her he would not allow anyone out of detention. She said that at the time, the then-Mayendit commissioner was also there, and that relatives of detainees were also appealing to him. She said that in response, the then-Mayendit commissioner released seven people from detention who she described as "his people," meaning people from Mayendit. She could see that the remaining detainees were being held in a red container without any windows inside the compound.⁹

That evening, Nyalual said that she could hear the men, who were clearly under distress, in the container shouting and crying, but that she could not make out exactly what they were saying.¹⁰

Nyakume, whose relative was arrested in Luale, told Amnesty International that she too tried to intervene on his behalf, but was unsuccessful and was not allowed to see him. While at the

⁹ Amnesty International interview in South Sudan in February 2016.

¹⁰ Amnesty International interview in South Sudan in February 2016.

compound she saw her relative and other detainees. She said their arms were tied behind their backs and they were being beaten and forced into a red shipping container without any windows. She said,

"When I went there everybody [the soldiers] was getting angry. They said they could not allow me to visit my [relative]... I had school books with me to show that he was not IO [an opposition fighter], but a student, and they threw away the books... There were soldiers there that were speaking Dinka... They were beating my [relative]... and telling me not to talk to him. His hands were tied behind his back with the rope tied around the upper part of the arms... They were beating him as they were forcing him to enter the shipping container... I asked to enter the compound and just stood outside it watching what was happening at a distance [of about 20 meters]... The men's arms were tied and they were tied together... There were many men there... They were also bringing in other people that were not from Luale... I don't know how many men they put in the container... Then, after sometime a soldier came and ordered me to go."¹¹

The following morning, Nyalual said that she could hear the men in the container. "At 9.00am we could hear the men fighting and crying but I do not know when their voices stopped." Nyalual said she tried to stay around the area of the container to see if her relative might get out. At some point, she believed at around 1.00pm, she saw the then-area commander order a soldier to open the doors of the container and when he did, she saw the soldiers take four dead bodies out of the container. Nyalual told Amnesty International:

"When he opened the door he took four people outside... The commander called other soldiers and told them to collect the bodies... I was standing where the gate is [approximately 50 meters away]. The commander said, 'beat any woman standing there,' so then we went... they were putting the bodies in a pickup truck... I saw the truck leave with the bodies."

Nyalual added that she could see her relative inside the container and that he and others were still alive.

Nyakume told Amnesty International that she returned to Leer the following morning to try again to give her relative some food. She said that by the time she arrived, however, the men in the container were all dead. She explained:

"I cooked food and went back to Leer the next day. When I got there I saw that one after another, they were dead... They had let me into the compound and I was just in front of the door of the container. There were other people standing there too, many women, and the soldiers. The soldiers opened the doors and said 'come and see'. We could see the people inside and they were not alive... what we saw was tragic... the container was full of people, they had fallen over one another and on to

¹¹ Amnesty International interview in South Sudan in February 2016.

the floor. There were so many people. [She indicated the pile was about 1 metre high].”¹²

Nyaweregak accompanied Nyakume to Leer, and was with her when the soldiers opened the door. She said that only one survivor, a 12-year-old boy, emerged. She said:

“When they [Nuer soldiers] opened the door the child fell down and was crying, that’s how we knew he was alive. They poured water on him and gave him water to drink.”¹³

TORTURE AND KILLING OF CIVILIANS ARRESTED IN LEER

Amnesty International researchers spoke with four people who witnessed the arrests at the Leer airstrip and saw the detained being taken to the Comboni Catholic Church compound. Government soldiers arrested men and boys who had arrived in Leer the day before and accused them of being opposition fighters.

Gattuak told Amnesty International researchers that six men were arrested at the airstrip and held for several hours inside a shipping container before being released by the then-Mayendit commissioner at around 6.00pm. Gattuak said that the men were held in a red container about 20 meters away from the container holding the other detainees. He said the container used to hold the others was also red. Based on the number of men he saw detained, Gattuak estimated that at least 25 men were held in the other container. Gattuak said when the six men were being released that evening, he saw one man who he knew by name dead on the ground on the Comboni Sisters’ side of the compound, about 10 meters from the container where the deceased man had been held. Gattuak said that he was dead but did not look like he had been shot. At that time Gattuak said he could also hear people in the container banging on the walls. Gattuak said the following morning at 7.00am he returned to the compound and that a government soldier told him then that the other detained men had been killed.¹⁴

