HUMAN RIGHTS WATCH

"We Can Die Too"

Recruitment and Use of Child Soldiers in South Sudan

HUMAN RIGHTS WATCH

“We Can Die Too”

Recruitment and Use of Child Soldiers in South Sudan

Copyright ©2015 Human Rights Watch
All rights reserved.
Printed in the United States of America
ISBN: 978-1-6231-33092
Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: http://www.hrw.org

DECEMBER 2015

978-1-6231-33092

"We Can Die Too"

Recruitment and Use of Child Soldiers in South Sudan

Map of South Sudan i

Glossary ii

Summary 1

Recommendations 7

To the Sudan People's Liberation Army, the Sudan People's Liberation Army in Opposition and Other Armed Parties to the 2013-2015 Conflict 7

To the Transitional Government of South Sudan 8

To the Sudan People's Liberation Army 9

To the United Nations Mission in South Sudan (UNMISS) 9

To the United Nations Security Council 10

To the UN Panel of Experts on South Sudan 11

To the United Nations Human Rights Council 11

To the African Union Peace and Security Council 11

To the Special Representative to the Secretary-General on Children and Armed Conflict 11

To the United States, European Union Member States and Other Key Donors 12

Methodology 13

I. Background 15

South Sudan's Conflict 15

Decades of Child Soldiering in South Sudan 17

Efforts to End the Recruitment and Use of Child Soldiers 18

Overview of Reasons Why Children Have Fought in the Conflict 20

II. National and International Legal Standards 23

South Sudanese Law 23

International Legal Standards 24

III. Recruitment and Use of Child Soldiers by Government Forces 29
Recruitment, Detention and Use of Child Soldiers in Bentiu 29
Conditions of Life in the Bentiu Barracks 31
Recruitment and Use by County Commissioners in Bentiu 32
Recruitment and Use by Matthew Puljang, Unity State 34
Recruitment and Use of Child Soldiers by Johnson Olony, Upper Nile State 36

IV. Recruitment of Use of Child Soldiers by Opposition Forces in Unity State 40
Recruitment of Boys from Bentiu Town, Unity State 40
Forced Recruitment in Central and Southern Unity State 42
Fighting With Local Defense Groups 44
Panyijiar County 44

V. Recruitment and Use by David Yau Yau 47

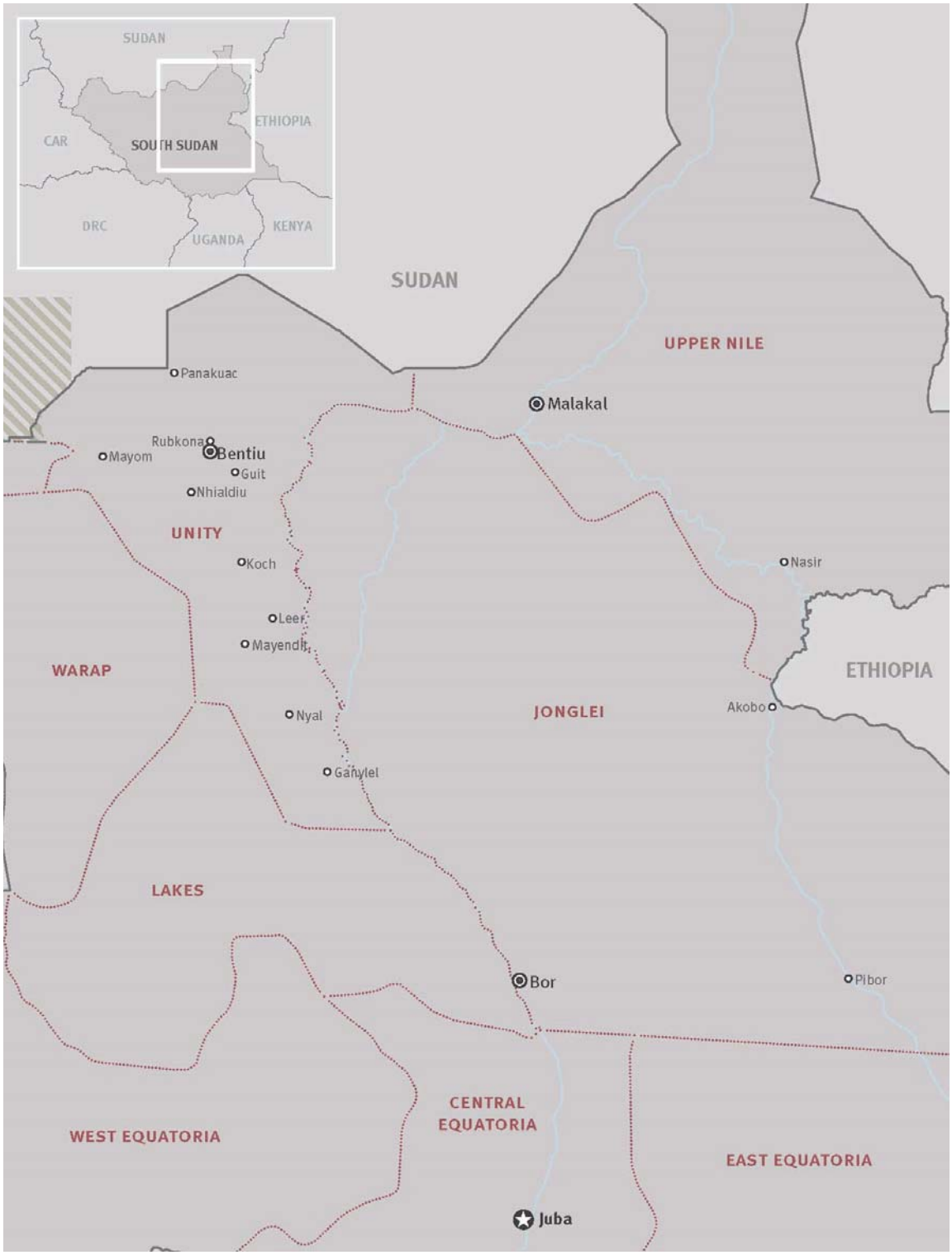
and the Cobra Faction 47
Experiences of Yau Yau's Child Soldiers 48

VI. The Importance of Education in Preventing Recruitment 52
A Painful Loss 52
Military Use of Schools 54
UN Bases: Sites of Protection but also Recruitment 56

VII. Formal Release of Child Soldiers and Accountability 58
A Slow Process 58
Accountability for Recruitment and Use 60
Ongoing, Small-Scale Release 64

Acknowledgments 65

Map of South Sudan



Glossary

Age set: A system of social stratification. Individuals who are around the same age often share an important kinship. Which age set an individual belongs to is often more important than their official age. Boys may go through an initiation ceremony, making them men in the eyes of their communities before they are 18, together with other members of their age set.

Bodyguards: Child soldiers are often used as bodyguards by their senior officers. In this role children often cook, clean and perform other similar duties. Although those who are bodyguards are sometimes kept from frontlines, these children are expected to protect their "big men" and have sometimes been involved in fighting. In other cases, children work as servants/bodyguards during times of relative calm but fight together with other soldiers.

Boma: A small administrative area.

Cobra: The South Sudan Democratic Army-Cobra Faction, David Yau Yau's former militia.

Hybrid Court for South Sudan: A hybrid court has both national (in this case South Sudanese) and international staff, including judges and lawyers. The August peace deal proposes a hybrid court for South Sudan to be established by the African Union Commission.

IGAD: The Intergovernmental Authority on Development, a regional body that has headed the South Sudan peace talks and monitored breaks in the cessation of hostilities agreement.

Local Defense Forces: Loosely formed armed civilian groups that fight to defend their community area. Both the government and the opposition forces have supported and fought together with such groups during the conflict.

Protection officers/workers: Humanitarian workers who implement programming to help local or displaced populations to avoid attacks or persecution.

SPLA: South Sudan's army, the Sudan People's Liberation Army.

SPLA-IO: The opposition, headed by Riek Machar, the Sudan People's Liberation Army-in Opposition.

UN bases: Tens of thousands of South Sudanese have fled to bases protected by UN peacekeepers for sanctuary. The UN bases have become an important feature of the recent conflict.

UNICEF: The United Nations Children's Fund.

UNMISS: The UN Mission in South Sudan

Summary

> There is nothing to gain from fighting, you waste your time and you die.
> *– BL, 10 years old when he joined an armed group, he says to protect his community, family and himself from abuses by government forces, April 2014.*

> We can die too, like everyone else; it's safer as a soldier. It is like a competition where do you run to, to be safe? You either die, or kill your enemy. Everyone is treated the same way, whether young or old.
> *– RH, 16 years old when he joined the opposition forces to protect himself from attack, January 2015.*

Thousands of children have fought in South Sudan's recent conflict and tens of thousands remain at risk of recruitment. Since South Sudan's recent war, which began in December 2013, neither government nor opposition leaders have ended widespread recruitment and use of child soldiers despite promising to do so. A peace agreement signed in August 2015 between President Salva Kiir's government and the opposition headed by former Vice President Riek Machar may end fighting and eventually provide for the release of child soldiers, but unless measures are taken to ensure accountability any further conflict will likely be accompanied by child recruitment.

This report is based on interviews in 2014 and 2015 with 101 children associated or formerly associated with armed forces and groups from Dinka, Nuer and Shilluk tribes, mostly from the three states of Unity, Jonglei and Upper Nile. Some of the children were as young as 13 years of age but most of them were between 15 and 17 years of age. It describes their experiences of being recruited, of battles and of living as part of a fighting force. Human Rights Watch heard statements of anger, emotional pain, satisfaction and grim fatalism, but because child soldiering has marked much of South Sudan's history of violence, few children expressed surprise that they fought.

Both the government Sudan People's Liberation Army (the SPLA) and their allies, and the rebel Sudan People's Liberation Army-in Opposition (the "opposition") and their allies have fought with children. This report includes information about recruitment and use of

child soldiers by, among others, the former rebel leader David Yau Yau, who has not fought in the recent conflict (but may do so if fighting continues), Johnson Olony who has fought on both the government and opposition sides in the recent conflict, and Matthew Puljang, who has helped the government control much of Unity state. In Unity state, the opposition commanders Peter Gadet and James Koang and his deputy Makal Kuol have used child soldiers as bodyguards or led them in battles.

For decades, South Sudanese civilians have suffered war crimes and human rights abuses while living through ethnically factionalized and brutal civil wars, insurgencies, and inter-tribal conflicts. Recruitment and use of children as fighters and soldiers have been hallmarks of these conflicts. Boys, perceived by themselves and others as having a duty to protect their community and cattle in the face of frequent danger–including from government forces–have constantly participated in violence. Before South Sudan's war began in December 2013 important gains had been made in improving access to education and ending the norm of child soldiers, including through laws banning the practice. But the scale of recruitment and use of children in the recent conflict, including brutal forced recruitment, has greatly eroded prior progress in improving child rights.

The practice of child soldiering in South Sudan is widespread and the country's conflict is complex, made up of various forces under leaders or military commanders with idiosyncratic approaches to children under their control. Children reported widely different experiences of being recruited and deployed.

Often children were forcibly recruited, were physically forced onto trucks bound for battles or training camps, or abducted at gun point and taken from their home areas by forces or groups, and then sometimes thrown into battle just a day or two later. Even those who joined willingly, albeit often because as males of (perceived) fighting age they were likely to be killed without the protection of other fighters around them, or because of societal pressure, were unable to leave if they wanted to and instead sent into battles.

Some of those who fought with government forces sometimes received salaries but usually very irregularly. Many children who fought with government forces as well as those who fought with the opposition received training and uniforms, underscoring their formal role as soldiers, while others joined fighting for short periods of time less formally. Most of the 15-16,000 children the United Nations Children's Fund (UNICEF)

estimate have fought in this conflict did so as part of opposition-aligned community forces. On both sides, boys, especially from around 14 or 15 years old or older, who form the majority of child soldiers in South Sudan, but also some younger ones, were treated more or less the same as adult soldiers.

Others, especially boys younger than 14 years old, did not fight, but worked as cooks or bodyguards for commanders. Many of the boys who spoke to Human Rights Watch said they were made, like adult soldiers, to walk for days and fight without adequate food. All the interviewed children said they were forced to sleep in the open and, if they were injured, received little or no medical care. Many saw their friends or other children die; get injured; become traumatized. Some were beaten and/or detained by the forces that recruited them as a way to prevent them from escaping, or as punishment.

Despite all these hardships, some said they felt grateful to their commanders for taking them in. In the midst of a grossly abusive conflict, they believed that being part of an armed group afforded them some protection, and also the opportunity to fight to protect their community or to fulfil their desire for revenge for attacks or abuses.

None of the boys Human Rights Watch interviewed attended school while they were serving in armed groups or forces, and all said that they would prefer to be in school rather than fight and that they regretted the loss of time away from schooling. During the conflict, most schools in conflict areas in Jonglei, Upper Nile and Unity states were shut for at least several months; at least 45 schools have been used for military purposes by government forces since the conflict began. Other schools were adversely affected by the government decision to stop paying teachers' salaries in opposition-held areas. Increasing educational opportunities including in UN bases where tens of thousands former or resting or recuperating child soldiers and other children are seeking shelter could help prevent child recruitment. An immediate step is also ending the practice of soldiers and fighters using schools for military purposes.

The children Human Rights Watch spoke to, not only from the Dinka and Nuer but also the Murle and Shilluk tribes, often felt that they needed to protect themselves and their communities from fighters from other ethnic groups. Tribal hatred has dominated much of the conflict and will almost certainly continue to be leveraged by leaders to bring civilian

devastation as long as conflict continues. The risk of further ethnic violence, and even genocide, in South Sudan remains high.

A failure to end child soldiering now may send the message to another generation that the only way to feel safe is through ethnic-based, organized violence and that is it normal for children to participate, and die, in it.

Before the current conflict began, in December 2013, important and sometimes successful efforts were underway to end child soldiering in South Sudan. Thousands of children were released from the SPLA and other armed groups after Sudan's 1983-2005 north-south war ended. The post-2005 Southern government passed legislation criminalizing recruitment and use of anyone under the age of 18 years in armed conflict/as soldiers and signed an agreement with the UN to work to end child soldiering. The SPLA set up a Child Protection Unit to monitor barracks, help release child soldiers and, in theory but never in practice, to bring abusive commanders to book. Formal release of child soldiers has followed peace deals ending insurgencies in more recent years. Efforts to reduce military use of schools by over the years clearing them of soldiers in many different parts of the country were successful.

The outbreak of new conflict in December 2013 has reversed much of the progress made since the end of the civil war in 2005. The SPLA's Military Justice component and Child Protection Unit stand in disarray, under-supported by the army and presently without technical or logistics support from the UN or donors. The opposition did not appoint an appropriate official to work with the UN to monitor and end child recruitment after signing an action plan with the UN. The SPLA in 2015 cleared some schools of soldiers, but as far as Human Rights Watch has been able to ascertain, neither side has punished commanders for recruitment and use of children.

While government and UN efforts since 2005 have raised awareness about the use of children as soldiers, a violation of international standards, and helped begin to shift South Sudan away from a norm of child soldiering, the recent conflict shows that when fighting begins, using large numbers of children to boost forces remains a low cost and attractive tactic for commanders.

Over the past 15 years, government officials and international partners have, unwittingly, further bolstered the use of child soldiers in South Sudan. Their support for child soldier

release and reintegration programs, which are sometimes slow, without sufficient emphasis on accountability, has allowed the practice to continue unchecked and helped strengthen the perception that child soldiering is a normal part of conflict and that donors will step in to finance release when commanders are willing to allow it.

Serious efforts should now be made, by both national and international actors, to ensure that commanders who have used and recruited child soldiers are held accountable.

South Sudanese authorities should investigate and prosecute commanders who have violated South Sudan's law by recruiting and using children under 18 years of age. In the meantime, the SPLA should discipline commanders in violation as should the rebel Sudan People's Liberation Army-in Opposition.

