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TO: Maj. Gen. Rabi Mujung Emmanuel (ITGoNU)
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FROM: The Chairperson, CTSAMVM

DATE: 3 October 2020

**SUBJECT: CTSAMVM REPORT 2020/08 – FIGHTING AND PROTECTION OF
CIVILIANS VIOLATIONS IN TAMBURA AREA JUNE 2020**

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the COHA which took place in the Tambura area of Western Equatoria in June 2020.

Please accept the assurances of my highest consideration.


Major General Dafaalla Hamid Mohamed Dafaalla

Deputy Chairperson

**Ceasefire and Transitional Security Arrangements Monitoring and Verification
Mechanism**



CTSAMVM REPORT 2020/08

EXECUTIVE SUMMARY

This report covers violations of the R-ARCSS which occurred in June 2020 as a result of fighting in the Namutina area of Western Equatoria.

Allegations were made to CTSAMVM that SPLM/A-IO forces under the command of Brigadier General Santo Ali were harassing civilians in the NAMATINA area. On 15 June 2020 soldiers from SPLM/A-IO under his command entered TAMBURA and became involved in a clash with NSS soldiers.

In subsequent operations conducted by NSS, SSPDF and armed youth from the Zande community against the forces of Brigadier General Santo Ali the SPLM/A-IO base at NABIAMA was burned. There were armed clashes between the two parties which resulted in the death of over 20 civilians, 4 SPLA/IO soldiers including Brigadier General Santo Ali.

The impact of the fighting was serious because over 5000 civilians were displaced as they fled to safety creating humanitarian distress.

Multiple violations occurred ranging from armed clashes to failure to protect civilians. Responsibility for the violations lies with the Government and SPLM/A-IO.

If both parties had adhered to the appropriate provisions of the R-ARCSS the fighting and displacement of civilians could have been avoided.

FIGHTING AND PROTECTION OF CIVILIANS VIOLATIONS IN TAMBURA AREA JUNE 2020

Introduction

1. Background:

- a. The situation in the TAMBURA area of Western Equatoria State is complex. There have been long-running tensions between the Zande tribe which is the majority within TAMBURA, and the Balanda tribe which is mainly to the north of TAMBURA.
- b. SPLM/A-IO 4 Brigade of Division 9B under the command of Brig Gen Santo Ali has been based in NAMUTINA, which is about 55 Km North West of TAMBURA. In March 2020 these forces moved to NABIAMA (about 15 Km west of TAMBURA) because of the lack of mobile telephone network and other resources such as food.
- c. Brig Gen Santo Ali was of the Balanda tribe as were most of his forces.
- d. TAMBURA is held by the Government and garrisoned by 160 BN of 16 BDE together with police and NSS forces. The local Zande youth are referred to as 'Arrow Boys'.
- e. On 7 April 2020 at a political rally in TAMBURA held by the former SPLM/A-IO Deputy Governor, Brig Santo Ali declared that he had changed allegiance from the SPLM/A-IO to the SSPDF with all of his soldiers. However, after three days he changed his mind and is reported to have reverted to the SPLM/A-IO.
- f. Western Equatoria State was without a Governor until the end of June 2020.

2. Incidents and allegations

- a. On 15 June, CTSAMVM received a report from a source that forces deployed by BG Santo Ali in Tambura town started shooting in air and looting the market. SSPDF forces were said later to have deployed in the town and repulsed BG Santo Ali forces.
- b. Local authorities and traditional leaders in the TAMBURA area alleged that after they moved to NABIAMA from NAMATINA in March 2020 the SPLM/A-IO forces commanded by Brig Gen Santo Ali engaged in looting and other criminal activities.
- c. On the night of 17/18 June 2020 Brig Gen Santo Ali was killed near TAMBURA in an incident allegedly involving NSS forces, SSPDF and armed Zande youth.
- d. On 23 June 2020 CTSAMVM learned from UNMISS that fighting between Government Forces and those of Brig Gen Santo Ali had led to the displacement of over five thousand civilians. Representatives from humanitarian organizations including WFP and UNHCR were deployed to Tambura to assist the IDPs.
- e. On 7 September 2020 CTSAMVM received allegations from a number of sources that tensions were high in the TAMBURA area and there was a danger of fighting between the mainly Balanda SPLM/A-IO forces in NAMUTINA, and the mainly Zande forces some of whom were under the control of Maj General James Nando who changed allegiance from the SPLM/A-IO to the SSPDF in March 2020.