Khor, who narrowly escaped arrest, told Amnesty International that he began to hear rumors that the men had been killed in detention the morning after their arrest. At that point, Khor said he went to inquire about his relatives at the Comboni Catholic Church compound. He told Amnesty International:

“When I went there...I was asking for the person in charge but no one was talking to me, then a soldier at the gate told me that the people I was looking for were not there... Another soldier told me that if I was looking for the people in the container that they were in Joung. He was trying to help me. He said it wasn’t a good thing the way they were

¹² Amnesty International interview in South Sudan in February 2016.

¹³ Amnesty International interview in South Sudan in February 2016.

¹⁴ Amnesty International interview in South Sudan in February 2016.

killed.”¹⁵

Gatkuoth also witnessed the arrests at the airstrip and followed those detained to the Comboni Catholic Church compound. There Gatkuoth saw a few men being forced into one container and a larger group being forced into a second container. He left Leer that evening and returned the following day. When he returned he asked the then-area commander to let him see the detainees but was refused.¹⁶

Nyasunday told Amnesty International that the day after their arrest she too tried to see the men but was not allowed to. “We were told they weren’t there”, she said. Nyasunday said that evening, before it was too dark, she saw soldiers carrying the bodies into a large truck about 20 meters away. She said that she saw the then-area commander at the compound when the bodies were being moved.¹⁷ Nyasunday said only one of the detainees, a boy, came out of the container alive. She said that the boy had also been arrested at the airstrip and that she spoke with him the next day.

Amnesty International also interviewed five people who travelled to Leer either that very day or the following day after they learned that their relatives had been detained.

Nyewang, a woman from Guat payam, said that after she learned about the arrests in Leer, she and others travelled there that evening. When they arrived, government soldiers told them they could see the detainees in the morning. However, in the morning they were just told to wait, and eventually at around 1.00pm, Nyewang said they were finally told that the detainees were not there. She said:

“They opened the container and the container was empty...then mothers started crying... the father of one of the [dead] boys spoke to...[the then-area] commander and was informed that the boys were killed...After the women started crying, soldiers started beating them.”¹⁸

Nyaniit said that she travelled to Leer the following afternoon, after she learned her relative was being held. She said soldiers took her to the Comboni Catholic Church compound and showed her the container but that it stood empty, occupied by a bad smell, like a dead person. Nyaniit said the soldiers then told her that the detainees had died and had been taken to Kulier.¹⁹

Nyatek said that by the time she arrived the next day, the men were not in the container. She said that government soldiers there told her that, “your people who were put in the

¹⁵ Amnesty International interview in South Sudan in February 2016.

¹⁶ Amnesty International interview in South Sudan in January 2016.

¹⁷ Amnesty International interview in South Sudan in February 2016.

¹⁸ Amnesty International interview in South Sudan in February 2016.

¹⁹ Amnesty International interview in South Sudan in February 2016.

container, we’ve dumped in Kulier. Your people are not alive.” Nyatek said that there were men guarding the container, including the then-Mayendit commissioner, who said to her, “go see your people in the container”, but that when they opened the door it was empty. She said that there was nothing inside it except for a very bad smell, like the smell of dead animals or a bad smell in a hospital. She said it looked like there was water on the floor of the container and it had been cleaned.²⁰

Nyannhial said that she travelled to Leer with her sister the day after her relative was arrested to take him food but that when they arrived they were told the people were not there. She said that evening, just before sunset, she saw bodies being put into a big truck. She went to the pit where the bodies were dumped and saw many bodies.²¹

Dak said that he travelled to Leer two days after he learned his relatives were detained by the government and spoke with the then-Mayendit commissioner. Dak told Amnesty International that, “The commissioner said, ‘don’t waste your time, these people have been killed,’ and said that the bodies had been taken to Kulier.”²²

²⁰ Amnesty International interview in South Sudan in February 2016.

²¹ Amnesty International interview in South Sudan in February 2016.

²² Amnesty International interview in South Sudan in February 2016.