The August 2015 peace agreement between the government and the opposition, brokered by the regional body the Intergovernmental Authority on Development (IGAD) paves the way for a transitional government with Kiir as president and Machar as vice president and for national elections in around three years. The deal provides for a 'Hybrid Court for South Sudan', to be established by the African Union Commission, consisting of judges and lawyers from other African countries together with South Sudanese officials, and to have primacy over South Sudan's national courts. This hybrid court is necessary because a purely domestic effort to provide accountability for international crimes committed in this conflict will not assure fair, credible trials given major challenges within the national courts and a lack of political will on the part of South Sudan's leaders. The hybrid court should have jurisdiction over the most serious crimes committed, including the recruitment and use of children as soldiers, and complete authority and independence to determine which accused it will prosecute.

If a credible, fair and independent hybrid court is not established, the option of the International Criminal Court (ICC) remains and should be pursued. As South Sudan is not a party to the court, the UN Security Council would need to refer the situation to the ICC in the absence of a request from the government of South Sudan.

South Sudan's partners and neighbors who have supported the peace talks should ensure that the provisions for accountability and truth-telling promised in the peace agreement are implemented by both sides and are financially supported. The UN should provide

technical support for the establishment of the hybrid court and the Security Council should continue to insist on accountability for serious crimes.

The UN Security Council should also impose travel bans and asset freezes on commanders who have used or recruited children in South Sudan or who continue to do so. A UN arms embargo should be imposed on South Sudan to stem the flow of weapons which has contributed to widespread abuses against civilians. Despite the peace agreement, violence has continued as have reports of serious abuses against civilians. In some instances children have been drawn to armed groups to get guns and reducing the availability of small arms could also lead to fewer children becoming soldiers.

Recommendations

To the Sudan People's Liberation Army, the Sudan People's Liberation Army in Opposition and Other Armed Parties to the 2013-2015 Conflict

- End all recruitment and use of children under 18 years of age by regular forces or by associated militias. End armament or other assistance to armed groups, including local defense groups that conscript and/or use children under the age of 18 years.
- Insist that local defense forces and militia commanders cease the recruitment and use of child soldiers, and cease cooperation and military operations with those who persist.
- Investigate, in coordination with civilian investigators, commanders who recruit and use children and hand over cases to civilian courts to prosecute.
- Cooperate with UNICEF and other child protection agencies to disarm and release children within forces and aligned militias, including but not limited to proposed cantonment sites, and transfer them to appropriate civilian rehabilitation and reintegration programs that include educational and vocational training as well as necessary counseling, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ("Paris Principles") of 2007. Provide information about, and allow monitoring of, cantonment sites, military bases and other such sites for child soldiers by national civilian and international observers, and, in the case of the SPLA, the army's Child Protection Unit and Military Justice officers.
- Immediately cease all military use of schools and school compounds, prioritizing schools where students and teachers are present, or in areas where schools could be reopened if soldiers vacate the premises.
- Immediately issue public orders directing all commanders and forces to cease pillaging or conducting other attacks on schools, stating that those responsible for such attacks will be held to account.
- Pending investigations, suspend from their positions any commanders who are credibly alleged to have recruited and used child soldiers and/or who have allowed soldiers to remain in schools.

To the Transitional Government of South Sudan

- In cooperation with the former warring parties, hold accountable all individuals who have recruited or used children under the age of 18 in the SPLA, the opposition, or in associated militias during the conflict, in accordance with South Sudanese law. Individuals allegedly most responsible for recruitment or the use of large numbers of children should be prioritized for investigations and prosecutions into these crimes. Prosecutors in the envisaged hybrid court should also investigate and prosecute the crime of recruiting and using children under 18 years of age as soldiers; the transitional government should support this.
- Suspend and remove from relevant army positions any commanders who are known to have recruited or used children, or are credibly alleged to have done so.
- Do not integrate into the SPLA or other security forces any commanders from militias who have recruited and used children, or who are credibly alleged to have done so.
- Investigate David Yau Yau and senior commanders in his former militia group for the recruitment and use of child soldiers in 2012-2013, prior to the outbreak of the current conflict.
- Support the establishment of a hybrid court, as agreed in the August 2015 peace agreement, or request the International Criminal Court to investigate potential war crimes and crimes against humanity committed during the conflict.
- Make public information regarding measures taken to ensure the accountability of perpetrators.
- Provide financial and political support to the Child Protection Unit and the army's Military Justice section and task them with investigating the recruitment and use of child soldiers during the conflict, identifying and investigating perpetrators and referring cases to civilian courts. The Minister of Defense should report to parliament on progress in this regard.
- Complete ratification of the Optional Protocol on the Convention on the Rights of the Child on the involvement of children in armed conflict by depositing this instrument at the UN.
- Immediately resume paying teacher salaries in areas that have been under the control of opposition forces during the conflict.

- Ensure that all children are registered immediately after birth, and develop a national birth registration process including through the enactment of a civil registration law.

To the Sudan People's Liberation Army

- Hand over those who are credibly alleged to be responsible for recruitment and use of child soldiers to civilian authorities for further investigations and prosecution.
- Establish rigorous and systematic screening procedures and standards to ensure that no children under the age of 18 are recruited going forward, and that all recruits are screened according to the same high level of standards. Use the UN's age assessment measure and do not recruit individuals where there is reasonable doubt that they are not of the lawful recruitment age.
- Allow independent, including international, monitors to take part in recruitment processes, to monitor age during salary disbursements, and to visit SPLA facilities to identify child recruits.
- Discipline soldiers who used schools for military purposes in violation of the Punitive Order issued by the SPLA Chief of Staff on August 14, 2013.

To the United Nations Mission in South Sudan (UNMISS)

- Monitor abuses against children and include findings in a section on substantive violations against children in public periodic reports of the UN secretary-general.
- Through the Human Rights Division or the Child Protection Unit, publish information gathered during the conflict and subsequently about commanders who have recruited or used child soldiers, or at a minimum, provide this information to the UN Panel of Experts formed under UN Security Council resolution 2206 (2015).
- Increase investigations, through a task force dedicated to this end, into child soldier recruitment and use during the conflict including by interviewing former child soldiers, collecting information on command and control structures of government and opposition forces as well as key militias that have used child soldiers. Archive information collected so that it can be used for vetting of forces and for accountability mechanisms in the future.
- Monitor any release processes and follow up to ensure re-recruitment does not take place. Send child protection officers when monitoring barracks, training camps, militia bases, and cantonment sites to ensure they contain no child

soldiers–and if child soldiers are present, assist with their release and family tracing and reunification.

- Provide transport and other assistance to the SPLA Military Justice and Child Protection Units to assist them in registering child soldiers, releasing child soldiers, and providing accountability for recruitment and use.
- Ensure a human rights screening process so UNMISS does not provide any logistical, military, or other support to commanders or army units or other forces responsible for gross human rights violations or to units led by commanders implicated in serious abuses, as per the UN's Human Rights Due Diligence Policy.
- Increase monitoring of pillage or other attacks on schools and military use of schools, especially in areas controlled by opposition fighters.

To the United Nations Security Council

- Impose a comprehensive arms embargo on South Sudan and expand the existing mandate of the UN Panel of Experts to monitor and report on implementation of the embargo.
- Impose targeted sanctions, including travel bans and asset freezes, on individuals against whom there is sufficient evidence of responsibility for recruitment and use of child soldiers, including Matthew Puljang and Johnson Olony; investigate other commanders mentioned in this report with a view to determining appropriate action against them for their role in recruitment and use of child soldiers.
- Request that a representative of the UN secretary-general work in conjunction with the African Union to help establish a hybrid court, with a majority of non-South Sudanese judges and lawyers, located outside South Sudan at least initially, which can ensure fair, credible investigations and prosecutions for serious crimes committed in South Sudan including recruitment and use of children.
- Intensify pressure on the Transitional Government of South Sudan, the Sudan People's Liberation Army and the opposition forces to release children from forces and provide socio-economic reintegration assistance to the affected children and their families, family tracing and reunification and educational services to children in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ("Paris Principles") of 2007.
- Intensify pressure on the Transitional Government of South Sudan to end the recruitment and use of children, including by establishing effective screening

procedures to ensure that children are not recruited, accountability measures for commanders who have recruited and used children, and to end military use of schools.

To the UN Panel of Experts on South Sudan

- Investigate recruitment and use of child soldiers, especially in areas where children have been repeatedly recruited in large numbers, and propose that the UN Security Council places sanctions on commanders responsible.

To the United Nations Human Rights Council

- Appoint a Special Rapporteur on South Sudan with a mandate to monitor and publicly report on violations, including recruitment and use of child soldiers, as well as on military use of schools, and make recommendations for achieving effective accountability.

To the African Union Peace and Security Council

- Establish a hybrid court, with the assistance of the UN, with primacy over South Sudanese national courts, to investigate and prosecute those most responsible for international crimes, including the recruitment and use of children, committed in the conflict. Ensure witness protection services are established.
- Fully support the implementation of UN Security Council individual sanctions and arms embargo, if established.

To the Special Representative to the Secretary-General on Children and Armed Conflict

- Provide pertinent information to the Security Council's sanctions committee on South Sudan regarding individuals who should be subject to targeted measures for recruitment and use of child soldiers.
- Continue to advocate with the SPLA for full implementation of its action plan to end the recruitment and use of child soldiers and the May 2015 recommendations of the Security Council Working Group on Children and Armed Conflict.

- Encourage the SPLA in Opposition to implement a UN action plan to end all recruitment and use of child soldiers.

To the United States, European Union Member States and Other Key Donors

- Offer the necessary support to appropriate child protection activities, including support to nongovernmental organizations working to release children from forces and to prevent further recruitment, and to any large scale release, rehabilitation, and reintegration programs that include vocational training programs, education programs, and medical and psycho-social counseling activities for former child soldiers, including in displaced people or refugee camps.
- Ensure that resources are available for mechanisms to identify children formerly associated with forces or armed groups upon arrival in refugee receiving countries and in internally displaced people camps.
- Provide support for clinical mental health programs for children who require more intensive support than those offered in general community based psycho-social programs.
- Support large scale assistance to the education sector, as well as funding for programs that promote social norms that disincentives child soldiering.
- Provide the Transitional Government of South Sudan, the Sudan People's Liberation Army and opposition forces with the necessary support and capacity to systematically and effectively vet its recruits by age in order to prevent the recruitment and use of children within its forces. Provide support to the Military Justice and Child Protection Unit of the army to investigate child recruitment and use and provide accountability.
- Refuse to provide any military training or other security sector reform support to commanders or units in the army, or forces from other security forces, where there is credible information that they committed serious human rights abuses in the conflict. Support vetting programs that identify and exclude individuals who have committed, or where there is credible information that they committed, serious human rights abuses, from the army.
- Support, including financially, the establishment of a fair, effective hybrid court to investigate and prosecute serious crimes committed.

Methodology

Every child who has fought or been associated with an armed group in South Sudan has a unique story. Human Rights Watch made efforts to capture a range of experiences but this report does not describe the full spectrum of child soldiering in South Sudan. Children interviewed for this report include those who fought with government troops, opposition forces, and those who joined militias allied to both forces and loosely structured local defense groups.

Based on interviews with 101 child soldiers, former child soldiers or children associated with armed forces or young men who were children when they fought, this report documents experiences of recruitment and deployment and identifies commanders who have recruited and used child soldiers. These children represent only a tiny fraction of the thousands of children who have fought in the recent conflict alone. Of these children, 41 were associated with government forces or their allies and 33 with opposition forces or their allies. Twenty-seven children who had fought in conflicts that predated the recent war were also interviewed. Four of these were 18 or 19 years old at the time of interview, the rest were under 18 years of age.

The interviews for this report took place on multiple research trips to South Sudan between August 2014 and July 2015: three trips to Bentiu town; one to Ganylel and surrounding areas, Unity state; one to Malakal town, Upper Nile state; one to Bor and Panyagor, Jonglei state; and one to Pibor, also in Jonglei state. The Human Rights Watch researcher responsible for this report also made multiple visits to the Protection of Civilians site in the UNMISS base in Juba, Central Equatoria state, to interview former child soldiers living there.

All those interviewed reported seeing many other children fighting or associated with armed forces. Human Rights Watch also collected information about 30 other children from parents or caretakers who said their children had been abducted or recruited into armed forces and were away during the time of the interview.

Human Rights Watch has heard some reports of girls being associated with armed forces, but the vast majority of children associated with armed forces in South Sudan are boys, and all those interviewed by Human Rights Watch were male.

Identifying and interviewing child soldiers and escaped former child soldiers was challenging. Accessing child soldiers in active conflict settings was problematic, because of restricted access to these dangerous areas but also because of possible reprisals against children still part of armed forces.

Language, age and cultural differences between the interviewees and the researcher also almost certainly limited this research.

The names of child soldiers have been withheld to protect the confidentiality of those interviewed. Interviews took place in Murle, Nuer, Dinka and Arabic, with assistance from translators. Most of the interviews lasted 20 to 45 minutes and all took place in person. All interviewees gave consent. No incentives were provided.

All interviews took place in places where the child was safe during the interview, mostly in UN bases protected by UN peacekeepers or interim care centers for former child soldiers. Except in a few cases where children were interviewed together with relatives or trusted friends, interviews were conducted in private. Each interviewee was promised confidentiality. No one interviewed for this report received any payment.

Children who are forced to fight are often from poorer, more rural areas where many if not most children are born without having their births registered. It was often impossible to confirm the precise age of the child and sometimes the age provided in this report represents the best guess of the interviewee.

Human Rights Watch also interviewed 15 government officials and officials from the SPLA as well as opposition authorities with expertise or insights into child soldiering, staff of UN agencies, especially UNICEF and officials from UNMISS in Juba, Malakal and Bentiu. Staff from independent international aid groups, and child protection nongovernmental organizations were consulted in these locations and also in more rural research sites.

I. Background

South Sudan's Conflict

On the night of December 15, 2013, a gun battle in South Sudan's capital Juba between presidential guards loyal to President Salva Kiir on one side, and on the other, soldiers loyal to the former vice president, Riek Machar, triggered a national conflict that has since killed thousands of civilians, forced some 2.2 million people from their homes, and plunged much of the country into a humanitarian crisis. Hundreds of children have been killed, thousands have fought in the conflict and hundreds of thousands have been displaced.[1] The conflict has devastated the education sector, leading to the closure of some 70 percent of the schools in the areas where most of the fighting has taken place.[2] Some 400,000 children have been forced out of schooling.[3]

The recruitment and use of child soldiers has taken place within the context of a war in which both government Sudan People's Liberation Army (SPLA) troops and Sudan People's Liberation Army-in Opposition (the "opposition") forces and their allies committed acts of extraordinary cruelty against civilians. From the first hours of the conflict, civilians were targeted and killed because of their ethnicity. In Juba, in December 2013, Dinka forces aligned to Kiir shot at, killed, rounded up, and massacred hundreds of male Nuer (the same tribe as Machar) and detained, tortured and beat others.

---

[1]The number of children who have fought in South Sudan's conflict is not known but the United Nations Fund for Children (UNICEF) has estimated that perhaps 15 – 16,000 children may have been recruited by armed groups on both sides of the conflict. This number includes estimates of children who were seen together with Nuer armed community fighters, known as 'white army' in the first months of the conflict. These fighters return to their communities after battles are over. The UN also said that at least 680 children had been killed in the conflict by end 2014. In June 2015, UNICEF have said 129 children were killed in conflict in Unity state in May 2015. UNICEF press release, "Put Child Rights First in South Sudan", May 5, 2015, http://www.unicef.org/southsudan/media_16479.html (accessed August 8, 2015); UNICEF press release, 'Unspeakable Violence against Children in South Sudan – UNICEF Chief' June 17, 2015, http://www.unicef.org/media/media_82319.html (accessed August 4, 2015); and UNICEF press release, 'South Sudan 12 November 2015: UNICEF and L.Gen Dallaire Call For Urgent Action to Protect Children From Becoming Soldiers', November 12, 2015, http://www.unicef.org/esaro/5440_ss2015_dallaire.html (accessed November 23, 2015).

[2]UNICEF press release, "Amid conflict in South Sudan 400,000 Children Will Return to School", February 19, 2015, http://www.unicef.org/media/media_79847.html (accessed September 4, 2015).

[3]UNICEF, May 5, 2015, Ibid.

In the following weeks, forces made up of Nuer soldiers who had defected and allied 'white army' forces composed of armed Nuer, captured the town of Bor, Jonglei state.[4] They ransacked the town and surroundings, killing hundreds of mostly Dinka civilians leaving their corpses strewn around the area.

