

Why the armed forces of South Sudan shot down a UN helicopter

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By Eric Reeves,

22 December 2012 - On December 21, 2012—in a deeply tragic accident—military forces of South Sudan shot down a UN Mission in South Sudan (UNMISS) MI-8 helicopter with four Russian pilots aboard. The incident occurred in Jonglei state, in a region where there has seen heavy military activity by the Khartoum-supported rebel militia force of David Yau Yau, a brutal and merciless military commander. Inevitably, the event brought strong condemnation and various demands were made of the Government of South Sudan and the Sudan People's Liberation Army, including by UN Secretary-General Ban Ki-moon.

Unfortunately, as the event is being reported, far too little context is provided for this incident, and the most significant events preceding it. But there is very considerable context, and there are many events—some very recent—that have a direct bearing on our answer to the question of why this helicopter was shot down. To be sure, as part of this question, we and the SPLA must ask about command-and-control measures, precautionary procedures for the use of all anti-aircraft weaponry, communications issues, and individual responsibility in this particular case. But these are not the essential questions: the essential question is what must have been in the minds of the soldiers who fired the shots that brought down the helicopter. And here there is much that demands consideration.

Most recently the UNMISS confirmed that in the very same area, a Russian Antonov was observed by its own personnel dropping supplies to David Yau Yau:

"The United Nations confirmed its troops spotted a white plane dropping packages in an area where South Sudan said a Sudanese aircraft supplied weapons to rebels, a day before the countries' presidents were to meet. A Sudanese Antonov plane air-dropped weapons and ammunition to the militia led by David Yau Yau, which is fighting South Sudanese troops in Jonglei state, South Sudan said on September 22 [2012]."

"There was a white fixed-wing aircraft that was observed by UNMISS troops dropping packages,' UN Mission in South Sudan spokesman Kouider Zerrouk said today by telephone from Juba, South Sudan's capital. 'But UNMISS is not in a position to confirm what was in them and who dropped them.'" (*Bloomberg*, September 24, 2012)

But of course the UN knows full well that the account asserted at the time by South Sudan is correct: this was an SAF Antonov engaged in a re-supply delivery to David Yau Yau. What other possible explanation could there be? South Sudan has no Antonovs of any kind, and the UN would certainly know after the fact if one of its own aircraft had been in the area. This leaves only Khartoum's Sudan Armed Forces (SAF) as responsible for this extraordinarily provocative flight. And as one seasoned regional expert put the matter to me, based on communications with SPLA intelligence, the SAF flight route is in fact easy to deduce:

"The aircraft that delivered supplies to Yau Yau [on September 22], was an Antonov-12 (4 turbo propellers), the same aircraft that the UN World Food Program used during Operation Lifeline Sudan. It came from El Obeid through Unity State (on the Abiemnom side) and as it entered South Sudanese airspace it would have been able to melt into the UN aircraft traffic and be confused for one of them. The aircraft would then have returned by following a route along the Ethiopian border, where there is no tracking system, up to the tip of Upper Nile State, and then fly back to El Obeid in Sudanese airspace. An Anonov-12 can fly 2000 km." (email received from Juba, September 24, 2012; lightly edited for clarity)

We may be sure that this is what happened, even as we know that fighting between Yau Yau's forces and the SPLA has been intense since August—much more intense and with more frequent military encounters than have been reported publicly, especially around Gumuruk and Likuangole in Jonglei State (it was near Likuangole that the helicopter was shot down).

Khartoum has regularly violated Southern Sudanese airspace over the past two years—for bombing attacks on Southern territory, for military reconnaissance purposes, and for the re-supply of Southern renegade militia groups. There have many public reports, such as the following, and even more that have been kept confidential by UNMISS:

"South Sudan's army on Thursday accused the army of neighbouring Sudan, of carrying out renewed aggression in its territory despite the ongoing negotiations on security arrangements between the two parties in the Ethiopian capital Addis Ababa. The spokesperson of the Sudan People's Liberation Army (SPLA), Col. Philip Aguer, in a press statement issued on Thursday said that warplanes belonging to Khartoum have hovered over Unity and Upper Nile states over the last two days in violation of South Sudanese airspace." (*Sudan Tribune*, September 13, 2012)

"Warplanes allegedly belonging to Sudan Armed Forces (SAF) on Tuesday carried out aerial bombardments, killing at least

five civilians in South Sudan's Northern Bahr el Ghazal state, the spokesperson for South Sudan army (SPLA) said. Those killed, according to Philip Aguer, were mainly women and children. 'Kiir Adem in Northern Bahr el Ghazal State came under heavy and aggressive aerial bombardments by the Sudanese armed forces today.'" (*Sudan Tribune*, November 20, 2012)

The UN mission refuses to investigate these latter attacks because they lie in the ill-conceived "Mile 14" section of Northern Bahr el-Ghazal State (south of the River Kiir/Bahr el-Arab River). This is so despite a great many eyewitnesses to the bombings. Such failure to investigate seems, of course, incomprehensible to Juba.