3. Methodology:

- a. The CTSAMVM MVT based in YAMBIO conducted a Long Duration Patrol (LDP) to the area from 15 to 18 August 2020. During this patrol CTSAMVM:
 - i. Visited DANGU, NAMUTINA and TAMBURA.
 - ii. Interviewed a total of 13 key witnesses including civil administrators, traditional leaders and civilians (including a former SPLM/A-IO soldier) in DANGU, NAMUTINA and TAMBURA, SPLM/A-IO officers in NAMUTINA, the NSS Director and SSPDF Battalion Commander in TAMBURA.
- b. On 11 September 2020 CTSAMVM visited TAMBURA and interviewed local civil, military and security officers, local people and traditional leaders.
- c. The standard of proof used by CTSAMVM to determine whether there is sufficient evidence to verify that a Party is not in compliance with the provisions of the Agreements is "reasonable grounds to believe that the incident that is the subject of the investigation occurred." This is in accordance with accepted practice for monitoring mechanisms and humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.

Findings

4. When the SPLM/A-IO 4 Brigade commanded by Brig Santo Ali first moved from NAMUTINA to NABIAMA in March relations with the local community were good. However, over the following months they deteriorated. Local community leaders and the civil authorities claimed the SPLM/A-IO soldiers engaged in looting, theft, and assault against civilians; the SPLM/A-IO claimed they were subject to

increasing levels of harassment by Zande youth. The SPLM/A-IO told CTSAMVM that they were short of food; they denied looting but were unable to say from where they obtained supplies.

5. Brigadier General Santo Ali was warned several times by the civil authorities and the Paramount Chief about the activities of his soldiers, but he refused to meet and discuss these issues.
6. On 15 June 2020 there was an incident involving some SPLM/A-IO soldiers in the market in TAMBURA. According to the NSS and other Government authorities, some SPLM/A-IO soldiers tried to arrest a Sudanese national which led to the involvement of the NSS who chased the SPLM/A-IO soldiers away. According to the SPLM/A-IO, soldiers sent to the market to obtain food were subject to an unprovoked attack by NSS and Zande youth.
7. NSS, Zande youth and SSPDF forces moved to the SPLM/A-IO camp at NABIAMA, looted and burnt it. According to Government sources, the NSS were chasing the SPLM/A-IO forces from TAMBURA when one of their NSS officers was killed in an SPLM/A-IO ambush. The SPLM/A-IO had moved out from their camp at NABIAMA by the time the NSS forces arrived.
8. On 16 June 2020 Brig Gen Santo Ali moved back to the camp at NABIAMA which had been destroyed by the Government operation, with a small number of his men, reportedly to meet with an UNMISS delegation. This meeting never took place. According to SPLM/A-IO officers who were with him he then received a call from Lt Gen Alfred Futiyo, the SPLM/A-IO Sector 6 commander, who told him to move back to NAMUTINA in order to avoid any further conflict. Brig Gen Santo Ali apparently replied that he could not as he had no food. That night Lt Gen Alfred Futiyo again called Brig Gen Santo Ali and told him that it had been decided that the Governorship of Western Equatoria State would go to the SPLM/A-IO and that he was to "fight no more".
9. On 17 June Brig Gen Santo Ali spent the day at NABIAMA. He was told by his officers that he should move for security reasons, but that night he insisted on

- moving towards TAMBURA to gather intelligence. When he and his men crossed the Yuba River they were ambushed by NSS, Brig Gen Santo Ali died during the night from injuries sustained in the ambush.
10. NSS, SSPDF and Zande youth pursued the SPLM/A-IO forces to BAANGARU in an operation which went on to 23 June 2020. During these operations 4 soldiers and over 20 civilians lost their lives. Over 5,000 civilians were displaced.
 11. The NSS commander in TAMBURA confirmed that NSS and SSPDF forces carried out the operation against the IO during which Brig Gen Santo Ali was killed. The SSPDF commander refused to discuss the incident with CTSAMVM describing it as a routine security operation.
 12. CTSAMVM has reasonable grounds to believe that the Zande youth were armed prior to the fighting against the SPLM/A-IO, and that some of them took part in the operations together with NSS and SSPDF forces.
 13. In the first week of August 2020 the Governor of Western Equatoria State, Lt Gen Alfred Futiyo (previously SPLM/A-IO Sector 6 commander) visited TAMBURA and did much to calm tensions between the Zande and Balanda. He also created a Peace and Reconciliation Committee to address issues between the two tribes.
 14. CTSAMVM found that the information they had received on 7 September 2020 (Para 2e above refers) about tensions in TAMBURA were greatly exaggerated. There were many rumours circulating which had led to people leaving the market on 9 September, but there was no substantive information to suggest any significant changes to the security situation in the area.

Assessment

15. There are tribal tensions between the Zande and Balanda in the TAMBURA area, and there is no doubt that these tensions contributed to the events of 15-23 June

2020. However, there were clashes between NSS/SSPDF forces and those of the SPLM/A-IO which included deliberate operations by the NSS/SSPDF resulting in the death of an SPLM/A-IO officer, several SPLM/A-IO soldiers and a number of civilians.