Attacks by government and opposition forces between mid-December 2013 and mid-April 2014 across the conflict areas of Jonglei, Unity, and Upper Nile states left thousands more civilians dead and towns pillaged and destroyed.[5]

This period was the most bloody and destructive since South Sudan gained independence in 2011 from Sudan and may have been the most gruesome four months in recent years of intermittent conflict in the region. Brutal abuses of civilians have continued.[6] But the patterns of abuse documented by Human Rights Watch and others in this conflict–including killings of civilians because of their tribe or presumed allegiances, burning and destruction of civilian property and massive pillage of civilian property–are not new. The absence of accountability for past war crimes and human rights violations has spurred new attacks and killings in the current conflict.

Violence, crime, abuse and revenge, especially for male children, were part of growing up even before the current conflict began. Life for many across Dinka and Nuer areas and other cattle-keeping communities has since 2011 been marred by escalating inter-communal conflict in the form of violent cattle raids and revenge attacks on villages. Numerous armed rebellions by ethnic-based militias have also taken place and boys

---

[4] Men, often young, from the Lou Nuer and Jikany Nuer move and fight together in large groups sometimes numbering many thousands to defend their home areas or attack enemies, disbanding afterwards: these large groups are often termed white army. Nuer forces made up of armed civilians played an important role in the first three months of the conflict, greatly assisting opposition attacks. How much control opposition commanders have over white army is contentious, but in the case of Bor horrific attacks on civilians took place while it was under the command of opposition leader Peter Gadet. The phrase "white army" is often also applied to other local or community defense forces. There are varying theories on why these community forces are called white army, perhaps because of the color of the ash they put on their skin to prevent insect bites or because they do not wear dark uniforms.

[5] For more details of violations of international humanitarian law and international human rights law during the first four months of the conflict see Human Rights Watch report, *South Sudan's New War: Abuses by Government and Opposition Forces*, August 2014. (https://www.hrw.org/report/2014/08/07/south-sudans-new-war/abuses-government-and-opposition-forces).

[6] Human Rights Watch report, *They Burned it All: Destruction of Villages, Killings and Sexual Violence in South Sudan's Unity State*, July 2015, https://www.hrw.org/report/2015/07/22/they-burned-it-all/destruction-villages-killings-and-sexual-violence-unity-state (accessed December 1, 2015).

have fought in these too. Rebel and government forces in their counter-insurgency efforts have committed war crimes and human rights violations.[7]

Decades of Child Soldiering in South Sudan

During the 1983-2005 north-south war in Sudan, thousands of child soldiers were used by southern rebel groups including the SPLA that became South Sudan's official military after the 2005 peace deal, and also made its top commanders South Sudan's political elite.[8]

The first large scale effort to end child soldiering in South Sudan was initiated by UNICEF's then- Executive Director Carol Bellamy who in 2002 persuaded Salva Kiir, then chief-of-staff of the rebel SPLA, to sign a memorandum of understanding to end the use of child soldiers. UNICEF later airlifted 3,551 children from Northern Bahr el Ghazal state to transit centers in Lakes state.[9]

As peace negotiations continued in Kenya in the lead-up to the 2005 Comprehensive Peace Agreement (CPA), further releases of thousands of child soldiers took place, accompanied by family tracing and reunification. In 2005, thousands of children were released, many from militias that had been absorbed into the SPLA.[10] By 2012 some 4,000 children had been released.[11]

---

[7] For example government forces killed dozens of civilians from the Murle ethnic group from the Pibor area of Jonglei state during their counter-insurgency against the Murle rebel group headed by David Yau Yau. Murle towns were also pillaged and villages burned during this period. See Human Rights Watch report, "*They Are Killing Us": Abuses by Civilians in South Sudan's Pibor County*, September 2013, https://www.hrw.org/report/2013/09/12/they-are-killing-us/abuses-against-civilians-south-sudans-pibor-county (accessed December 1, 2015).

[8] In the 1990s Human Rights Watch documented the use of child soldiers by both the SPLA headed by John Garang and the breakaway SPLA-Nasir/United headed by Riek Machar. Thousands of boys were encouraged to leave their home areas for refugee camps in Ethiopia ostensibly for educational purposes but where they were also given military training. In 1991 there were an estimated 17,000 boys in these camps. Many of these boys, known as 'Red Army' fought in the conflict. Human Rights Watch/Africa Human Rights Watch Children's Rights Project, *Sudan: The Lost Boys*, November 1994, https://www.hrw.org/reports/pdfs/s/sudan/sudan294n.pdf (accessed September 4, 2015).

[9] Those transported, many of whom it was later suspected were not soldiers at all but rather children desperate for some kind of educational opportunity, found themselves in sometimes poor conditions in the transit camps. The children were six months later taken back to their homes where officers tasked with reunifying them with their families sometimes struggled to find their parents or relatives. Human Rights Watch interviews with former UNICEF staff and a South Sudanese official involved in the process, names withheld, Nairobi and Juba, March and April 2015.

[10] Human Rights Watch interview, Oluku Andrew Holt, Head of child DDR in South Sudan Demobilization, Demilitarization and Reintegration Commission (SSDDRC) April 30 2015.

[11] UNICEF press release, "With Conflict Raging in South Sudan Child Recruitment on the Rise", May 5, 2014, http://www.unicef.org/emergencies/southsudan_73403.html (accessed September 4, 2015).

But even before the current war ignited in December 2013, child soldiers continued to be used by both government forces and insurgents in the context of several smaller-scale conflicts.

During their 2011-2013 insurgency, a group called the South Sudan Liberation Army/Movement (SSLA/M), initially headed by Bapiny Monytuel, used children in their rebellion against the South Sudanese government.[12] Some 200 children from this force were due to be released after Monytuel agreed to an amnesty deal in 2013.[13] In addition, many hundreds of child soldiers fought in the 2012–2013 rebellion headed by David Yau Yau in Pibor area of Jonglei state. With the assistance of UNICEF and the government, Yau Yau in 2015 released 1,755 children from his forces.

Government commanders also used child soldiers when conducive to their military goals before the current conflict began. For example, Human Rights Watch spoke with three young men in Bentiu, the capital of Unity state, who had all fought as 14 or 15-year-olds in the SPLA's Division 4 when South Sudan attacked Sudan's Heglig oil producing area in 2012 under the command of the then-division commander, Gatduel Gatluak.

Efforts to End the Recruitment and Use of Child Soldiers

Efforts by the SPLA to end recruitment and use of children made significant headway until they were undercut by the recent conflict. In 2009, with the support of UNICEF and Save the Children, the SPLA launched its Child Protection Unit, established to help prevent recruitment of children into the army and also to serve as a bridge between the military and international actors. Around 1,000 officers, of relatively low rank, were trained in child protection and were deployed across the army.[14] The unit helped

---

[12] The South Sudan Liberation Movement/Army (SSLM/A) was first formed by Peter Gadet who defected from South Sudan's army in March 2011. Gadet rejoined the government later in 2011 leaving the remnants of the SSLM/A under the control of James Gai Yoach. Bapiny Monytuel took over the armed group in September 2012. See the Small Arms Survey Human Security Baseline Assessment for Sudan/South Sudan report 'Pendulum Swings, the Rise and Fall of Insurgent Militias in South Sudan', November 2013, http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB22-Pendulum-Swings.pdf (accessed August 8, 2015).

[13] Human Rights Watch interview with Oluku Andrew Holt, Head of child DDR in South Sudan Demobilization, Demilitarization and Reintegration Commission (SSDDRC), Juba, April 30, 2015 and UNICEF officials (names withheld), Juba, July 2014.

[14] Human Rights Watch interview with Brig.Chaplain Khamis, head of SPLA Child Protection Unit, Juba, June 8, 2015. Over the years, before the current conflict began, some 30,000 army officers from across the army were also provided with training, including on preventing child soldier recruitment and use.

identify, disarm, and release 54 children from the SPLA since its formation, and had plans to disarm and release another 19 children from their ranks before the current conflict began.

The SPLA signed an action plan to work with the UN to end the recruitment and use of child soldiers in November 2009. This was followed by an updated version in March 2012 that promised that the SPLA would, with support from the UN, identify and report all children associated with the SPLA, allow UN officials and their child protection officers access to all training centers and military bases, and ensure disciplinary action was taken against "persons responsible for aiding and abetting the recruitment and/or use of children."[15]

The action plan was quickly followed by a military order in April 2012 to screen and register all children in the rank and file of SPLA, promising 'drastic administrative actions against each unit commander' who failed to provide lists of names of screened children before April 2012. An order at the same time was also issued to allow unimpeded access for the joint UN-SPLA Child Protection Unit technical committee. [16]

In 2012, the UN was granted access to 71 SPLA barracks to verify whether children were present, and of 252 boys identified with the SPLA and affiliated militias, 230 were released and reunited with their families.[17]

With extensive support from UNICEF and the UNMISS, the SPLA Child Protection Unit also campaigned, often with success, to get soldiers out of schools. By the time the conflict began in December 2013, very few schools were being used for military purposes.[18]

The SPLA established a military justice section which, with UN and US donor support, trained some 100 judge advocates, and then deployed them to barracks across the country. However, these judge advocates have never attempted to prosecute any army

---

[15] 'Action Plan between the SPLA and the United Nations Regarding Children Associated with the SPLA in South Sudan', signed March 13, 2012. On file with Human Rights Watch.

[16] Order from Lt. Gen. Obuto Mamur Mete, April 16, 2012. On file with Human Rights Watch.

[17] United Nations Security Council, "Children and Armed Conflict, Report of the Secretary General", S/2013/245 (2013).

[18] Human Rights Watch interview with Cephus Diggs, Child Protection Unit, UNMISS, in Juba, February 11, 2015.

official for recruitment and use of child soldiers.[19] Capacity building efforts have ground to a halt and both the Child Protection Unit and the military justice section have been in disarray since the conflict began. Some officers have either been killed or joined opposition forces, and UN and donor funding and in kind assistance to the units (for example flights) was suspended.[20]

The SPLA has also issued many military orders banning the recruitment and use of anyone under 18 years of age and the use of schools by SPLA members for any purpose. However evidence from the conflict indicates that the order was routinely violated and failure to comply with these orders has not been met by any sanction.[21]

Overview of Reasons Why Children Have Fought in the Conflict

Many boys have fought because they have been forced to, in the most brutal way. In many cases including dozens documented below, boys were recruited at gun point by soldiers, were arrested and then put in detention facilities until they agreed to fight or were simply abducted, handed a gun and then, sometimes within a day, thrown into battle. Around a third of the boys that Human Rights Watch interviewed who had fought in the recent conflict were forcibly, violently, recruited.

The continual failure of forces on both sides to distinguish between civilians and combatants explains why so many other boys have spent the conflict fighting, walking hungry across large areas of wilderness or, as one boy put it, "wasting" their educational years in military bases. The most cited reason for joining "willingly" (in the context of the conflict) was to provide for the best chance of surviving the war. Without

---

[19] This includes in the current conflict. However judge advocates prosecuted two cases of rape of children in 2015.

[20] The US, for example, has been a major donor for the SPLA including for the military justice department. However, US support to the army ended soon after the conflict, and atrocity crimes by government forces, began. Also because of the conflict, the mandate of the UNMISS was changed in May 2014 from one that included assisting with state-building – including through air transport and other support to the SPLA's military justice department and child protection unit – to one that focused on protection of civilians, human rights reporting, and protection of humanitarian assistance.

[21] In April 2012, an order was issued to evacuate eight schools in three states, threatening "severe disciplinary action" for those who refused. In August 2013, another order was issued from the SPLA chief of staff to all units and personnel directing that children "defined as all persons under the age of 18-years-old shall not be recruited into SPLA or used by or within the SPLA in any capacity for any purpose." The order also banned the use of schools by soldiers "under any circumstances" and promised disciplinary action including judicial and administrative action for infringement. In September 2014, the then-acting chief of staff Thoman Cirillo Swaka reiterated this last order in a new order to "all SPLA units." Copies of these orders are on file with Human Rights Watch.

the protection of a gun and an armed group, many boys believed they would have been even more vulnerable to being killed because of their ethnicity or assumptions about their allegiances.

In the wreckage of the conflict, some joined to access food or money. This was a reason given to Human Rights Watch only in a small number of the cases, but was often the case for very young or the poorest boys. In Bentiu, for example, Human Rights Watch documented several cases, described in more detail below, where boys as young as 12 years old and often from the poorest families or living without families, went to work for commanders as bodyguards or as servants. Poor conditions in the Protection of Civilians area in the UN Bentiu base also contributed to boys leaving to join armed forces.

Perhaps half the boys who spoke with Human Rights Watch said they joined armed groups not just to protect themselves but also out of a strong sense of responsibility to defend their communities and cattle from attack. Fighting has often been seen as part of fulfilling a necessary role, especially as army and police have done little over the years to protect communities, and a way to get a gun to be able to continue as a community protector –and sometime cattle raider –in the future. Child soldiers are not stigmatized in South Sudan and, although their loss of access to education is widely regretted, are usually seen as valuable fighters, not victims, at least in rural communities.[22]

Many boys who were recruited in the current conflict grew up in violence especially in rural areas where access to quality education and other opportunities are especially low. Many of the boys Human Rights Watch interviewed may have become involved in raiding cattle and protecting their cattle and communities from raids, even if the current conflict had not begun.

Boys between the ages of 14 and 18 usually viewed themselves as children, especially in the context of education, as members of an age set who would ideally be in school full-time. However, they also often perceived themselves as able warriors, and as such with a duty not only to those they loved, but also to themselves. “We feel fear

[22] However children who fought with forces or armed groups in opposition to their community, for example Nuer child soldiers who fought with the government, often expressed shame even though they were usually forcibly recruited. No child said they faced any direct recrimination from their community however, even when they fought with the “enemy”.

sometimes [but] can control it, in our culture you cannot run they [our community] will insult you if you hide like a woman," a boy who had joined a local defense force in Unity state told Human Rights Watch.[23]

Boys often said that a desire for revenge made them want to fight. In almost every case, boys who had willingly joined the opposition forces said they had done so out of a desire to avenge the killings of Nuer in Juba at the beginning of the conflict.

[23] Human Rights Watch interview child soldier, PM, name withheld, Ganylel, July 10 2015.

II. National and International Legal Standards

International law proscribes the practice of recruitment and use of children by armed forces or groups. It is a crime under international humanitarian law, the "laws of war", and international criminal law to recruit or use children under 15 years of age. International human rights law prohibits the recruitment or use of all children, setting the age of lawful conscription or use of a person by armed forces or groups at 18 years of age or older.

South Sudanese Law

As well as efforts described above to end child soldiering, the South Sudan government has passed important legislation criminalizing recruitment and use of children under 18 by armed forces, in line with international human rights law.

The Transitional Constitution of South Sudan (2012) defines a child as anyone under the age of 18 and specifies that every child has the right "not … to be required to serve in the army".[24]

South Sudan's Child Act (2008) defines a child as anyone under the age of 18.[25] This law protects children from "service with the police, prison or military forces" and clearly states that the "minimum age for conscription or voluntary recruitment into armed forces or groups shall be eighteen years" and "no child shall be used or recruited to engage in any military or paramilitary activities, whether armed or un-armed, including but not limited to work as sentries, informants, agents or spies, cooks, in transport, as laborers, for sexual purposes or any other forms of work that do not serve the interests of the child."[26] This law also explicitly lays out penalties for recruitment or use of a child in an armed force of "imprisonment for a term not exceeding ten years or with fine or with both."[27] The Child Act

[24] The Transitional Constitution of South Sudan 2012, article 17.

[25] The Child Act 2008, section 5.

[26] The Child Act 2008, section 25, (2)(i) and Section 31, (1) and (2). This law also states that the government must 'ensure that children do not take part in hostilities, are not recruited into armed forces and provide rehabilitation, protection and care for child victims or armed conflict' (See: The Child Act, Section 36 (2)(m)). The law also provides that 'every child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting him or her' (See: Child Act Section 17. (2)).