There have also been repeated reports from many authoritative sources that Khartoum has attempted to disguise its aircraft as if belonging to the UN, an outrageous and highly dangerous violation of international law. This tactic has been well reported by the former UN Panel of Experts on Darfur, indeed confirmed by photographic evidence of disguised aircraft on tarmacs in el-Fasher and elsewhere. It is the height of hypocrisy for Ban Ki-moon, given Khartoum's egregious violation of international law with such disguising, to "strongly condemn the attack" on the "clearly marked" helicopter, and on this basis to call for Juba to "immediately carry out an investigation and bring to account those responsible for this act." Why no similar demand for accountability on the part of the SAF for its deliberate disguising its aircraft as belonging to the UN? What possible meaning can "clearly marked" have in an environment in which the presence of disguised aircraft has been authoritatively established. This violation of international law, for military purposes, clearly endangers UN and other humanitarian aircraft.

All evidence suggests that the shooting down of the UN helicopter was an accident: the SPLA has no motive whatsoever for military hostility toward UNMISS, indeed needs all the help it can get in dealing with the unrest in Jonglei. And we have no reason to dispute the account of SPLA military spokesman Philip Aguer:

"'We regret the incident,' army spokesman Philip Aguer said, adding an artillery unit had spotted a plane landing in an area where Yau Yau forces were operating. 'We saw a white plane landing and asked UNMISS whether they had any flight in the area but they denied it. The army opened fire because it thought it was an enemy plane supplying Yau Yau with weapons,' he said. 'We later heard UNMISS had a flight there. They should have informed us.'" (*Reuters* [Juba], December 21, 2012)

Here we might also wonder why we heard so little from the UN about the well-reported, explicit SAF threat to shoot down a UN medevac helicopter that was attempting the rescue of eleven UN peacekeepers in Abyei, four of whom had been mortally wounded by a land mine their vehicle had run over:

"In the first deaths for the UN Interim Security Force for Abyei (UNISFA), a landmine killed four Ethiopian peacekeepers and wounded seven as they patrolled the village of Mabok in the disputed Abyei territory [August 2, 2011]. A UN Medivac helicopter sent to collect the wounded was delayed for three hours in Kadugli, South Kordofan's main city, when Sudanese forces threatened to shoot at it. (*Agence France-Presse* [Khartoum], August 3, 2011)

Where was Ban Ki-moon's moral outrage at the time? Evidence suggests that at least one of the soldiers might have been saved if Khartoum had not delayed the medevac by means of military threats.

To be sure, we also know that the SPLA is capable of making terrible mistakes: in September, South Sudanese soldiers killed at least 10 of their own troops when they shot and sank one of their own military riverboats in a remote region after mistaking it for an enemy craft. But this was obviously an accident, even as the SAF grounding of the UN medevac helicopter and medical team was grimly deliberate.

The UN Mission in South Sudan: Speaking out only when it wishes

The extensive intelligence network employed by UNMISS along the North/South border provides the Mission with a great many reports, some of which are investigated, some not (for reasons that are unclear and inherently suspicious). We have a particularly revealing example of this in an Associated Press report from earlier this year (July 24, 2012), in which a confidential UNMISS investigation of a highly significant bombing attack was revealed on the basis of a leaked report:

"Six bombs that Sudan maintains were aimed at rebels in its own territory instead landed across the border inside South Sudan, according to a United Nations report. UN observers who visited the site found six bomb craters 1.16 kilometers (.72 miles) inside South Sudan's territory, according to the internal report obtained by *The Associated Press*. The UN team said the six bombs created small craters where they came down in Northern Bahr el Ghazal state early Friday. 'The craters are almost in one line, possibly indicating a bombing run by an aircraft. Bomb fragments and debris was visible in and around the craters. The smell of gunpowder was also evident,' the report said." (*Associated Press* [Nairobi], July 24, 2012)

Why would Khartoum engage in such a provocative attack, and justify it after the fact with the ludicrous claim that the attack was directed at the Darfuri rebel Justice and Equality Movement (JEM)? The attack—according to the SPLA—occurred around 3am on the morning of July 20, when darkness would have been complete. Antonovs have no militarily purposeful precision, even in daylight: they are retrofitted Russian cargo planes from which shrapnel-laden barrel bombs are simply rolled out the back cargo bay. An attack in complete darkness by an Antonov is the very embodiment of "indiscriminate."