DEGRADING THE DEAD, FAILURE TO PREVENT DESPOILATION OF BODIES

Amnesty International spoke to 12 witnesses who visited Kulier, in Juong payam, in the days and weeks after government soldiers reportedly dumped the bodies of dozens of detainees held in a container there. The witnesses described the bodies as being in two pits in Kulier, which is one kilometer to the northeast of the Comboni Catholic Church compound.



Satellite image of Leer. DigitalGlobe Image, 31 October 2015

Four witnesses said that there was a large number of bodies dumped there. They could not count them in many cases because they were in shock. Gatkuoth, for example, told Amnesty International that when he went to Juong he was too shocked to count the dead at the site but that the men he was with counted 62.²³ Yoal estimated that there were about 53 bodies there.²⁴

Three witnesses said that they were able to identify their relatives from their clothing, even though their faces were not recognizable due to decay and because they were consumed by animals. Witnesses said that the bodies became skeletal within days of death. Nyamach told Amnesty International how her relative was able to identify her other relative's body when

²³ Amnesty International interview in South Sudan in January 2016.

²⁴ Amnesty International interview in South Sudan in February 2016.

they went to Kulier two days after he was killed.

“People were lying one on top of the other... [but we] saw him. [He] normally wears a necklace and bracelet that his wife saw, and she knew these were his, but she could not recognize his face. He had been in the sun for two days. We cried and went back home.”²⁵

Nyamach said the victims were in some cases wearing underwear and undershirts, or just underwear, and that others were wearing pants with undershirts. Based on her observation of the appearance of the bodies and the consistent level of decay, she believed that the victims had died on the same day.²⁶ A forensic analysis of the images of the remains commissioned by Amnesty International was consistent with her observation (see below).

Three witnesses who visited the bodies shortly after they were dumped noted that the victims did not have any visible wounds on their bodies. Others described how difficult it was to identify or move the bodies because they were left to be eaten by animals.

Nyaniit said she visited the site with four other people about two weeks after the deaths of the detainees. She said, “We went and saw the bodies, but the people had decayed...We could see their clothes, but the bodies had decayed so we couldn’t recognize them. They had been eaten by birds and other things.”²⁷

Yosal said that he visited the site about one week after the deaths to retrieve the bodies of relatives. He told Amnesty International that it was not possible because of the conditions of the bodies. He said, “The bodies had been destroyed by hyenas so we could not take them.”²⁸

It appears that the government may also have intentionally tried to destroy the bodies to hide evidence. Nyamai told Amnesty International that he visited the site on 2 or 3 November and that the bodies were burnt. He was only able to see white ashes and bones. “After the government realized investigators were going there they burned the bodies.”²⁹

²⁵ Amnesty International interview in South Sudan in February 2016.

²⁶ Amnesty International interview in South Sudan in February 2016.

²⁷ Amnesty International interview in South Sudan in February 2016.

²⁸ Amnesty International interview in South Sudan in February 2016.

²⁹ Amnesty International interview in South Sudan in February 2016.

ON SITE INVESTIGATION AND FORENSIC ANALYSIS OF CONTAINER AND CORPSES

Amnesty International researchers observed four shipping containers in the Comboni Catholic Church compound. Two shipping containers, one red and one blue, were positioned next to one another, a short distance apart on the Comboni Sisters' side of the compound. The containers are under a tin roof and behind them there is a small rectangular office which witnesses described as the then-area commander's office.



Two shipping containers in the Comboni Catholic Church compound seized by the government in Leer town, Leer County, Unity State. The red container was repeatedly identified by witnesses as the one used by government forces to hold detainees in October 2016 until they died from suffocation. Amnesty International, 11 February 2016.

Amnesty International researchers also observed two other containers, one red and one white, on the Comboni Brothers' side of the compound, also under a tin roof (not pictured).

Witnesses most consistently told Amnesty International that they saw the detainees who subsequently died being held in the red container on the Sisters' side of the compound. The then commissioner of Leer County, who was not present in Leer during October, told Amnesty International that he requested an internal report about the killings and was also told that the detainees who died were held in the red container on the Comboni Sisters' side of the

compound. Some witnesses however, said that the detainees who died were in a blue container or in a red container on the Comboni Brothers' side of the compound. All of the containers that witnesses described did not have any windows or vents. Amnesty International was not able to definitively determine whether the detainees who died were held in different containers on the church compound but there is a high likelihood that some if not all of these detainees were held in the red container on the Sisters' side of the church compound.