[27] The Child Act 2008, Section 32.

also provides that "every child has the right to free education at primary level which shall be compulsory", including for children with disabilities.[28]

Under South Sudan's SPLA Act (2009) a person has to be 18 years of age or older to be eligible for enlistment. In September 2014, the office of the legal advisor of the Ministry of Defense recommended an addition to the SPLA Act, setting out possible punishments for child recruitment and occupation of schools and hospitals.[29] The amendment is currently with the Ministry of Justice and has not yet been voted on by South Sudan's Legislative Assembly.[30] Its inclusion into the SPLA Act could technically help strengthen the Child Protection Unit, the Military Justice Unit and others to investigate and prosecute those who recruit children but only if there is adequate political support from the most senior levels of the army and government.

International Legal Standards

South Sudan has also acceded to a number of important international treaties and protocols that ban the use of child soldiers.

South Sudan became a party to the Geneva Conventions of 1949 and the additional protocols on January 25, 2013.[31] This international humanitarian law, and other customary international humanitarian law, prohibits recruitment of children under the age of 15 or their participation in hostilities by national armed forces and non-state armed groups.[32]

---

[28] The Child Act 2008, Section 14 (1) and (2).

[29] "Proposal for the Amendment of SPLA Act 2009, Section 22, Eligibility for Enrollment", September 11, 2014, written by Ministry of Defense Legal Advisor Kuot Jook Alith. On file with Human Rights Watch.

[30] Human Rights Watch interview, Brig.Chaplain Khamis, head of SPLA Child Protection Unit, Juba, June 8, 2015.

[31] See ICRC Treaties and State Parties to Such Treaties, https://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=SS (accessed March 20, 2015)

[32] See Protocol 11, art.4 (3)(c). The recruitment and use of children under 15 is considered a crime under other customary international humanitarian law. See ICRC, Customary International Humanitarian Law, rule 136 and 137. The Rome Statute of the International Criminal Court lists "conscripting or enlisting children under the age of 15 years" into "armed forces or groups" or "using them to participate actively in hostilities" as war crimes (arts. 8(2)(b)(xxvi) and 8(2) (e) (vii). It also prohibits children's active participation not only in combat but also in scouting, spying, and direct support functions. Several UN Security Council resolutions condemn the recruitment and use of children in hostilities, including Resolutions 1261 (1999), 1314 (2000) 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), and 1998 (2011) on children and armed conflict. South Sudan has not signed the Rome Statute.

Such recruitment or use is also considered a war crime.[33]

Individuals who commit serious violations of international humanitarian law with criminal intent can be prosecuted in domestic or international courts for war crimes. States have an obligation to investigate alleged war crimes committed by their nationals, including members of the armed forces, and prosecute those responsible. [34] Non-state armed groups, like the opposition and their allies, also have a legal obligation to respect the laws of war, and leaders have a responsibility to ensure that commanders and combatants abide by its requirements.[35]

Other international customary law acceded to by South Sudan prohibits the use of children in conflict who are under the age of 18. South Sudan's parliament ratified the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on November 20, 2013 ('the optional protocol'). President Kiir signed the instruments of accession five days later. However, the instrument of accession for the CRC was not deposited at the UN until April 2015 and the optional protocol has still not been deposited as of November 2015.[36]

Under the optional protocol governments must ensure that children under the age of 18 are not compulsorily recruited into armed forces, and must take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do

---

[33] See ICRC, Customary International Humanitarian Law, rule 156 (https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule156).

[34] See ICRC, Customary International Humanitarian Law, rule 158, citing the 1949 Geneva Conventions, including Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 49; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, art.50; Convention (III) relative to the Treatment of Prisoners of War, art. 129; Convention (IV) relative to the Protection of Civilian Persons in Time of War, art. 146. See also the preamble to the Rome Statute of the International Criminal Court (recalling "the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes").

[35] See ICRC, Customary International Humanitarian Law, rules 139 and 149.

[36] 'Instrument of Accession of the Republic of South Sudan to the Convention on the Rights of the Child, Optional Protocol on Convention on the Rights of the Child on Involvement of Children in Armed Conflict and Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography', on file with Human Rights Watch. Both the Convention on the Rights of the Child and the Optional Protocol on Involvement of Children in Armed Conflict only enter into force one month after they have been deposited at the United Nations by the state that is ratifying or acceding (see article 49 of the Convention on the Rights of the Child and also see article 10 of the optional protocol on the Convention on the Rights of the Child on Involvement of Children in Armed Conflict).

not take a direct part in hostilities. Under the protocol, armed groups that are distinct from the armed forces of a state may not, under any circumstances, recruit persons under the age of 18 or use them in hostilities.[37] The protocol also places obligations on governments to "take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices".[38] Forces also have an obligation to provide children with special respect and attention.[39] The CRC requires that states 'take all feasible measures to ensure protection and care of children who are affected by armed conflict'.[40]

South Sudan's parliament has also agreed South Sudan would ratify the African Charter on the Rights and Welfare of the Child. This convention also sets the age-limit for recruitment and participation in hostilities at 18 years. However South Sudan is still not listed as having officially ratified the charter at the African Union.

The action plan that the SPLA signed with the UN in 2012 states that the signatories are guided by the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the "Paris Principles"). This framework addresses the need for long-term prevention strategies in order to end the recruitment and use of child soldiers by armed forces and groups, including through accountability for abuse. The Paris Principles define children associated with armed forces and armed groups as "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies, or for sexual purposes".[41] It does not only refer to a child who is taking or has taken a direct part in hostilities.

The Paris Principles also call for a child's right to release from armed forces or armed groups including as conflicts continue.[42]

---

[37] Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002. The protocol has been ratified by 155 states.

[38] Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Art.4.2.

[39] Ibid., rule 135, citing Protocol II, art. 4(3).

[40] CRC, art. 38.

[41] The Paris Principle, Section 2.2.

[42] Ibid., paras 3.11, 3.12 and 3.13

The right of South Sudanese children to education is enshrined in the International Covenant on Economic, Social and Cultural Rights and in the Convention on the Rights of the Child.[43] International humanitarian law states that children should continue to have access to education during periods of conflict.[44]

Students, teachers, and schools are protected under international humanitarian law.[45] Schools are presumed civilian objects and as such shall not be the object of attack unless they become legitimate military targets, for example, if they are being used as a barracks.[46] Intentionally directing attacks against a school not being used for a military purpose (i.e. so that is not a legitimate military target), including by destroying the school or part of it, or looting a school as has happened in this conflict in South Sudan, would constitute a war crime. Forces have a duty to take precautions to prevent attacks on civilians and civilian objects, including on schools under international humanitarian law.[47] Military use of school buildings, thereby stripping a school of its civilian status and rendering it a military target, undermines in practice the guarantee of protection given to all schools, thereby endangering civilians such as students and teachers who occupy schools.

---

[43] International Covenant on Economic, Social, and Cultural Rights ("ICESCR"), art. 13 and Convention on the Rights of the Child, art. 28. See also ACHPR, art. 17; Africa Charter on the Rights and Welfare of the Child, art. 11. The CRC provides that states shall make primary education compulsory and available to all; secondary education generally available and accessible to all; and higher education accessible to all on the basis of capacity. States are meant to undertake such measures to the maximum extent of their available resources and where needed within the framework of international co-operation.

[44] See Optional Protocol II, art, 4(3) (a) stating that children "shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care."

[45] ICRC, Customary International Humanitarian Law, chapters 1 and 2, citing, for example, Protocol II, art. 13.

[46] Military objects are defined as object which by their nature location purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. See Additional Protocol 1, art. 52(2). If there is any doubt as to whether a school is being used to make an effective contribution to military action, is shall be presumed not to be so used and thus to be a civilian object. See Additional Protocol 1, art.52 (3).

[47] To the extent that schools and universities are civilian objects, parties to an armed conflict shall, to the maximum extent feasible, (a) avoid locating military objectives within or near densely populated areas where schools are often located; (b) endeavor to remove the civilians population, including civilians and civilian objects under their control from the vicinity of military objectives; and (c) take other necessary precautions to protect those schools under their control against the dangers resulting from military operations. See Additional Protocol 1, art.58 (a), (b) and (c). UN Security Council resolutions have called for forces to ensure the protection of schools, refrain from actions that impede children's access to school including the use of schools by armed forces, that those who attack schools in contravention of international humanitarian law are investigated and prosecuted.

In 2015, the UN Security Council encouraged all states "to take concrete measures" to deter the military use of schools in contravention of applicable international law by armed forces and armed groups.[48] On June 23, South Sudan endorsed the Safe Schools Declaration, an international political commitment that outlines actions states should take to strengthen the prevention of, and response to, attacks on schools and military use of schools, including by: incorporating protections for schools from military use into domestic policy and operational frameworks; collecting reliable data on attacks and military use of schools; investigating allegations of violations of national and international law against students, teachers, and schools and prosecuting perpetrators where appropriate; and seeking to continue education during armed conflict.[49]

[48] United Nations Security Council Resolution 2225 (2015), para. 7.

[49] "Safe Schools Declaration," May 29, 2015, available at www.safeschools.no/nyside.cfm.

III. Recruitment and Use of Child Soldiers by Government Forces

Human Rights Watch documented the use of child soldiers by government and military officials in Bentiu, the capital of Unity state and in neighboring Rubkona. Children were also recruited in large numbers by the SPLA in other parts of Unity state, especially forces under the control of Matthew Puljang, at time of writing the second in command of the SPLA's Division 4.

The research found that children were often forced to join government forces or felt compelled to join due to the harsh conditions in UN Protection of Civilians sites and elsewhere. Some were subjected to abusive treatment, for instance being detained as punishment or as a way to force them to fight. Those who fought with the government were sometimes paid although irregularly and in very different amounts. Several received military training in Bentiu town, or in "Kotong," a government military base and training camp, in northern Unity state.

Human Rights Watch also documented the recruitment of child soldiers by Johnson Olony in Upper Nile state, when he was fighting as part of the government forces there in early 2015.

Recruitment, Detention and Use of Child Soldiers in Bentiu

Numerous children have been used by both opposition and government forces to defend Bentiu town, the capital of Unity state.[50] The strategically important town, now mostly destroyed and pillaged during waves of attacks, has changed hands numerous times but has mostly been under government control since the conflict began, mostly under SPLA head of Division 4 Taib Gatluak Taitai. Child soldiers who have fought with government forces there reported "hundreds" of children in the main "Baa" barracks (located in neighboring Rubkona town). Government officials in mid-2014 estimated that there were as many as 200 child soldiers in the barracks at the time.[51]

---

[50] See below for examples of child soldiers who have fought with opposition forces in Unity state, including during attacks on and in defense of Bentiu town.

[51] Human Rights Watch interview with state minister and SPLA official, names withheld, Bentiu, August 2014.

The SPLA has used child soldiers on the frontlines to protect the town. For example, in August 2014, when the SPLA-IO attacked Bentiu and Rubkona, child soldiers fought with adult soldiers to defend it, according to numerous eyewitnesses. A 12-year-old boy told Human Rights Watch that during the early hours of August 15, as the opposition began their attack, an SPLA soldier ordered him and other child soldiers in Rubkona to shoot at the opposition forces, and that dozens of mostly older children were sent to fight at the Rubkona base.[52] A 15-year-old described fleeing the battle in Bentiu close to the front lines. "I ran and whenever I heard shelling I lay down," he said.[53] Both described feeling intense fear.

The open use of child soldiers by government forces in Bentiu has continued, despite public condemnation from various international officials, UN, IGAD monitors and the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui.[54] For example, when Human Rights Watch was in Bentiu in February 2015, aid workers reported regularly seeing child soldiers, including positioned in defensive positions at the edges of the town.

Some children joined the SPLA looking for better conditions. For example, when Human Rights Watch was in Bentiu in mid-August 2014 Human Rights Watch also documented the recruitment of child soldiers by Johnson Olony in Upper Nile state when he was fighting as part of the government forces there in early 2015, at least seven children who had been living in the UN's Protection of Civilian area had recently joined the SPLA. The boys, 11 to 14 years of age, joined because of the poor conditions in the base – which at the time was flooded, in places to adult knee height. At least three of the boys were also drawn by the promise of money or food. It was often the poorest children and those without family to look after them who were attracted to Baa. Fifteen-year-old O said:

> It was my choice, I was not forced. … I went with my friends, we were a big group, around 10 of us, they were my age mates. One month they gave me

---

[52] Human Rights Watch interview with child soldier M, Bentiu, August 14, 2014. Human Rights Watch also interviewed eight women who fled the violence, all who reported seeing child soldiers fighting.

[53] Human Rights Watch interview with child soldier O, August 15, 2014.

[54] Zerrougi met with commanders in Bentiu town in July 2014 and told them she had seen child soldiers in the town and advocated for an end to the practice. According to those present at the meeting the commanders denied the presence of child soldiers. IGAD reported on the recruitment and use of child soldiers in Bentiu and Mayom (also in Unity state) towns. Confidential memo, 'Report on Violations of the Cessation of Hostilities Agreement' September 24, 2014. On file with Human Rights Watch.

> 600 SSP, and then another time they brought us two months' salary, 1,200. I was able to buy sorghum for my family. … So many street children have joined, to get food.[55]

"Life here is hard, that's why they go and join the army," said one friend of several child soldiers. "(DO) is only 14 years old … his father died and because of that he said he needs to bring money to the family," one child's mother said. She spoke to Human Rights Watch after her son had joined the SPLA for the second time together with his friend, also 14 years old.[56]

Commanders have used young children to wash clothes, cook, collect firewood and perform other duties. A 13-year-old boy said he was one of many children working for one of Matthew Puljang's commanders (see below for more information on Puljang) in Bentiu. He said the commander had set up at the police station and that he was responsible for making tea and getting water.[57] "I went because of the flooding (in the UN base)," he said. He reported mixed feelings about his work; he said that he felt used by the commander, but also believed the man was trying to help him and the other children by providing them with some support. Another boy, 12-year-old M, who joined up looking for cash, cooked and carried water but told Human Rights Watch he had never been paid.[58]

Conditions of Life in the Bentiu Barracks

Human Rights Watch interviews with children who have been associated with armed forces in Bentiu suggest that the majority of the child soldiers have been located in the "Baa" barracks but others have been stationed in other buildings closer to the frontlines around the town. Many of the child soldiers who had worked in Baa reported getting some salaries, but often only once or twice over several months. All reported that they were fed regularly but often just sorghum. "We had only small amounts of food, less food than the adults," said 12-year-old M.[59] "We were given *asida* (sorghum) but no soup. That was given to the big bosses," O, 15 years old, told Human Rights Watch.[60]

---

[55] Human Rights Watch interview with child soldier O, name withheld, Bentiu, August 15, 2015.

[56] Human Rights Watch interview, name withheld, Bentiu, August 14, 2014.

[57] Human Rights Watch interview with child soldier, RM name withheld, Bentiu, February 3, 2015.

[58] Human Rights Watch interview with child soldier M, name withheld, Bentiu, August 14, 2014.

[59] Human Rights Watch interview with child soldier M, name withheld, Bentiu, August 14, 2014.

[60] Human Rights Watch interview with child soldier O, name withheld, Bentiu, August 14, 2014.

Training in Baa seems to have been quite rudimentary, at least for the child soldiers, who mostly reported just being taught to load and unload a gun and to parade. "We were only given some training once, inside Baa, in a small field, about reloading a gun and putting it back down," said MG, a 13-year-old.[61]

Six children who had been recruited into the government forces in Bentiu said that they had been detained while in Baa, a tactic apparently used as a way to prevent children from trying to escape and avoid fighting and in other cases as punishment.

GG, who was 15 years old when he was captured from SPLA-IO forces by government forces in October 2014, said he spent a month in the jail in Baa, together with other boys.[62] He said he and the other captured soldiers were caned while in detention, apparently to encourage them to agree to fight. Eventually they were released and then put into one of the government units. Another boy, 17-year-old JLP, who was forcibly conscripted by SPLA forces, was also put in the jail in Baa for about a month before being released so that he would join, not run away from, the forces.[63] "They thought I would sneak out," he said.

A 14-year-old boy reported being put in the jail in Baa for two days "for not doing what I was told".[64] KS, a 17-year-old, was captured in Bentiu town in April 2014, just ahead of a SPLA-IO attack on the town.[65] He was tied up with a rope to prevent escape and only untied when the attack was imminent.