So, who ordered this attack? Ban Ki-moon certainly didn't bother to ask, and UNMISS suggested no motive. But we may be sure that an attack so consequential was not ordered on the initiative of a regional military officer but on the basis of an order from Sudan Armed Forces (SAF) headquarters in Khartoum. And these senior officers would certainly have known at the time both that the UN Security Council deadline for an agreement on oil revenues was approaching—and that such an attack would be provocative in the extreme. Unsurprisingly, it led the GOSS delegation to break off direct talks with the Khartoum regime leadership, even as it was in the process of making a [generous offer on the issue of oil revenues](#). There is good reason to believe that senior military officers, increasingly ascendant without Khartoum's inner security cabal, [wished to derail negotiations essential to peace](#).

There is a larger issue here that also bears on yesterday's shooting down of a UN helicopter. Because the UN would not make public its findings about the July 20 bombing—or many other bombings confirmed or reported—the Government of South Sudan (GOSS) has been left to conclude that the international community simply doesn't want to hear about such attacks, even when there are civilian casualties. This deep asymmetry in the attribution of responsibility, this refusal to be honest about what the UN knows of Khartoum's military actions, only works to increase the level of mistrust on the part of the GOSS and the SPLA.

The UN seems to have worked hard to encourage this mistrust. One casually cynical UN diplomat in Juba declared—after Khartoum's military seizure of Abyei in May 2011 and after the steady bombing campaign against Southern civilian and military targets that began in November 2010—"the SPLA is paid to be paranoid." In other words, commenting on Southern concern about Abyei, about Khartoum's support for renegade militias, and about potential aspiration to seize the oil regions of Upper Nile or Unity State—and about ongoing aerial military action against South Sudan's territory—this UN diplomat had the audacity to declare simply: "The SPLA is paid to be paranoid" (*Bloomberg*, July 7, 2011).

Such cynicism is rampant in the UN system and is a significant part of the context for yesterday's shooting down of an UN helicopter. So, too, is the refusal of the UN to report incidents that may have significance for humanitarian and reconnaissance flights. For example, in mid-September 2011 a MI-26 helicopter belong to the UN Interim Security Force for Abyei (UNISFA) was shot at by SPLA forces near Pankuech (Unity State), according to a highly reliable regional source. The helicopter was apparently delivering food from Bentiu (capital of Unity State) to Yida refugee camp (also in Unity State, and the site of an extraordinarily barbarous SAF aerial attack in November 2011).

Why was this incident not made public? Would it not have been useful to the Russian helicopter crew to know that a UNISFA helicopter had been fired upon by the SPLA in another case of mistaken identity? Because SAF violations of South Sudan's sovereign air space are so regular, if unreported publicly by UNMISS, it is finally not surprising that there will be cases of aircraft whose identity is confusing.

Let us be clear, even if UNMISS cannot bring itself to be so: it is Khartoum that is violating South Sudanese airspace. SAF aircraft have bombed locations all along the North/South border for the past two years; they have used high-flying Antonovs for military reconnaissance purposes; they have deployed Iranian drone aircraft over the South (one was shot down over Unity State in March of this year); and as UNMISS confirmed in September, the SAF is also responsible for supplying by air a brutal militia force that trades on ethnic tensions and is responsible for a great deal of civilian mayhem. The Sudan Human Security Baseline Assessment Project of the Geneva-based Small Arms Survey, in its brief report update on Yau Yau, notes in its concluding paragraph:

"Pibor county officials told the media that Yau Yau's forces have killed and raped civilians, looted property, and slaughtered the livestock of those who will not join the rebellion. Yau Yau forces reportedly killed one Murle sub-chief in late September because he was encouraging his community to resist recruitment." ([Yau Yau is himself a member of the Murle tribe](#)) (December 17, 2012)

This is the force that Khartoum is supplying by means of aerial drops in Jonglei, far inside the sovereign territory of South Sudan. Knowledge of this is always with the SPLA and was certainly so yesterday. This is what UN officials seem unwilling to acknowledge, even as their own complicity in yesterday's tragic events is directly tied to this unwillingness to be honest. Yau Yau's is, of course, part of a much larger pattern of Khartoum's extensive military support for renegade militia groups in South Sudan; this has also been [established authoritatively in many reports from SAS](#).