Amnesty International estimated toxicity from carbon dioxide levels in a sealed shipping container to confirm whether in fact witness statements reflecting that detainees died within approximately 24 hours of being placed in a shipping container could be accurate.

There were no available reference points for the average air flow through a shipping container, but under a strict scenario, with a completely sealed container (no air exchange) of this size, with 43 persons inside of it, it would take less than two hours before the carbon dioxide levels in the container were life threatening. Under the conditions present in Leer County where there was likely some airflow through crevices, a small hole in the floor of the container observed by Amnesty International researchers, and caused by the door being opened intermittently it would have taken longer for toxicity levels to become life threatening.

Amnesty International researchers visited Kulier in Jounk payam where witnesses said the bodies of the deceased were dumped by government forces in two pits. Amnesty International researchers observed human remains at the site. Remains were strewn outside of the pits identified by witnesses, very likely having been dragged there by scavenging animals.



Human remains at the Kulier site found by Amnesty International. Amnesty International, 11 February 2016



Human remains at the Kulier site found by Amnesty International. Amnesty International, 11 February 2016

Amnesty International commissioned a forensic analysis of the images of the remains taken by Amnesty International researchers in Leer on 11 February 2016. The forensic analysis was consistent with witness statements regarding the time of death and decay and the evidence of scavenging.

Remains found and photographed by Amnesty International researchers at the Kulier site exhibited the same state of decomposition – predominantly skeletonized, with some dried tissue around joints. The photographs also reflect that the corpses had been scavenged by carnivores, including hyenas and vultures. A vulture (neck ruff) feather is evident in one image suggesting scavenging by vultures. In several of the images, canid scavenging is evident in the form of tooth punctures, tooth scoring (shallow grooves) and the breakage pattern at the end of many long bones. Hyena scavenging was likely responsible for some of the de-fleshing of the remains, and was likely the primary cause of the dispersal and removal of the bones.

Studies indicate that human remains may be reduced to a skeletal state in as little as 3-27 hours of feeding by a combination of vultures.³⁰ It is likely that the human remains depicted in the images provided were scavenged and skeletonized within a matter of days.

³⁰ Reeves 2009; Suckling, et al. 2016

EVIDENCE DETAINEES WERE TORTURED AND WILFULLY KILLED

Witness statements reflect that civilian and military officials had direct knowledge that dozens of detainees, all civilians, were in distress and dying and that they did nothing to help them despite being able to. For example, Nyalual, whose relative was among the detainees that was killed in the container, said that she saw the then-area commander order soldiers to open the container and remove the bodies of four dead men and then close the container again on the remaining detainees who were still alive inside.³¹ Gattuak said that he saw one man dead on the ground about 10 meters from the container where he was being held which was next to the then-area commander's office. At that time the container was being guarded by government soldiers and Gattuak said he could also hear people in the container banging on the walls.³²

These actions indicate that the detainees were tortured on the basis that they suffered severely before they died, and that the soldiers and officials present were aware of their extreme distress and nevertheless intentionally kept them in those conditions. The actions also indicate that the detainees were wilfully killed, or at least that the soldiers and officials who were present acted knowing that the men in their custody could die and proceeded to hold them under these conditions anyway, leading to their unlawful death.

Chuol, a man from Thonyor payam, told Amnesty International researchers that he was detained by government soldiers in late October and held in a red container in the Comboni Catholic Church compound by the then-Mayendit commissioner. Chuol said that he saw the then-area commander and his bodyguard at the compound, that the then-area commander's office was next to the container, and that they were in control of the container. He said that he was detained while they tried to determine if he was an opposition fighter.³³ Chuol told Amnesty International that the then-Mayendit commissioner told him that they had killed 59 people in the same container a few days beforehand and that if he wanted to see the bodies he could show him where they were dumped in Juong. Chuol said that the container was very dirty and smelled like urine and dead bodies. He had trouble breathing while in the container, since it had no holes, but he said that he survived the night and was released the next morning.

The South Sudanese government has not publicly announced any investigation into the deaths of detainees in Leer town in October 2015 or otherwise acknowledged that dozens of men were killed in their custody. Despite the evidence indicating these civilians were arbitrarily detained, ill-treated, held in inhuman conditions, tortured and wilfully killed—all

³¹ Amnesty International interview in South Sudan in February 2016.