16. These incidents would not have happened if the SPLM/A-IO had remained where they were in NAMUTINA. By moving to NABIAMA they failed to comply with those provisions of the R-ARCSS that prohibit redeployment and movement, and which also oblige the Parties to inform CTSAMVM of any planned movement.
17. CTSAMVM has reasonable grounds to believe that SPLM/A-IO forces based in NABIAMA under the command of BG Santo Ali did harass local civilians, and there was some looting. The SPLM/A-IO had no regular supplies, and although the local population did give them some support this ended after a while. Tensions rose, and these were stirred up by some Zande traditional leaders. By harassing local people, the SPLM/A-IO failed to comply with those provisions of the R-ARCSS concerning the treatment and protection of civilians.
18. There are conflicting accounts of what happened in TAMBURA market on 15 June 2020. However, after that there were deliberate operations by the NSS and SSPDF against the SPLM/A-IO which resulted in the looting and burning of the SPLM/A-IO camp at NABIAMA, the killing of Brig Gen Santo Ali and several SPLM/A-IO soldiers, the killing of a number of civilians and the displacement of over 5,000 people. By taking these actions the NSS and SSPDF failed to comply with those provisions of the R-ARCSS which prohibit any hostile military actions. Because civilians were killed during these operations, the NSS/SSPDF and the SPLM/A-IO failed in their obligations under the R-ARCSS to protect civilians.
19. Evidence from civilian sources provides reasonable grounds to believe that local Zande youth were mobilised and involved in operations against the SPLM/A-IO in violation of the R-ARCSS. Allegations that the youth were armed by NSS or SSPDF cannot be substantiated.

20. The actions taken by the Governor of Western Equatoria State, Lt Gen Alfred Futiyo, including his visit to TAMBURA in early August 2020 and his creation of a Peace and Reconciliation Committee to address inter-tribal issues have done much to reduce tensions in the area.

Conclusions

21. **Redeployment and Movement of Forces.** By moving their forces from NAMUTINA to NABIAMA in March 2020, and by failing to inform CTSAMVM of the move, the SPLM/A-IO acted in clear violation of prohibited actions outlined in the R-ARCSS Article 2.1.10.4: “.....redeployment and movement of forces except for administrative and logistical movements allowed under COHA of 21 December 2017, which shall be reported to CTSAMVM prior to movements.....”
22. **Protection of Civilians.** By harassing civilians in the TAMBURA area the SPLM/A-IO acted in clear violation of prohibited actions outlined in the R-ARCSS Article 2.1.10.5: “...acts of hostility, intimidation, violence or attacks against the civilian population....” Because civilians were killed during these operations the NSS/SSPDF and SPLM/A-IO also failed in their obligations under the R-ARCSS to protect civilians, specifically Article 2.1.10.7.4: “....protection of human rights of civilians at all times to ensure safety.....”
23. **Hostile Military Actions.** By undertaking deliberate military operations against SPLM/A-IO forces, the NSS and SSPDF acted in clear violation of the R-ARCSS Article 2.1.10.7.2: “....cessation of all hostile military actions....”.
24. **Mobilisation of Forces.** By mobilising the local Zande youth and permitting them to take part in offensive operations the Government authorities acted in violation of the R-ARRCS, specifically Article 2.1.10.4 which refers to mobilisation.

Observations and Recommendations

25. Inter-tribal tensions were most likely at the root of the issues which led to the clashes of 15-23 June 2020. However, signatory Parties of the R-ARCSS were involved in armed clashes as a result and are therefore accountable for clear violations of the R-ARCSS. Had the Parties complied with the R-ARCSS these incidents would not have occurred.
26. The lack of a Governor in Western Equatoria before and at the time of the incidents might have been a contributory factor. Had there been strong and clear government at state level the tensions in the TAMBURA area might have been addressed before resulting in violence.
27. The incidents described in this report demonstrate a failure by the Government and SPLM/A-IO to implement key provisions of the R-ARCSS. The SPLM/A-IO forces were stationed at NAMUTINA in a barracks not officially recognised as a Cantonment Site as endorsed by the JMCC. The movement of this unit to NABIAMA should have been notified to CTSAMVM through the JMCC. The Government forces are also deployed to sites which are not recognised as Cantonment Barracks by the JMCC. All signatories to the R-ARCSS have an obligation to implement the agreement in full.
28. It is the responsibility of the JDB to intervene and resolve any issues between forces of the Parties. If the Government military and security forces in TAMBURA were concerned about the actions of those SPLM/A-IO forces under the command of Brig Gen Santo Ali, a complaint should have been raised through the chain of command and taken to JDB for resolution. The unilateral action taken by the NSS and SSPDF in TAMBURA against the SPLM/A-IO was unnecessary and in clear and blatant violation of the R-ARCSS.
29. Recommendations.
- a. IGAD and R-JMEC should take note of the violations committed in the TAMBURA area in June 2020 and require both the Government and SPLM/A-IO to be held to account.

- b. IGAD and R-JMEC should work closely with the R-ARCSS to improve the capabilities and effectiveness of the R-ARCSS security mechanisms, especially the JDB, JTSC and JMCC so that future clashes are either prevented or more swiftly resolved.