The failure to confront Khartoum over illegal use of military aircraft

If Ban Ki-moon wishes to express outrage and to demand accountability, his efforts would be much better directed at Khartoum than Juba, as he well knows but refuses out of cowardice and expediency to acknowledge. Here it is imperative to note the incomprehensibly shameful and irresponsible refusal of the UN and the international community to bring pressure to bear on Khartoum to cease its aerial assaults on civilians in Southern territory, in the Nuba Mountains and Blue Nile, and in Darfur. I have chronicled more than 2,000 confirmed aerial attacks on civilian targets in greater Sudan since 1999 (www.sudanbombing.org), and what is most evident—beyond the staggering numbers—is the relentlessness of the attacks and the utter failure of the UN to put in place any measures that will deter the regime from continuing an aerial campaign that is inherently indiscriminate, and has claimed—in aggregate—many tens of thousands of lives. Indeed, for all the ferocity

and brutality of the Assad regime in Syria, Khartoum's aerial war on Sudanese civilians has claimed many times the number who have died in Syria over the past year and a half.

Human Rights Watch has recently released an authoritative report on aerial attacks in the Nuba Mountains and Blue Nile ([December 2012](#)), and it makes for horrific reading. The report ("Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States") is based on five fact-finding missions and more than 200 interviews (conducted in Arabic and local languages). It finds that:

"Since the conflict started, Sudanese forces have carried out indiscriminate aerial bombardment and shelling in populated areas, killing and injuring civilians and causing serious damage to civilian property including homes, schools, clinics, crops, and livestock. Government forces, including Sudan Armed Forces (SAF) and Popular Defense Forces (PDF), have also conducted ground attacks on villages during which they deliberately burned and looted civilian property, and arbitrarily detained people. Soldiers have also assaulted and raped women and girls."

"The evidence documented suggests that the Sudanese government has adopted a strategy to treat all populations in rebel held areas as enemies and legitimate targets, without distinguishing between civilian and combatant. This apparent approach lies at the heart of the serious violations of international humanitarian law documented in this report."

"Large areas of land in Blue Nile state in particular, are now abandoned. Sudan's abusive tactics, reminiscent of those used in Darfur and during the long civil war, including the de facto blockading of humanitarian assistance, have worsened already poor conditions."

"In the 18 months between June 2011 and December 2012, Sudan Armed Forces (SAF) have carried out hundreds of bombings, shelling, and rocket attacks on civilian areas across the Nuba Mountains where the rebels have control. The strikes varied in frequency and intensity, from several times per month to several times per day."

"The bombings have killed, maimed, and injured civilians in their homes, while farming, fetching water, or attending village markets, and have destroyed homes, crops, livelihoods, clinics, and schools, and forced people to abandon their homes and livelihoods. The persistent bombing has terrorized the population; most families have dug foxholes near their homes or moved to sheltered areas...."

"The vast majority of bomb victims that Human Rights Watch documented are civilians. Most of these are women, children, and the elderly."

"In all incidents investigated, witnesses and victims told Human Rights Watch that there were no military targets, such as a rebel presence, in the vicinity at the time of the bombings."

This, Ban Ki-moon, is where your moral outrage and demand for "accountability" should be directed. It is to the people of Heiban, Un Sirdiba, and from countless other locations throughout greater Sudan that you should be explaining why you are silent or indulge only in perfunctory condemnations of ongoing and undeterred aerial assaults on civilians:

"Examples of civilian victims wounded by use of indiscriminate bombing include Huwaida Hassan, mother of seven, who was seriously injured by a bombing on the Heiban market around mid-day on October 2. The bomb fragments sliced into her belly. Two elderly women and a teenage girl were among the others injured. Fadila Tia Kofi, a woman in her 70s, was injured by bomb fragments at around 11am on September 11, 2012, while working at her garden near her home in Lima village, western Kadugli locality. 'I heard the sound of a plane and I fell to the ground. A big piece of metal cut my toes,' she told Human Rights Watch at her home in October 2012. 'I don't know why the bombs come. I work, I farm. Now I crawl.' All the toes of her right foot were amputated and she can no longer walk."

"Five members of a single family—including three teenaged sisters—died when shells hit and set ablaze their home outside of Um Sirdiba in Um Durein locality, on the night of February 17, 2012. Four sisters sleeping in one room burned to death. Their father, Samuel Dellami, died soon afterward. His brother told Human Rights Watch in April, 2012: 'Before he died, he said 'where are my daughters?'"

In thinking about the tragedy of yesterday's helicopter shooting and the death of four Russian pilots, we should bear in mind the dying agony of Samuel Dellami.

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