³² Amnesty International interview in South Sudan in February 2016.

³³ Amnesty International interview in South Sudan in February 2016.

war crimes—no steps have been taken to hold perpetrators to account or to provide reparations, including compensation to aggrieved relatives of the deceased for the loss of their loved ones or for their stolen cattle.

RECOMMENDATIONS

TO THE GOVERNMENT OF SOUTH SUDAN

- End and suppress all violations of international human rights and humanitarian law being committed by members of the armed forces. In particular, all forces should immediately cease unlawful killings;
- Initiate a prompt, effective and impartial investigation into the allegations of violations of international humanitarian law and other serious violations and abuses of international human rights law including those described in this report and bring those suspected of criminal responsibility to justice in open, accessible civilian courts and in fair trials without recourse to the death penalty;
- Immediately suspend military and civilian officials for whom there is credible information that they committed crimes under international humanitarian law or human rights abuses, including those crimes described in this report, until allegations concerning them can be independently and impartially investigated;
- Fulfil the right of immediate family members of killed detainees to reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

TO THE AFRICAN UNION

- Ensure the speedy establishment by the AU Commission of the Hybrid Court for South Sudan (HCSS) in a format that complies with international law;
- Encourage UN and other efforts to collect and preserve evidence for future proceedings before the Hybrid Court and cooperate with bodies undertaking this work;
- Support the establishment of the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparations Authority and Fund (CRA and CRF), provided for in the Agreement on the Resolution of the Conflict in South Sudan;
- Call for international financial and technical support for the establishment and operationalisation of transitional justice bodies;
- Call for a vetting process of security forces to ensure that individuals for whom there is credible information that they have committed crimes under international humanitarian law or human rights abuses are excluded from service, until allegations concerning them can be independently and impartially investigated.

TO THE UN SECURITY COUNCIL

- Impose targeted sanctions against civilian and military officials who have engaged in violations of international humanitarian law and violations and abuses of international human rights law in South Sudan;
- Impose a comprehensive arms embargo on the direct or indirect supply, sale or transfer, including transit and trans-shipment, of weapons, munitions, military vehicles and any other forms of military assistance, including technical and

financial assistance, equipment maintenance and training, to South Sudan. The embargo would not apply to supplies intended solely for the use of internationally agreed peacekeeping forces or security sector reform guided by compliance with international law, or to supplies of non-lethal military equipment intended solely for the use of security forces operating in a humanitarian or protective role, as approved in advance by an international or UN sanctions committee;

- Request and support investigatory efforts to collect and preserve evidence for future proceedings before the Hybrid Court;

TO THE UN HUMAN RIGHTS COUNCIL

Adopt a resolution during the 31st session of the Human Rights Council that:

- Establishes a Special Rapporteur mandate on South Sudan;
- Requests the High Commissioner for Human Rights to urgently appoint a group of experts on transitional justice and accountability for international crimes to coordinate and complement other efforts towards accountability for human rights violations and abuses;
- Calls for the African Union, the United Nations, and South Sudan to take concrete steps towards the establishment of a hybrid court and other transitional justice mechanisms included in the August peace agreement.



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'THEIR VOICES STOPPED'

MASS KILLING IN A SHIPPING CONTAINER IN LEER, SOUTH SUDAN

Between 20 and 23 October 2015 South Sudanese government forces arbitrarily arrested and detained dozens of individuals, primarily men, but also some boys, in at least one shipping container on the grounds of the former Comboni Catholic Church compound in Leer town, southern Unity State, causing their deaths. Government soldiers then loaded their bodies into a truck and dumped them in two open pits approximately 1km northeast of Leer town. Family members who visited the area in the following days said the bodies, left in the open, had been eaten by animals.

This briefing paper offers a detailed description of the arbitrary detention, torture and wilful killing that occurred in Leer town. It is based on 42 interviews conducted in South Sudan in February 2016.

The incident described in this briefing reveals a total disregard for human life and highlights the urgency of thorough criminal investigations and the need to end the culture of impunity that creates a context in which such acts are perpetrated without any fear of repercussion.

Warning: Some of the images in this briefing may be disturbing to readers.

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