Recruitment and Use by County Commissioners in Bentiu

Many children worked not with the SPLA directly, but with "commissioners" and other government officials as bodyguards and as servants, cooking, cleaning and performing other tasks for their 'big man'. In South Sudan, commissioners are often former commanders who in times of war also perform a military function. Other children also confirmed that they had also seen groups of children working for these officials in Unity state.

---

[61] Human Rights Watch interview with child soldier MG name withheld, Bentiu February 3 2015.

[62] Human Rights Watch interview with child soldier GG, name withheld, Bentiu, February 3, 2015

[63] Human Rights Watch interview with child soldier JLP, name withheld, Juba, July 16, 2015.

[64] Human Rights Watch interview with child soldier BK, name withheld, Bentiu, August 14, 2014.

[65] Human Rights Watch interview child soldier KS, Juba, February 10, 2015.

According to three child soldiers who Human Rights Watch spoke to independently of each other, the former commissioner of Mayendit county, Ruai Gai, who was killed in battle in August 2014, used a group of child soldiers. Child soldiers reported that he took children with him into battle and said that least one child was killed, and others injured, in the attack that killed him.

Other commissioners who performed military functions are also reported to have used children, including the former Guit County commissioner, Kwai Chaany, and the former Leer commissioner, Taker Riek. "It was the commissioner [Chaany] who registered me," said a 17-year-old, who also reported that other, younger, children were also being used by Chaany.[66] "Kwai took us with him in July (to fight) … many of us were child soldiers," said another 17-year-old boy about a battle under the overall command of Manyuot "Nyaturoah" Monydhol Tiem, a commander in the SPLA who answers to Puljang.[67] A third boy also worked as a bodyguard for Chaany, who took him to battle in Guit county in September 2014 in an attack in which they also took thousands of head of cattle.[68] "We burned some huts too," he said.

A 16-year-old, JM, told Human Rights Watch he fought under Taker Riek in 2014 during the government's offensive into Leer county where he said he witnessed killings of civilians by the Darfur rebel group, the Justice and Equality Movement (JEM), who at the time were fighting with the government. "They were putting people in houses and putting fire on it … it was tora bora [JEM] who were doing this. The Dinka [government forces] were just collecting cows but they did not stop [the JEM soldiers]."[69] The boy later fought under Manyuot, including in the Unity oil fields and Panakuac. Taker Riek recruited another boy, JG, at 15 in Rubkona county. "Many of us were taken, big and small … one boy was killed when he refused to go," he recalled.

A number of children reported that the commissioner of Rubkona County Apollo Mayen had a group of child soldiers working for him. One of the boys who worked for him, a 15-year-old, told Human Rights Watch that he was one of about eight boys working for the

---

[66] Human Rights Watch interview with child soldier MJ, name withheld, Bentiu August 15, 2014.

[67] Human Rights Watch interview with child soldier L, name withheld, Bentiu August 17, 2015.

[68] Human Rights Watch interview withchild soldier JLP, name withheld, Juba, July 16, 2015.

[69] Human Rights Watch interview with child soldier JM, name withheld, Juba, July 3, 2015.

commissioner, sometimes paid.[70] "They sent us for laundry, cooking, but we also had a uniform and gun," he said. During an attack on Bentiu by the SPLA-IO, Commissioner Apollo and the boys swam across a river to escape gunfire. The boy said one of his friends was shot and injured.

Another boy, 17 years old when Human Rights Watch interviewed him in mid-2015, had fought since January 2014, including in Mayom county and Bentiu and Tharjath towns under Manyuot with the government forces after being forcibly recruited. He said that he was also sent by Manyuot and Apollo Mayen to round up cattle from opposition areas.[71] Another boy who looked around 15 years old told Human Rights Watch that he had also been made to raid cattle under the command of Apollo Mayen and in one case under the overall command of Manyuot.[72]

A humanitarian worker told Human Rights Watch that his 13-year-old neighbor joined the SPLA in July 2014, under the command of Koch commissioner Kong Biel Char.[73]

Recruitment and Use by Matthew Puljang, Unity State

Human Rights Watch interviewed 22 children who fought with Matthew "Pul" Puljang or one of his commanders. Most said that they were recruited forcibly, often in brutal roundups. The boys, government officials and humanitarian workers from northern Unity state all told Human Rights Watch that they believe Puljang and his forces recruited hundreds of boys, especially from his home area of Mayom county in 2014 and 2015. Some of the boys were paid and received training.

Before the recent conflict, Puljang, from the Bul Nuer group, was an insurgent in a militia that used child soldiers.[74] His allegiance to the government in the recent conflict has been

---

[70] Human Rights Watch interview with child soldier MK, name withheld, Bentiu February 3, 2015.

[71] Human Rights Watch interview with child soldier JG, name withheld, Juba, July 17, 2015.

[72] Human Rights Watch interview with child soldier SD, name withheld, Juba July 17, 2015.

[73] Human Rights Watch interview with humanitarian worker, name withheld, Bentiu, August 14, 2015.

[74] Puljang was a senior commander in the South Sudan Liberation Movement/Army (SSLM/A) rebel group, formed in 2011 by Peter Gadet. He stayed with the force after Gadet left to rejoin the government in the same year. When the SSLA agreed to an amnesty deal with the government in 2013, Puljang was integrated into the SPLA as part of the deal and is at the time of writing the SPLA's second-in-command of Unity state. His superior, SPLA head of Division 4, Taib Gatluak is also from the Bul Nuer. Under the deal, some 200 children in the SSLA were due to be released; government and UN officials believe they kept fighting with Puljang as part of the government forces.

crucial for Juba's control of Puljang's home area of Mayom and a key road to Bentiu, the state capital.

Many boys were recruited from Mayom county. One 17-year-old said he and five other younger boys were recruited in Kuel village, Mayom county, as part of "massive recruitment" by Puljang's forces in late January or early February 2014 and then put under Puljang's deputy Manyuot.[75] "It was Pul who recruited us. …They told us 'you have to be soldiers' … we were given guns the same day," he said, adding that at least two children, of about 14 years, were killed during fighting he later participated in over the state capital Bentiu. One boy, 17 years old when he was recruited in Mayom county while looking after cattle in early 2014, said that his brother, around the same age, was shot and killed during the recruitment.[76] "We were herding cattle … they shot him because he ran," he said.

Two other boys told Human Rights Watch that they were recruited by a commander under Puljang in Nyibol payam of Mayom county.[77] Both were released after a school teacher intervened on their behalf but said scores of other boys were taken by the forces after they were collected and kept in a corral made of thorny sticks. One of the boys was in the corral for five days. "They brought us food and water but it was too small and everyone fought for it," TC, 16 years old, described, adding that the heat of the sun in the corral was horrible.

Forced recruitment by Puljang and his forces went beyond the Mayom area.

One 15-year-old, GD, was captured in Bentiu town by a commander directly under Puljang together with two other boys and was then used as a cook, and to conduct reconnaissance around the edges of the town.[78] "They said we must join the army, if not they would beat us. My two colleagues refused to go and they beat them," he described.

"Matthew Pul came with soldiers, first time to take arms from civilians, the second time to take property and cows and the third time there was recruitment both big and small people," MM, 15 years, who was recruited from the Gezira area near Bentiu told Human

---

[75] Human Rights Watch interview with child soldier BD, name withheld, Juba, February 1, 2015.

[76] Human Rights Watch interview with child soldier LR, name withheld, Juba, February 1, 2015.

[77] Human Rights Watch interviews with former child detainees TC and LM, names withheld, Juba, February 1, 2015.

[78] Human Rights Watch interview with child soldier GD, name withheld, Bentiu, August 14, 2014.

Rights Watch.[79] "I was taken with my cousin (then 15 years old) from our family compound and put on the front line. … I saw Matthew Puljang when I was being recruited." After being forcefully recruited, MM fought on the frontline defending Bentiu town, for example against an opposition attack in August.

Another boy who was 16 years old at the time was taken from Rubkona county by some of Puljang's forces in January 2014 and sent to fight against the rebels in Mayom county under the command of Manyuot. He described the experience of fighting as harrowing. "They told us to kill everyone, whether civilian or not," he said. "I saw civilians being killed."[80]

Two boys, interviewed separately, described being forcibly recruited by Puljang's forces, under the command of Manyuot, in Koch county, Unity state. "There are so many children with Puljang," said L, a 17-year-old who in February 2014 was recruited together with 11 other boys by Manyuot's men in Koch and then worked as a bodyguard for the commander with around 14 other boys.[81]

The second boy, 14-year-old BK, described how about 80 young men and boys were taken in February 2014 and then sent to fight in Tomor, between Bentiu and Mayom towns.[82] "Most frightening was the fighting in Tomor," he said. He also described poor treatment of children in the forces. "They beat us with a black uncle (a plastic pipe) when we refused to do something," he said.

Recruitment and Use of Child Soldiers by Johnson Olony, Upper Nile State

Forces under the control of Johnson Olony have recruited hundreds of child soldiers from the town of Malakal and surrounding areas during the current conflict. Olony who is from the Shilluk ethnic group was one of a group of at least four commanders in the rebel South Sudan Democratic Movement/Army group who in 2010 rebelled against South Sudan's then semi-autonomous government.[83] Olony agreed to an amnesty deal with the

---

[79] Human Rights Watch interview with child soldier BK, name withheld, Juba, February 1, 2015.

[80] Human Rights Watch interview with child soldier CT, name withheld, Juba, June 11, 2015.

[81] Human Rights Watch interview with child soldier LG, name withheld, Bentiu, August 15, 2014.

[82] Human Rights Watch interview with child soldier BK, name withheld, Bentiu, August 14, 2014.

[83] Civilians were targeted during this conflict by Olony and his forces and by government forces trying to put his insurgency down. Malakal town and the west bank of the Nile, traditionally Shilluk areas, have been mired in ethicized conflict since 2005 often over control of land. Human Rights Watch news release, "Southern Sudan: Abuses on Both Sides in Upper Nile

government in 2013 and had been integrated with his senior commanders into the SPLA when South Sudan's war began in December of that year. Until he defected from the government in April 2015 and began fighting government forces, he was a key ally for the government, helping secure Malakal town and surrounding areas.

On a research trip to Malakal in late January 2015, Human Rights Watch collected 25 accounts of child recruitment by Olony's forces.

Some of the boys interviewed were taken forcibly by Olony's men. A 20-year-old man said he had been picked up by soldiers in the town and thrown into a truck with six "small" children whom he believed to be around ages 13 to 15 years and driven to an area where fighting was taking place.[84] "When we got to Koka [the battle area] we were told to go to fight, given weapons, and attacked together with other soldiers," he said. "We were given uniforms, almost immediately told to fight … all of us." He reported seeing many child soldiers on the frontline.

A 14-year-old who was also captured in Malakal town in mid-January 2015 said that he was held for one night in a house with other men and boys who had been conscripted, but managed to escape while pretending he was going to bathe.[85]

One woman said soldiers captured her 13-year-old son at the riverside, where he was carrying goods for traders.[86] Another woman told Human Rights Watch that her son, also 13 years old, was also taken while working in Malakal town. "He used to go everyday with wheelbarrows to transport things… the other boys working with him said they saw him taken," she said. [87]

Other children were forcibly recruited from right outside the UNMISS base where in early 2015 some 20,000 civilians were seeking shelter and the protection of UN peacekeepers. Human Rights Watch interviewed numerous witnesses who saw groups of armed and

---

Clashes", April 19, 2012, https://www.hrw.org/news/2011/04/19/southern-sudan-abuses-both-sides-upper-nile-clashes (accessed December 1, 2015).

[84] Human Rights Watch interview, name withheld, Malakal, January 23, 2015.

[85] Human Rights Watch interview with child OO, name withheld, Malakal, January 24, 2015

[86] Human Rights Watch interview with mother of AOO, name withheld, Malakal, January 23, 2015.

[87] Human Rights Watch interview with mother of SJ, name withheld, Malakal, January 24, 2015.

unarmed men from Olony's force, some in uniforms, forcibly recruit both adults and children outside the gate of the base, which is also a busy market area, in late December 2014 and January 2015. Human Rights Watch confirmed 11 cases of children being taken by Olony's forces from outside the UN base.

One boy, 17 years old, told Human Rights Watch about what happened to him after he was captured by Olony's forces outside the UN base in September 2014:

> They took us by force. (Then) they took us in a boat to Diteng. We got training in Diteng, how to use weapons, how to stand to attention, we were also in parades. I was (then) taken to Bakang, there was fighting there. There was one battle, it was two days long, I was shooting. There were many children fighting there. … Yes we saw Olony, he used to come to us in Diteng. He said we need to be strong. [88]

Another 17-year-old boy told Human Rights Watch that he was also captured from outside the UN base together with around 15 adult males in early January 2015, but managed to escape before being taken to the military barracks.[89] One woman told Human Rights Watch that her 13-year-old boy was taken on December 22, 2015, from outside the UN base.[90] She later went to Wardjok, across the River Nile from Malakal town where Olony had a military base, and saw her child in one of three boats full of dozens of children being taken southwards, presumably to the frontline, by soldiers.

A young woman said that recruiters took her 11-year-old brother just before December 25, 2014, from beside a pond close to the UN base.[91] Their mother later spoke by phone to her son, who was at Olony's barracks across the river from Malakal.

Another mother told Human Rights Watch that some small boys told her that men had taken her 15-year-old son from outside the UN gate.[92] "The vehicle was full of people, they

---

[88] Human Right Watch interview with former child soldier SG, name withheld, Malakal, January 24, 2015.

[89] Human Rights Watch interview with former child soldier, EK, name withheld, Malakal, January 24, 2015.

[90] Human Rights Watch interview with mother of recruited child CO, name withheld, Malakal, January 23, 2015.

[91] Human Rights Watch interview with sister of recruited child ODB, name withheld, Malakal, January 23, 2015.

[92] Human Rights Watch interview with mother of recruited child JD, name withheld, Malakal, January 23, 2015.

were all thrown in after capturing them, other small boys were also put in," she said. "He never wanted to join the army."

Other Shilluk boys appear to have joined Olony's force willingly, or out of a sense of duty to help protect their community. For example, one mother told Human Rights Watch that two of her boys-- one 13 years old and the other 14 years of age—had left her home in the UN base in late December 2014.[93] "They left on their own, I was not informed. I don't know why they went, maybe someone talked to them. I talked to one of the women who saw them in Wardjok … the place of Johnson Olony," she said.

Olony's forces recruited children before the December 2014-January 2015 recruitment drive described above. One 17-year-old boy said he was amongst around 50 children recruited from Wau Shilluk town in January 2014.[94] "We were trained (in) Kodok county, Johnson Olony was there … I was given gun and a uniform, there were many kids, they were getting children … We were taken to Binythiang, there was fighting there, near Akoka."

Olony's forces continued to recruit child soldiers in early 2015. In February 2015 UNICEF reported that Olony's soldiers had abducted 89 children preparing for exams.[95] It is unclear what happened to these children although at least some of them were reportedly later released.[96]

---

[93] Human Rights Watch interview with mother of recruited children GS and SS, name withheld, Malakal, January 23, 2015.

[94] Human Right Watch interview with former child soldier PN, name withheld, Malakal, January 24, 2015

[95] UNICEF press release, "Children Seized from South Sudan School not Released Yet", February 28, 2015 http://www.unicef.org/media/media_80789.html (accessed August 10, 2015).

[96] Human Rights Watch interview with UNMISS head of child protection Dean Gillepsie, Juba, May 11, 2015.

IV. Recruitment of Use of Child Soldiers by Opposition Forces in Unity State

Human Rights Watch investigations into recruitment, including forced recruitment, and use of child soldiers by the SPLA-IO and their allies focused on Unity state where much of the fighting has taken place. Accounts suggest similar patterns of recruitment and use of child soldiers by opposition fighters in Jonglei and Upper Nile states. Child soldiers have been reported in the opposition held towns of Akobo, Lankien, Waat and in Uror county, in Jonglei state and in Nassir and Ulang, Upper Nile state.

In addition, youths who comprise the majority of the 'white army', armed Nuer men and boys allied with the opposition, come from Nuer areas that have remained largely unchallenged opposition strongholds. According to local and international humanitarians working in these areas, white army fighters have returned to their communities where they remain armed and primed to fight again if needed but are not formally part of the opposition forces.

Recruitment of Boys from Bentiu Town, Unity State

Mass forced recruitment of children in Unity state by opposition forces began in the first days of the conflict. On December 18, 2013, three days after the war began in Juba, defecting soldiers who would soon form part of the opposition forces under the command of Toar Nyuel abducted hundreds of boys from two schools in Rubkona town, adjacent to the state capital, Bentiu.

"There were maybe about 180 of us," one 16-year-old boy who escaped the opposition forces many months later told Human Rights Watch.[97] The boys were taken in pickups and trucks to the Mayom area to the west of Bentiu where they were thrown into battles that lasted several days. GD, a 17-year-old student, described his experience:

[97]Human Rights Watch interview withformer child soldiers PP, JG and GD, names withheld, Bentiu, August 14, 2014 and February 4, 2015. The UN has estimated that as many as 425 children may have been abducted from these two schools. The three boys interviewed by Human Rights Watch escaped the opposition army together with two others.

> I had no experience of holding a gun before. They told us this is how you use it, on the same day (we were captured) we had this training. Then we began fighting for Mayom, that took a day and then we captured it. Then we had to recapture it … seven boys were killed.

All three boys who spoke with Human Rights Watch about the mass abduction were later sent to Lony Lony, an opposition base and training camp in northern Unity state where they learned how to shoot guns with hundreds of other boys before being sent into other battles, including the April 15, 2014, attack on Bentiu town.[98]

The boys told Human Rights Watch that they and hundreds of boys fought under the command of senior opposition commander Makal Kuol at the training camp, and then during the April 15 attack on Bentiu. Makal was under the command of the military leader of the opposition forces in Unity state at the time, James Koang, who oversaw the April 15 attack.[99]

The boys reported seeing child soldiers killed either in the battles in Mayom or during the April 15 attack on Bentiu town. They said that they were never paid during their time with the opposition and often lacked food but were provided with uniforms. Two of the boys also worked as porters, carrying bullets across large areas, walking for days. One of them was shot and injured during an ambush while carrying bullets.

Other boys who were in Bentiu and Rubkona towns at the beginning of the conflict told Human Rights Watch that they quickly joined the opposition forces, either out of a desire to avenge the killings of Nuer in Juba, or because joining an armed group was the best available option to protect themselves.

For example, one boy who fled Bentiu together with Koang's forces and many other boys ahead of a government attack on the town in January 2014 said he did so because as a

---

[98] One of the boys was a witness to one of the worst war crimes that has taken place in the conflict, the massacre of hundreds of Darfur civilians and possibly some fighters in a mosque by opposition forces under the command of James Koang on April 15, 2014. The opposition has promised to investigate the mass killing but has not produced any findings. Civilians were also killed in the streets of Bentiu and in Bentiu hospital during the attack. Child soldiers from both the government and opposition sides were killed during this attack according to witnesses who spoke to Human Rights Watch.

[99] Many boys reported that Makal was in charge of them or used them as body guards.

Nuer male of fighting age he believed he would have been seen as an enemy by government forces and shot.[100]

Another boy, 15 years old when he first joined Koang's forces in Bentiu under opposition commander Bol Pouk, also did so in part to protect himself from being killed or recruited by government forces. He was captured and forcibly conscripted by government forces in Bentiu.[101] His arm was broken in a car accident while he was with the government forces. But boys who joined the opposition were far from safe; some were injured or killed in battle.

A boy who was 16 years old when he joined Koang's forces in Bentiu at the beginning of the conflict had already been working as a bodyguard for the local police commissioner for two years before the national conflict began.[102] He went on to fight in numerous battles with the opposition forces under Koang and his deputy Makal across central Unity state before being shot and injured in October 2014. A 14-year-old boy was also injured in his foot by an RPG in battle after joining the opposition forces early on in the conflict.[103] He said he was with many other boys of similar age when he signed up. "I was with other school boys who joined because the government was killing civilians," he said.

Forced Recruitment in Central and Southern Unity State

Hundreds if not thousands of boys were forcibly conscripted or were willingly recruited by opposition forces in other parts of Unity state. In some cases, family members bought their boys' freedom by paying cows to commanders.

Recruitment drives took place regularly in opposition-held areas of Unity state in 2014.[104] For example, UN and humanitarian aid groups on the ground in Leer and Adok towns, Leer county, in June 2014 said they saw hundreds of youth, they guessed some 10 percent of

---

[100]Human Rights Watch interview, child soldier, RG, name withheld, Malakal, January 26, 2015. The boy was for some time later also under the direct command of Toar Nyuel.

[101] Human Rights Watch interview with former child soldier GG, name withheld, Bentiu, February 3, 2015.

[102] Human Rights Watch interview with former child soldier KD, name withheld, Bentiu, June 23, 2015.

[103] Human Rights Watch interview with former child soldier NGT, name withheld, Bentiu, June 24, 2015.

[104]A government offensive swept through much of central Unity State (Rubkona, Guit, Koch and Leer counties) in mid-January 2014. But the government failed to hold this territory and much of had returned to opposition control by March 2014.

whom were between 14 and 16 years of age, being abducted and forced into vehicles by soldiers and beaten if they refused.[105]

Boys in uniform were also regularly reported in opposition-held areas. NGO staff monitoring child rights reported that forced recruitment, including of children, was frequent between April 2014 and April 2015 in Koch, Leer and Mayendit counties. Humanitarians working in Unity state's opposition-held areas reported seeing child soldiers in uniform in several places including Koch town, Leer town, and Nhialdiu in Rubkona county.

Some of the boys were beaten during recruitment. A boy who was 15 or 16 years old when he was forcibly recruited together with 14 others, including other children, by Makal's forces in Mayom county in April 2014, was beaten when he was first taken and forced to walk a long distance.[106]

Many of the boys were given some training. A boy who was 14 or 15 years old when he was forcibly recruited near the beginning of the conflict in Nhialdiu, Rubkona county, together with around 10 of his friends, by opposition forces under the command of Makal Kuol was, like many other boys Human Rights Watch spoke to, sent to Lony Lony for training.[107]

Many of the boys fought in multiple battles as part of the opposition forces. A 16-year-old boy fought in many battles after joining the opposition forces in Nhialdiu, Rubkona county, near the beginning of the conflict. These included an August 2014 attack on Bentiu town under the command of Nhial Bol, a commander who fought with Peter Gadet, the senior opposition commander in charge of Unity state operations after James Koang.[108] Another boy who also fought in many battles was 14 years old when recruited in Nhialdiu and was a bodyguard for Nhial Bol.[109] Both boys reported seeing other child soldiers killed in battle.

Some boys fought in many small skirmishes, living rough in the bush looking for groups of enemy fighters to get revenge. "I always think of the Juba massacre," one Nuer boy said,

---

[105] Human Rights Watch interview with UN official, name and agency withheld, August 2014.

[106] Human Rights Watch interview with child soldier MT, name withheld, Juba, July 3, 2015.

[107] Human Rights Watch interview with child soldier MN, Bentiu, February 4, 2015. Human Rights Watch also spoke to two other youths (both about 18 years old) who received training with numerous boys by opposition forces in Lony Lony.

[108] Human Rights Watch interview with former child soldier KKD, name withheld, June 23, 2015

[109] Human Rights Watch interview with former child soldier GLK, name withheld Juba, June 24, 2015.

referring to the killings of Nuer in Juba in the first days of the conflict.[110] Other boys wished to avenge particular killings of family members. "I joined him willingly," said an 18-year-old who was 16 or 17 years of age when he joined opposition forces. "The Dinka killed my brothers … yes, I got revenge even though I did not kill those who killed my brothers."

Some parents paid cows to commanders to get their boys back. One 16-year-old boy was given military training and forced to collect firewood and water for soldiers before his father negotiated his release. "My father said this is my boy and he paid one cow. … Other boys were also being released, some of them had to pay two or three cows," he said.[111] Another boy, who was 13 years old when he was recruited by opposition forces under the command of Tito Biel and who did cooking and cleaning for the forces was also only released when his mother paid one cow for him.[112]

Fighting With Local Defense Groups

It is probably the case that more children in South Sudan fight as part of locally organized armed groups, or community defense forces tasked with protecting their home areas, rather than in formal forces. These are often generically called "white army," though that term is most often used in reference to armed Nuer youth.

Both the government and the opposition have formed alliances, based on ethnic ties or opportunism, with local defense forces. In Maban, Upper Nile state, a local defense force armed by the government may have been a stronger and more numerous force in the town than the SPLA.[113] Nuer white army, made up mostly of fighters from the Jikany and Lou Nuer ethnic groups who fought with opposition soldiers were crucial in the successes of opposition attacks in the first months of the conflict.

Panyijiar County

In Panyijiar county, at the very south of Unity state, it was primarily local defense forces, not uniformed opposition troops, who fought off a May 2015 government attack on the

---

[110] Human Rights Watch interview with child soldier KD, name withheld, Bentiu, June 2015.

[111] Human Rights Watch interview with former child soldier MT, name withheld, July 2015

[112] Human Rights Watch interview with former child soldier MLR, name withheld, July 2015

[113] Human Rights Watch visited Maban in November 2014.

town of Nyal. Human Rights Watch spoke with seven boys who had participated in local defense forces from Ganylel (also spelled Ganyiel) town, surrounding areas, and Nyal, who had fought in the Nyal battle. Some of them had fought in other battles against government forces in 2014.

These local defense forces are organized by bomas or villages each with its own leader or leaders often chosen by its members for their bravery or fighting prowess. The boys and other fighters live at home as they did before South Sudan's war began but are always ready to be called, sometimes by drum or the sound of a cow horn being blown, to walk to battle, sometimes for days with no food, and then to fight.

According to the boys, these local forces in Panyijiar take instructions from the county commissioner, John Tap, who is firmly aligned with the opposition.

The boys were not forcibly recruited – they all emphasized that they had chosen to join the force with their "age mates" out of a strong sense of duty to protect their communities and cattle, and only secondarily to support opposition fighters even if they do identify themselves as 'opposition' and strongly anti-government. "When the government comes to our area everyone picks up their gun and goes for fighting without putting on uniform," ARW, a 17-year-old boy who had fought as part of Nyal's local defense force, told Human Rights Watch. [114] "We are from the area that is why we fight … I don't want to be a soldier I just want to protect my own area, my cows and my parents," another 17-year-old fighter, WW, said.[115]

They also faced intense societal pressure to join. "No boy can refuse to join unless he has no problem with the SPLA who are taking his cows and killing his people," a 16-year-old told Human Rights Watch. "If you don't have a gun they will call you '*Nyadithai*' ("girl with a fat bottom"), and you won't be happy about that."[116]

Participation in these forces can be as dangerous as in formal fighting forces. The roughly 1,500 youth from Panyijiar who traveled together to Panakuac were ambushed on their

---

[114] Human Rights Watch interview, child fighter ARW, name withheld, Juba, July 3, 2015.

[115] Human Rights Watch interview, child fighter WW, name withheld Juba 17 2015.

[116] Human Rights Watch interview, child fighter MT, name withheld, Ganylel, July 11, 2015.

return journey by government forces. The boys interviewed by Human Rights Watch said that some child fighters were killed in this attack.

Most of the boys interviewed said that they knew at least one underage fighter who was killed in the battle of Nyal and one boy said that he knew five children who were killed. As with other child soldiers, the boys were also forced to see abuse against other people. Some reported seeing rapes being committed. "I saw five women being raped while I was fighting," one 17-year-old boy told Human Rights Watch.[117] Another boy, 15 years old when he began fighting for his local defense force in 2014, also said he saw women being raped, civilians being shot by government forces as they fled their homes and huts being burned.[118]

Moreover, the armed youth not only defend a strategically important area surrounded by government-controlled areas, but they are able to raid others' cattle as well as protect their own. At least two of the boys had made incursions into next-door Dinka Lakes state ostensibly to fight government soldiers, but also to take cows.

[117] Human Rights Watch interview with child fighter WW, name withheld, Juba, July 17, 2015.

[118] Human Rights Watch interview with child fighter BP, name withheld, Juba, July 17, 2015.

V. Recruitment and Use by David Yau Yau and the Cobra Faction

South Sudan's conflict was preceded by several smaller insurgencies including, in late 2012 and 2013, a non-international armed conflict in Pibor county, Jonglei state between the government and a rebel group from the Murle tribe commanded by David Yau Yau, the South Sudan Democratic Army-Cobra Faction. Yau Yau garnered large support for his rebellion from Murle angered by the government's abusive forced disarmament campaign in 2012.[119] Thousands joined his force, including many hundreds of Murle children, because they had no trust in the government or the army and sought new guns and revenge for killings and rapes by government forces.[120] Children who fought with him endured fear, hunger and other extreme hardship, loneliness, injuries, the violent deaths of friends and missed schooling.

The SPLA committed war crimes during their ensuing counterinsurgency efforts, killing Murle civilians because of their presumed allegiances to Yau Yau and looting Murle civilian property including homes, clinics and churches.[121] The fighting reduced in mid-2013 after heavy condemnation of SPLA abuses by donor countries, especially the US government.

Presumably keen to win Yau Yau and his forces to their side after the outbreak of the major conflict in late 2013, South Sudan's government signed a peace agreement with the group in May 2014. The deal provided a de facto amnesty for abuses committed by both sides in the conflict. The newly-formed 'Greater Pibor Administrative Area' (GPAA), now headed by

---

[119] Human Rights Watch letter to President Salva Kiir, "Violence in Jonglei State", August 23, 2012, http://www.hrw.org/news/2012/08/23/south-sudan-end-abuses-disarmament-forces-jonglei. The disarmament effort was in response to armed intercommunal fighting that killed hundreds of people in 2011 and 2012. Human Rights Watch research during the disarmament found that many civilians had been beaten or tortured, including by having their heads submerged in water, by soldiers hunting for information about hidden guns. The disarmament effort, launched in March 2012, included the disarmament of other communities across Jonglei state but was especially brutal in Pibor county.

[120] The total number of children who fought with Yau Yau may never be known. The South Sudan Disarmament, Demobilization and Reintegration Commission (SSDDRC) together with UNICEF organized the release 1,755 children across Pibor. The Cobra faction told the SSDDRC in October 2014 that they had around 2 – 2,500 children but this appears to have been an estimate; no list was ever provided to the SSDDRC, later Yau Yau in an interview with the UN radio Miraya FM said he had 3000 child soldiers.

[121] Human Rights Watch report, "*They Are Killing Us": Abuses against Civilians in South Sudan's Pibor County*, August 2013.

Yau Yau, promises greater political autonomy for the Murle.[122] Yau Yau's forces, which in mid-2015 were still awaiting formal integration into the SPLA under the deal, have so far stayed out of the current conflict.

Operating in hard to reach areas and far from the eyes of international actors in Jonglei, Yau Yau's massive use of child soldiers was almost entirely ignored until after he made his deal with the government.[123] In early 2015, the group released 1,755 children, almost all boys, with help from the South Sudan Disarmament, Demobilization and Reintegration Commission (SSDDRC). UNICEF and partner organizations have since provided these children with civilian clothes, food, and, after accommodating them for a period in interim care centers, reunited them with their families.

Experiences of Yau Yau's Child Soldiers

Most of the 23 boys interviewed by Human Rights Watch were 13 or 14 years old when they fought with the Cobra faction, had joined in late 2012 or early 2013, and spent about two years in the force before being formally released. They all claimed they had not been forced to join; many said they left their villages by themselves or in small numbers to avoid detection by the government and SPLA, and walked to remote sites where they met up with Yau Yau forces and received guns and uniforms dropped by planes.[124]

Although not coerced, all the boys said that they felt they had no choice, either because of a perceived responsibility to fight the SPLA after the abusive forced disarmament and defend the Murle, or out of fear of the SPLA, which in late 2012 and 2013 killed many Murle civilians,

---

[122] During his insurgency, Yau Yau demanded that Pibor be made into a new state, independent from Jonglei whose administration was dominated by officials from Dinka and Nuer groups often in conflict with the Murle. The GPAA is not a state but has semi-autonomy from the Jonglei state government as the administration reports directly to Juba, rather than to the Jonglei state government. To the irritation of many Murle officials, the government has not provided it with all of its promised separate budget.

[123] Human Rights Watch reported on abuses by the government but, because of a lack of access, did not report on the use of child soldiers by Yau Yau.

[124] These planes contained guns and uniforms likely supplied by Sudan to Yau Yau who went to Khartoum soon after the disarmament to lobby for support. Boys reported picking up weapons from the villages of Akelo, Wakak and Agarnaat. The boys often joined with Yau Yau at these locations after the word got out that guns were available or airdrops were planned. The Geneva-based Small Arms Survey has documented evidence that Sudan provided the weapons. See Small Arms Survey, "Weapons in Service with David Yau Yau's militia, Jonglei state, February 2013", http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/arms-ammunition-tracing-desk/HSBA-Tracing-Desk-Yau-Yau-April-2013.pdf.

or both. “I became a soldier because of the disarmament, because it was so violent. If you die when you fight, it is ok, better than if you die at home, I decided by myself,” one boy, who was 13 years old when he was a soldier, told Human Rights Watch.[125]

Many of the boys said that they were targeted alongside adults, tortured or abused by soldiers during the 2012 disarmament campaign, who beat them or held their heads under water while demanding that they show them where they had hidden guns. “(During the disarmament) I was beaten and put in water. They took my gun,” said one boy who was 16 years old when he spoke to Human Rights Watch.[126]

As often is the case in South Sudan, it was the poorest children who were recruited. When asked why they did not flee like other Murle to refugee camps in Kenya and Uganda or to the capital Juba, some said that they and their families simply did not have the resources. Even if the boys joined willingly, they were forced to remain. “No one was allowed to leave, the big man said if you leave we will go and raid cattle from your parents,” one boy who was only 10 or 11 years old when he fought told Human Rights Watch.[127]

They also endured harsh punishment. Many said they were detained and beaten in thorn corrals for disobeying orders or for failing at their tasks. “The worst thing about being in the army was that if you made a mistake they would put you in prison and beat you,” ML, 15 years old, said. [128] Many of the boys were put into these ‘prisons’ for between one and four days as punishment. “They made me stand in the sun until I fell down. I said I was sick but they said I was joking,” another boy, 13 years old when in the Cobra faction, described .[129]

Conditions in the Cobra faction were severe and while many of the boys said they were proud of having fought, all of the boys who spoke with Human Rights Watch expressed deep relief to be out of the Cobra faction, including one who likened it to “being released from a cell.”[130] All of the boys said that they faced serious food shortages, often eating only

---

[125] Human Rights Watch interview with child soldier ML, name withheld, Pibor town, April 24, 2015.
[126] Human Rights Watch interview with child soldier SV, name withheld, Likwongole town, April 27, 2015.
[127] Human Rights Watch interview with child soldier BCL, name withheld, Pibor town, April 27, 2015.
[128] Human Rights Watch interview with child soldier ML, name withheld, Pibor town, April 24, 2015.
[129]Human Rights Watch interview with child soldier OCT, name withheld, Pibor town, April 24, 2015.
[130] Human Rights Watch interview with child soldier LK, name withheld, Likwongole town, April 27, 2015.

once or twice a week and during some long periods surviving on wild fruits and pumpkin. Boys interviewed also said that they slept in the bush and were often exhausted.

Yau Yau's forces registered the boys they conscripted and provided them training. "(We learned) how to shoot people, how to kneel down, if you get close, you get on the ground," one boy, 13 years at the time, described. [131] Some of the boys were given a uniform, cut and re-sewn to fit. None were paid for their service.

The boys were given clear messages that they were expected to fight like adults. Fifteen-year-old NS said: "David Yau Yau spoke to us in Agarnaat and told us we are born to die, not to live. (He said) I don't want anyone to run away." According to one boy, a senior Cobra commander named Arzen Kong Kong told boys and men, "No one can run, no one can defect," before a battle at Nylamach during which at least one boy was killed. [132]

During fighting all of the boys said that there was no difference in how they and older soldiers were used in battle, except that men would carry larger weapons like rocket-propelled grenades. "When there was fighting everyone would go, both big and small," 15-year-old JL told Human Rights Watch.[133] Only one boy who was 10 years old at the time said that he and others around his age were held back during a battle. All the other boys said they fought alongside adults, and most of them fought in one and four battles.

Most boys reported the worst experiences being the fear of dying and the distress of seeing other child soldiers killed in battle —most said they had lost at least one friend or had seen other children killed in battle. The experiences often left a mark. One boy said that he knew three boys who had mental problems as a result of the conflict. "After Kong Kong (battle) us boys had bad dreams," another boy who was also 13 years old at the time said.[134]

Eyewitnesses among the children interviewed by Human Rights Watch described seeing fellow child soldiers killed in battles at Lamach, Nyalamach, and Lamachuol. Senior

---

[131] Human Rights Watch interview with child soldier AK, name withheld, Pibor town, April 24, 2015.

[132] Human Rights Watch interview with child soldier, NS, name withheld, Pibor town, April 24, 2015.

[133] Human Rights Watch interview with child soldier JL, name withheld, Likwongole, April 27, 2015.

[134] Human Rights Watch interview with child soldier AKK, name withheld, Gumuruk town, April 25, 2015.

commanders in charge at battles when children were killed or injured, according to the boys Human Rights Watch spoke to, included David Yau Yau, Peter Boreti and Adoch Agal.

When they were not fighting or moving, most of the boys were also used as bodyguards, which often meant washing clothes, cooking and collecting water and similar tasks. The most senior commanders would have large groups of boys and adults as their bodyguards, or servants, but most of the boys Human Rights Watch spoke to worked for their less important senior officers with between three to five other boys. During fighting, orders were taken from central command, not from the officer the boys were looking after during calmer periods. The boys Human Rights Watch spoke to said that they were often unhappy at being forced to perform these tasks, and that they were often tired, but being a bodyguard was also important for the safety of the boys while in the force. "He protected us during fighting and brought us water," one boy told Human Rights Watch about his officer. [135]

[135] Human Rights Watch interview with child soldier AK, name withheld, Pibor town April 24, 2015.

VI. The Importance of Education in Preventing Recruitment

This section describes the importance of education in preventing child recruitment but also some associated complexities. It also outlines some of the work the SPLA, together with the UN, has done to try and end military use of schools and calls for this to be continued.

A Painful Loss

Children interviewed had different histories and reasons for fighting but were ubiquitous in their desire for education and regret over lost months or years they felt they should have been in school.

Boys interviewed for this report regularly said that they had been drawn to fighting because the conflict wrecked their chances of an education in the near future. Especially in opposition-held areas, dozens of schools were destroyed and even where schools remain they are understaffed and the quality of education is poor. "(Fighting) is the only thing we can do, there is nowhere to go to school, there's no need to just sit down (and do nothing)," a child soldier temporarily living in the Bentiu UN base told Human Rights Watch. Adults, including parents, military government officials and community leaders all agreed that children in education, the future of South Sudan, should be especially protected from fighting.

South Sudan's government ended payment of salaries for teachers (and civil servants) in opposition-held areas soon after the conflict began. The result of this and of course the conflict itself, has been a dramatic reduction in access to quality education. "It would be easy to leave (the local defense force) and go to school if it was better," one child fighter said.[136] If the conflict continues, or if the government continues to stop funds from reaching teachers, donors should improve on salaries for teachers in opposition held areas and in UN bases.[137]

---

[136] Human Rights Watch interview, child soldier MT, name withheld, Ganylel, July 11, 2015.

[137] Under an agreement with the government donors are currently only allowed to pay teachers as volunteers on a salary of 400 South Sudanese pounds or less, much less than educated teachers can make working for humanitarian agencies.

Boys took great risks to obtain education. Some said they escaped armed forces in part to get back to school, sometimes traveling as far as Juba from Unity state to reach educational facilities.

The desire for education can also however make child soldiers vulnerable. In early 2015 Human Rights Watch met a group of about 25 boys, some as young as 13 years of age, who joined the SPLA in Warrap state after the conflict began to earn money because their families were too poor to send them to school. After a few months, the army sent them to a military base in Juba where they had been promised they would go to school first, but the boys found only partially constructed buildings (no teachers), and had to scrounge food off soldiers to survive.[138]

Education was regularly cited by former child soldiers, government authorities and others working on the reintegration process as an important way to prevent re-recruitment after boys have been released. All the boys released from Yau Yau's group that Human Rights Watch spoke to were adamant that they did not want to return to fight, a feeling deeply reinforced by universal desire for education instead.

Large-scale funding from donor countries will be needed to repair schools and get teachers back to schools. In Yau Yau's Pibor area, partly as a result of the abusive 2012-2013 conflict that displaced tens of thousands of people, there are few, overcrowded and poorly resourced schools with far too few teachers serving the hundreds of boys eager for schooling, sometimes in a classroom for the first time in their lives.[139] Schools in many other conflict-affected areas are in a similar state of disrepair.

Humanitarian aid workers told Human Rights Watch that the decision to not pay more substantial salaries for teachers is not only due to government pressure but also because donors do not want to pay teacher salaries.

[138] The promise of education and child soldiering in South Sudan have been linked in the past. Thousands of boys walked from their home villages to Ethiopian refugee camps under the direction of the then-rebel SPLA in the 1983-2005 civil war because they were promised an education. They were also given military training and many later sent to fight. See Human Rights Watch/Africa Human Rights Watch Children's Rights Project, *Sudan: The Lost Boys*, November 1994, https://www.hrw.org/reports/pdfs/s/sudan/sudan294n.pdf (accessed December 1, 2015).

[139] For example, in the main town of Pibor schools only reopened in early 2015, and in April 2015 only two were available to the recently released boys, the most popular of which was massively overcrowded and had just a handful of teachers. There was no functioning school at all in the village of Vervet where dozens of children were due to be reintegrated with their families.

Military Use of Schools

Education is held sacred by many in South Sudan but schools are not a place of safety. Children have been abducted from schools. Two examples, one where children were taken by Johnson Olony's forces from an Upper Nile school and one in which hundreds of children were abducted from two schools in Unity state are described above.

Schools are also often used by soldiers or armed actors as a place to live. School structures are often some of the few permanent buildings in towns and villages, making them especially attractive to soldiers stationed there who often have not been provided other adequate shelter, especially during the rainy season. As a result, across South Sudan and including in non-conflict areas, the use of schools by soldiers and other forces like the police is common, and has been for decades.

Military use of schools greatly increased with the conflict. In government areas alone at least 45 schools have been used at one time or another by the SPLA, the South Sudan police force or government-aligned militias, according to the SPLA Child Protection Unit, and several schools in opposition-held areas have also been documented by UN monitors as occupied.[140] Schools have also been rendered inoperable because displaced people have started residing in them. Even though the conflict was ongoing, a major push by the SPLA's Child Protection Unit, with the support of UNICEF and UNMISS, in early 2015, resulted in government forces vacating 24 schools in Lakes, Upper Nile, Warrap, Central Equatoria and Eastern Equatoria states.[141] Schools vacated in these areas had been used by both soldiers and police forces including in towns and villages far from the conflict area. Although other schools remained under use by soldiers, including for example one near Juba that had been used since 2009 by the SPLA's Riverine Unit, and more schools were taken over by soldiers during early 2015, the work demonstrated commitment by the government to end military use of schools. The ministry of defense helped fund the work, and in some cases local commanders provided security for the team.

---

[140] Sudan People's Liberation Army, Child Protection Unit letter to the Minister of Foreign Affair and the Minister of Defense, March 2015. On file with Human Rights Watch.

[141] Sudan People's Liberation Army, Directorate of Moral Orientation memo, March 30 2015. On file with Human Rights Watch. The Child Protection Unit worked jointly with a wider National Technical Committee to implement the UN-government action plan to end grave violations against children.

The SPLA's Child Protection Unit, working together with the UN, had some success before the recent conflict began ending military use of schools, leaving an important legacy that challenged the acceptability of military use of schools in South Sudan. Dozens of schools were emptied of soldiers across the country after advocacy by the SPLA Child Protection Unit and their UN partners. Senior SPLA officers have issued several military orders to support the work (see above for more details on the orders).

However, despite advocacy efforts, military use of schools continued especially in conflict areas. For example in Pibor town in 2013, at least two schools were used by SPLA soldiers during the conflict between the government and David Yau Yau's insurgent group, the Cobra faction. A school in Gumuruk, also in Pibor county, was also used by SPLA soldiers. Soldiers were slow to leave schools in Pibor town even after a May 2014 peace agreement ended the conflict; SPLA soldiers continued to live in Pibor Boys Primary School and the adjacent Pibor Girls Primary School until January 2015, rendering the schools inoperable. While the SPLA soldiers then did stop living permanently in the classrooms they retained barracks right next to the schools, frequently walking through the school property and sometimes sleeping in the classrooms when it rained. School children in April 2015 reported being fearful of the soldiers, who were regularly drunk. Teachers said that they were afraid that if violence erupted in the town students could be caught in fighting.[142]

In the recent conflict, schools used by soldiers have sometimes been damaged, but many others have also been adversely affected by abusive forces on both sides. Schools were pillaged across the conflict area, especially in the first months of this conflict, including in Bor town, Jonglei state, Bentiu, Unity state, and Malakal, Upper Nile state.

While advocacy efforts to get soldiers, often together with their relatives, to leave schools have sometimes been successful, reopening them has been a challenge for other reasons. UNICEF worked with local government officials to get schools in Bentiu, Unity state, vacated in late 2014 but attacks on the town and the ensuing general insecurity in the following months kept schools closed. A lack of teachers in the town was also a challenge. Some forces were more receptive to requests to vacate schools than others. For instance soldiers under Matthew Puljang continued to live in Bentiu B school, together with

[142] Human Rights Watch interviews with students and teachers of Pibor Girls Primary School and Pibor Boys Primary School, Pibor, April 26 and 28, 2015. A fence has since been built to prevent the soldiers from entering the school premises.

displaced civilians, in June 2015, despite advocacy efforts. Other schools have remained in use by soldiers in neighboring Rubkona.

UN Bases: Sites of Protection but also Recruitment

In the first hours of the conflict, UNMISS opened its gates in Juba allowing thousands of people, fleeing widespread killings and other attacks on Nuer to take protection. Tens of thousands of other people have since also sought sanctuary on UN bases, including Bentiu in Unity state and Malakal in Upper Nile state, often for many months. The bases provide important protection for children who have repeatedly been targeted in this conflict, a place for rest and medical care for active child soldiers, and islands of relative safety from forced recruitment.

Educational opportunities in the Bentiu and the Malakal base have been patchy during the conflict. Child friendly spaces and shelters for unaccompanied children have, according to humanitarians working in the Bentiu base, helped prevent some of the youngest children and especially those without family or from the poorest of families from seeking shelter with armed forces in the town. This has been possible when funding has been available for protection workers to monitor the most vulnerable children individually. However, temporary schools in bases have been poorly staffed because teachers are underpaid and structures have been destroyed by flooding or taken over by newly arrived displaced people. Some boys who fled to the UN bases in search of education were more easily tempted to return to the bush to fight in the absence of schooling or other occupations on the base.

UN bases are far safer than militarized towns or villages in contested areas. However, child soldiers have also been recruited in or near the Bentiu and Malakal UN bases. Children were forcibly recruited just meters from the UN base in Malakal between December 2014 and February 2015 despite the proximity of peacekeepers (see above for more details). Others went willingly after being told or encouraged to do so while they were living in the base. One boy told Human Rights Watch he was 13 years old when he was recruited from the UN base in Bentiu by an opposition officer in early 2015.[143] He said that hundreds of

[143]Human Rights Watch interview with child soldier SD, name withheld, Juba, January 28, 2015.

children had been recruited from the base and that he moved with dozens of them to get training after leaving.

Public messaging and outreach work with families by protection workers on the bases could help stem the recruitment of children and more resources should be spent on this as well as ensuring children have access to basic healthcare and education and enough to eat even if they don't have close family to live with. UNMISS peacekeepers should also continue to patrol areas outside their bases and actively intervene with force where necessary help deter child recruitment. There have been examples where peacekeepers have acted bravely to prevent abuse outside their gates but abuses have continued, even right outside the bases, with sometimes no engagement by peacekeepers.

VII. Formal Release of Child Soldiers and Accountability

The lion's share of energy and resources expended on ending child soldiering in South Sudan over the past two decades have been spent releasing children from armed groups after fighting ends in formal government release processes with the support of UNICEF. As well as removing children from fighting forces, formal release also means organized assistance can then be provided to help the reintegration of the formally identified child soldiers into civilian life. However, release processes in South Sudan have often taken many months, leaving children in limbo, sometimes in barracks, for long periods.

If there are opportunities for formal release processes following the recent peace agreement, resources should be provided to ensure they are conducted as fast as possible and children receive significant and lasting support, including where necessary psychosocial support.

But a focus on formal release alone is insufficient. Firstly, if conflict continues more efforts should be made to get children released as soon as possible including from groups and forces still actively fighting.

Secondly, energy and resources should be expended ensuring commanders who have used and recruited child soldiers face punitive action. As explained below, only supporting formal release processes risks concretizing further patterns of child soldiering in South Sudan.

A Slow Process

Thousands of children have been released from armed groups or the SPLA since Sudan's long north-south war ended in 2005. Official release in formal ceremonies in which child soldiers put down their gun, take off their uniform and put on civilian clothes ends a child's soldiering life but also marks the beginning of a new one, officially and visibly reintroducing the child into civilian life. Release processes are officially the responsibility of the government's South Sudan Disarmament, Demobilization and Reintegration Commission (SSDDRC) and the SPLA but have received crucial support and informal oversight from UNICEF.

Official release processes come with benefits for child soldiers. For example, UNICEF and partner organizations housed children in interim care centers following their release from Yau Yau's forces in Pibor, and provided food, other items like soap and a sleeping mat, as well as family tracing, reunification and psychosocial support. There were also important early efforts to improve schools in the Pibor area after a series of release ceremonies in early 2015. UNICEF-funded NGOs monitoring the boys helped prevent re-recruitment in the months after the release ceremonies.[144] Children who had spent time in the centers described them as an enormous relief after having been in barracks.

However, official government-led release processes have at times been slow and have effectively kept children hostage to the political desires of their commanders and the administrative capacity of adults. Many of Yau Yau's former child soldiers expressed dissatisfaction at how they continued to be barracked long after the most intensive fighting ended in around mid-2013 and between the Pibor peace deal, signed in May 2014 and their formal release, which in some areas of Pibor took place as late as March 2015. Some boys spent over a year and a half in barracks, as one boy put it, "wasting our time," waiting for the conflict to officially end, a peace to be signed by powerful adults and then release process to begin.

Commanders refused to let the boys go early, before the deal was signed. "I was trying to go to school but they told me to wait for integration," one boy who was 16 years old when interviewed by Human Rights Watch, but around 14 years old when he fought, said. "I just fought one battle," another boy, JL, around 13 years old when he fought, told Human Rights Watch. "I was wasting time, if I had gone to school I could have discovered something, but … I was ordered to stay, told to wait for reintegration. You can be punished if you run away, I was punished two times."[145]

---

[144]While Human Rights Watch was in Pibor in April 2015, researchers only found three cases where boys in the Gumuruk interim care center had chosen to go back to barracks or, in one case, had been called back by their commander. Their departure was quickly noted and the NGO running the Gumuruk interim care center and the government Disarmament, Demobilization and Reintegration Commission (DDRC) successfully lobbied for their return. Human Rights Watch heard from boys that at least one other boy had returned but was unable to confirm this. The DDRC, mandated to continue to monitor the reintegration of children into civilian life after they are released, and UNICEF will need a steady flow of funds to continue to provide close observation, especially given the children are now back in communities. The Child Protection Unit of the SPLA should also regularly screen the barracks to prevent re-recruitment.

[145] Human Rights Watch interview child soldier, JL, name withheld, Likwongole, April 27, 2015.

Commanders may genuinely have wanted the boys to receive the release 'package' but likely also wanted to keep the boys until it was clear that a deal with the government would go through. In June 2014, soon after the peace deal was signed, Yau Yau told a humanitarian official connected to the release process that he would release the boys but only after plans for the Greater Pibor Administrative Area were in place.[146]

In another case, a release process was promised, but never took place. In late 2012, a senior Yau Yau commander, James Kuburin, surrendered to the government together with a group of child soldiers. He agreed that the government could release them and UNICEF was notified, but the process was never initiated and the boys continued working as soldiers or bodyguards for Kuburin over the following months and some, according to local officials, eventually turned 18 and were no longer considered child soldiers.

A group of 19 children in Upper Nile state due to be released from the SPLA just before the conflict began got so tired of waiting according to a government official working on the process, they simply left the release site and went back to their own barracks.[147] Some 200 children were due to be released following an amnesty deal between the South Sudan Liberation Army/Movement (the SSLA) militia and the government but the process was not finalized before the recent conflict began in December 2013. Instead of being released these children probably continued to fight as South Sudan descended into the chaos of its most recent conflict.

Accountability for Recruitment and Use

No one disputes the value of release and the importance of providing services to former child soldiers and other children in their community after they have fought. However, over the years, the formal release processes have become associated with a lack of accountability for perpetrators that also contributes to the cycle of abuse. Official release processes and political accommodation of child recruiters has become expected by commanders and children alike, becoming part of a culture of child soldiering in South Sudan. By supporting release programs and not at the same time demanding accountability for perpetrators, donors have raised expectations that children will be

[146] Human Rights Watch interview with UNICEF official, name withheld, Pibor, April 2015.

[147] Human Rights Watch interview with Brig. Chaplain Khamis, head of SPLA Child Protection Unit, Juba, June 8, 2015.

released and assisted after having fought, inadvertently making the crime of recruiting seem less serious.

In part because there has been little emphasis on accountability, recidivism has become part of the recent history of child soldiering and release in South Sudan. At least 54 children fought with Yau Yau in his earlier 2012 insurgency. Apparently unconcerned about possible consequences for having used child soldiers, Yau Yau appears to have overstated how many children he still had under him after his 2014 peace deal with the government. Instead of facing punishment or even public criticism, Yau Yau was given the top government job in his area after signing the peace deal and has since been made a general.[148] Matthew Puljang, who has been responsible for widespread child recruitment in the recent conflict, was a senior commander of the former rebel group, the SSLA, which used child soldiers. As described above Puljang has been given significant power by the government in Unity state during the recent conflict.

A focus on release and reintegration without accountability makes it easier for child recruiters to publicly give up children, after they no longer need them, but this no-cost for perpetrators approach, especially after such an abusive conflict, will only reinforce a perception that child soldier recruitment and use is acceptable in wartime and release is a process just for peacetime. The desire of South Sudanese to end cycles of abuse and violence in their country should incentivize civil society, government officials, donors and others to, this time, ensure there is some accountability for abuses including recruitment and use of child soldiers.

As far as Human Rights Watch has been able to ascertain, no commanders have been disciplined or prosecuted for their recruitment or use of child soldiers. In early-2015 the SPLA's Deputy Chief of General Staff for Moral Orientation told Human Rights Watch that Matthew Puljang and Johnson Olony, who was at the time fighting with the government, had both been instructed by the army to end recruitment and use child soldiers. However no punishment was levied against either commander.

---

[148] "South Sudanese President Appoints Yau Yau As An Army General," *Sudan Tribune*, November 7, 2015. http://www.sudantribune.com/spip.php?article56974 (accessed November 23, 2015).

South Sudan's prosecutor general under the transitional government should, with the cooperation of the army, investigate David Yau Yau as well as commanders from both sides in the recent conflict who have used child soldiers. There are predictable challenges to prosecutions of accused commanders, who for example, may use their forces to resist any arrest. However, even an investigation into a few alleged perpetrators would send an important message that this violation is taken seriously by the government. Suspending commanders publicly could also send a powerful message.

South Sudan's justice system faces enormous challenges including low capacity, serious funding shortages and widespread interference by government and SPLA. Given the enormous scale of violations of international human rights and humanitarian law in the conflict, a purely domestic initiative to provide justice is not realistically viable in the short-to-medium-term.[149] The IGAD peace deal in August 2015 proposed a hybrid court, consisting of lawyers and judges from South Sudan and other African countries, to be established by the African Union Commission, to 'investigate individuals bearing the most responsibility for violations of international law and/or applicable South Sudanese law' during the conflict (and the post-deal transitional period).[150] If established, this court could investigate and prosecute commanders who have used or recruited children under 18 years, a violation of South Sudanese law (under international humanitarian law recruitment and use of children under 15 is a war crime).

Other forms of accountability will also be important. If the August peace deal is implemented South Sudan's government will likely look to international donor countries and institutions to assist with security sector reform. No assistance should be provided to the SPLA until serious efforts are made to provide accountability for abuses, including recruitment and use of child soldiers. The UN Mission in South Sudan should vigilantly implement their Human Rights Due Diligence Policy (HRDDP) and ensure that no UN

---

[149] For more information on the challenges for South Sudan's justice system see Human Rights Watch report, *Ending the Era of Injustice*, December 2014, https://www.hrw.org/report/2014/12/10/ending-era-injustice/advancing-prosecutions-serious-crimes-committed-south-sudans. Human Rights Watch found that judges and lawyers were regularly intimidated and none of the South Sudanese lawyers, judges, or members of civil society whom Human Rights Watch met during research for this report were able to recall any cases since South Sudan's independence in which senior commanders or politicians in favor with the government faced successful prosecution for significant crimes before a civilian court.

[150] "The Agreement on the Resolution of the Conflict in the Republic of South Sudan", Chapter V Transitional Justice, Accountability, Reconciliation and Healing, section 3.1.1. The peace deal was signed by South Sudan's government on August 26, 2015 and the Sudan People's Liberation Army-in Opposition on August 17, 2015.

assistance is provided to commanders who are known to have used and recruited child soldiers. However, while adhering to the terms of the HRDDP, donors and UNMISS should find ways to support the SPLA Child Protection Unit and the Military Justice section and build on work that began before the recent conflict began.

In March 2015, the UN Security Council approved UN Security Council Resolution 2206 (2015) that established a sanctions regime for South Sudan, the first real threat of accountability for commanders who recruit and use child soldiers.[151] Six commanders have since been listed, none explicitly for recruitment and use of children (although Peter Gadet's alleged directives to opposition commanders to recruit 'youths' in rebel-held areas was included as a reason for his designation).[152] Sanctioning commanders explicitly for recruitment and use could help stigmatize the practice.

The threat of sanctions, or criminal accountability, may have been why both government and opposition leaders denied having any child soldiers after they signed the Agreement on the Resolution of the Conflict in the Republic of South Sudan in August 2015.[153] Despite this, permanent ceasefire monitors and UN child protection officers should monitor both government army and opposition proposed cantonment sites for the presence of child soldiers to help ensure any children under 18 years are released as soon as possible and to document their presence for future accountability mechanisms.

---

[151] Section 7 (e) sets out 'the use or recruitment of children by armed groups of armed forces in the context of the armed conflict in South Sudan' as criteria for the designation of sanctions. UNSCR 2206 (2015).

[152] The UN Security Council has placed three SPLA commanders (Gabriel Jok Riak, Santino Deng Wol and Marial Chanuong Yol) and three opposition commanders (Simon Gatwech Dual, James Koang Chuol and Peter Gadet) under individual sanctions. The men have been placed under sanctions for a variety of reasons, but mostly for extending the conflict and breaking the cessation of hostilities agreement, for obstructing humanitarian, diplomatic access or access for peacekeepers, or for conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law, or as a leaders of entities that have committed violations. Narrative summaries section of the UN Security Council Subsidiary Organs website, http://www.un.org/sc/committees/2206/Individuals.shtml (accessed November 23, 2015).

[153] Ibid. Chapter II: The Permanent Ceasefire and Transitional Security Arrangements sections 1.7 and 1.10. Under the terms of the deal, the two sides agreed to not use or recruit child soldiers and to the "unconditional and immediate" release of child soldiers 'under their command or influence' through UNICEF. However at a meeting to decide security arrangements and cantonment sites for both sides in September 2015 both sides stated before IGAD mediators that they had no child soldiers.

Ongoing, Small-Scale Release

South Sudan's conflict has become increasingly fractured and despite the peace deal it is likely that violence and fighting between groups will continue as leaders seek to leverage positions for themselves in the transitional period. Recruitment and use of child soldiers may also continue. If so, more resources should also be expended on releasing children where and when possible ahead of any large-scale official release process. This is a daunting prospect, children closest to the front lines are very difficult to access, far from their families and safety, and vulnerable to re-recruitment.

However, there are examples of where children have been successfully released during the conflict. These kinds of efforts require time and resources, but may help to "de-normalize" the practice of child recruitment. Human Rights Watch spoke with five children who had been released with eight others in late 2014 by an armed group, a local militia that had been fighting with the government in Jonglei state. Protection workers from one national child protection NGO traveled to the site, assessed the situation and then advocated with the local commander and other actors to persuade them to release the children. A team of family training and reunification workers then found many of the boys' families and reunified them. Other boys were housed in foster care.

Local advocacy efforts to stop child soldier use have at times been successful in other situations and should be replicated where possible. Child protection workers have been able to successfully lobby local authorities to get children released, after mass recruitment drives in Unity state in 2014 and 2015, for example. In Mayom county a school teacher was able to get all of his students released after a round-up by government forces there, by petitioning the commander responsible on the importance of education. Following UNICEF's announcement that dozens of boys had been abducted by Johnson Olony's forces from a school near Malakal town, Upper Nile state, some of the boys were subsequently released by Olony's forces.

What will happen next for South Sudan's child soldiers is uncertain, but raising the cost for the few powerful leaders who choose to use children in war will be necessary for a different future for their younger brothers.

Acknowledgments

This report was researched and written by Skye Wheeler, researcher in Human Rights Watch's Africa division. It was reviewed by Jehanne Henry, senior researcher, Africa division; Leslie Lefkow, deputy director, Africa division; Jo Becker, advocacy director, children's rights division; Bede Shepard, deputy director, children's rights division; Elise Keppler, associate director, international justice program; Akshaya Kumar, deputy United Nations director; John Fisher, Geneva advocacy director; Aisling Reidy, senior legal adviser, and Babatunde Olugboji, deputy program director. Joyce Bukuru, senior associate, Africa division, assisted with proofreading, footnoting, and formatting. Production assistance was provided by Kathy Mills, publications specialist, and Jose Martinez, acting administrative manager.

"We Can Die Too"

Recruitment and Use of Child Soldiers in South Sudan

Thousands of children have fought in South Sudan's recent conflict that started in December 2013. Commanders from both government and opposition forces have forcibly, and often brutally, recruited children and thrown them into battles, sometimes on the frontlines of a war that has displaced some 2.2 million people, resulted in thousands of civilian deaths and left much of the country devastated. Other children, fearful they will be targeted and killed because of their ethnicity or perceived allegiances, have joined armed forces to protect themselves, their land, communities and cattle, or to revenge earlier killings.

Based on interviews with more than 100 children from different fighting forces, *"We Can Die Too"* describes the experiences and hardship of children in the abusive conflict. Children spoke of their fear in gun battles, of being hungry, of being injured or seeing their friends killed, of missing their families, expressing deep regret at losing out on educational opportunities.

Before the recent conflict, South Sudan made some progress at ending child soldiering, including by passing a law which forbids recruitment or use of anyone under 18 years of age. Authorities should now commit to enforcing the law and ensuring accountability for commanders who have used and recruited child soldiers. Authorities should also end military use of schools that so disrupts education.

Human Rights Watch urges the African Union to establish a promised hybrid court for South Sudan, made up of South Sudanese and other African staff, to investigate and prosecute the worst crimes committed in the conflict, including recruitment and use of child soldiers. The United Nations Security Council should sanction those who have used child soldiers and impose a comprehensive arms embargo on the country. International donors should increase support for South Sudan's education sector and efforts to reintegrate child soldiers into civilian life.

(above) A school in Bentiu, Unity state, used as a barracks by soldiers and their families.

© 2015 Human Rights Watch/Skye Wheeler

(front cover) Child soldiers put down their guns in a disarmament and release ceremony in Jonglei state, South Sudan, February 10, 2015.

© 2015 Sebastian Rich/Corbis/AP Images

hrw.org