

CTSAMVM CONFIDENTIAL
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FROM: The Chairperson, CTSAMVM

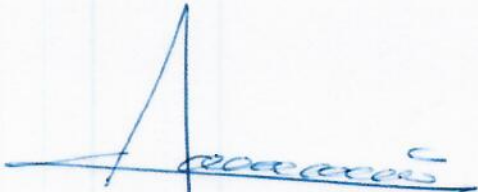
DATE: 19 July 2021

SUBJECT: CTSAMVM REPORT 2021/07 – VIOLATIONS IN KOCH COUNTY

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS which took place in the Koch County Unity State between 11 January and 22 March 2021.

Please accept the assurances of my highest consideration.


Major General Teshome Gemechu Aderie
Chairperson

Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism



CTSAMVM REPORT 2021/07

EXECUTIVE SUMMARY

On 11 January 2021 Armed Youth from Koch Country conducted a cattle raid at Rubkona. There were civilian casualties and large numbers of cattle were taken. On 9 February 2021 SSPDF with state officials went to Koch County to negotiate the release of the cattle. On 9 February 2021 the SSPDF and accompanying civilian party was attacked by Armed Youth at the village of Rier in Koch County. SSPDF and civilians incurred casualties and weapons were taken from SSPDF soldiers.

On 20 February 2021 SSPDF conducted a patrol under the command of Colonel Tholow Wich SSPDF to retrieve cattle and weapons from villages in Koch County. The patrol was not successful in retrieving the cattle, but some weapons were recovered.

During the patrol on 20 February 2021 the SSPDF soldiers destroyed houses and looted from civilians in the villages of Logat, Jajah and Jaak in Koch County. The actions of the SSPDF resulted in the displacement of civilians.

By conducting operations to destroy dwellings and displace civilians SSPDF has failed to protect civilians and is in violation of ACOH December 2017.



VIOLATIONS IN KOCH COUNTY , UNITY STATE

Introduction

1. Background: In the course of routine monitoring on 21 January CTSAMVM was informed that on 11 January 2021 armed youth from Koch County stole 3000 cattle from Nhialdu. There were also clashes in the same area on 9 February and 20 February involving armed youth from Koch County and SSPDF. CTSAMVM through the JMCO instructed MVT Bentiu to conduct an investigation to verify the circumstances of the reported incidents and to make an assessment
2. Allegations
 - a. The Deputy Executive Officer of Rubkona County (Mr Dak M Kueygang) alleged that on 11 January 2021 that Armed Youth from Koch County raided Nhialdhu village resulting in the killing of 8 people and wounding 11 as well as the seizure of 3000 cattle.
 - b. On 22 March 2021 CTSAMVM received information that on the night of 20 February 2021 SSPDF forces attacked the villages of Logat, Jajah and Jaak north of Koch town and destroyed dwellings and displaced civilians. It was alleged that the attacks were in retaliation for SSPDF casualties incurred on 9 February when attacked by armed youth in Rier Village, Koch County.
3. Aim: The aim of this report is to detail the findings of CTSAMVM investigations into the allegations, attribute responsibility for breaches of the agreements¹ where applicable and to make recommendations.
4. Methodology:

¹ The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan of 12 September 2018: While the R-ARCSS was not signed by NAS and is not applicable to it, the R-ARCSS remains fully relevant to any actions or failures to act attributable to the Government's SSPDF and/or NSS (National Security Service). The Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017: This was signed by NAS which remains bound by its provisions.

- a. CTSAMVM interviewed officials from Koch County and witnesses on 22-25 March 2021 in Koch County and concluded the investigation by interviewing SSPDF representatives on 5 July 2021 at HQ 4 Division SSPDF Rubkona.
- b. 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

5. On 11th January 2021 3000 head of cattle were raided in Nhialdiu and Rubkona. It was reported that during the raid 8 civilians were killed and 9 others wounded. The raid was conducted by armed youth from Koch County.
6. After the raid the leadership of the state formed a committee comprised of the Koch County Commissioner Mr. Gordon Koang Biel, Member of Parliament Galwak Gatwesh and Lt Col Jagei (SSPDF). The committee later visited Koch County to negotiate the return of the cattle but were unsuccessful.
7. Commander Ground Forces, in Juba instructed 4th Division SSPDF to assist in the recovery of the stolen cattle. On 9 February 2021 35 SSPDF soldiers with representatives of the Rubkona County leadership proceeded to Koch County Rier Village, Koch County to make a second attempt to negotiate the release of the stolen cattle. During the negotiation, the SSPDF and civilians from Rubkona were surrounded by armed youth and a gunfight broke out. It was reported that 9 SSPDF were killed, and several weapons were taken from the soldiers. SSPDF were unable to verify the exact number of weapons which were taken but 6 PKM Machine guns, 3 RPGs, 3 pistols and an unknown number of AK47s were amongst those reported to have been taken.

8. Commander 4 Division SSPDF received instructions from the Governor of Unity State to retrieve the seized weapons. Colonel Tholow Wich was tasked to assemble a detachment and go to Koch County and retrieve the weapons peacefully without engaging in fighting. In the event that the weapons could not be retrieved peacefully it is reported that Col Tholow Wich was ordered to return to HQ SSPDF Division 4 for further orders.
9. On 20 February 2021 SSPDF soldiers under the command of Col Tholow Wich moved by vehicle into Koch County. The vehicle movement was observed by UN soldiers based in the county. The UN Unit received subsequent reports of fighting. On 21 February 2021 a UN Patrol visited the villages of Jahjah, Lolgal and Jah and observed there to be over 120 dwellings destroyed by fire and evidence of looting.
10. A resident of Jahjah village witnessed the fighting which took place on 20 February 2021. When the soldiers arrived in the villages the armed youth had vacated the area. Soldiers were reported to be firing into the bush in case the armed youth were present. The soldiers then proceeded to set fire to dwellings and an NGO facility which provided support to the community. No casualties were reported but there was extensive civilian displacement. Reports that SSPDF soldiers came under fire from the armed youth during the incident were not substantiated.
11. On 6 July 2021 CTSAMVM interviewed Maj Gen Karlo Kuol Ruai (Deputy Commander of SSPDF Division 4). During the interview, the chain of events which culminated in the displacement of civilians and destruction of houses was corroborated. It was stated that 2 RPGs and 6 RPKs were recovered. The Deputy Commander stated that Col Tholow Wich took matters into his own hands and did not return to the Divisional HQ as instructed when it became apparent that the weapons could not be recovered peacefully. Since the attack on the villages in Koch County Colonel Tholow Wich has been arrested and the incident has been investigated by SSPDF. Col Tholow Wich is reported to be in Juba awaiting court-martial proceedings. The Deputy Commander expressed his deep regret for what happened in Koch County.

Assessment

12. The seizure of 3000 cattle and the killing and wounding of civilians in Nhialdhu on 11 January 2021 was conducted by armed youth from Koch County. The incident triggered a sequence of further violent clashes.
13. State and county authorities tried to resolve the issues arising from the cattle raid in a peaceful manner. Unfortunately, the attempts to negotiate failed in the face of a heavily armed response by the armed youth who, on the evidence provided to CTSAMVM, appear to have been the chief protagonists.
14. When Col Tholow Wich and his soldiers attempted to retrieve weapons from the villages of Logat, Jajah and Jaak in Koch County on 20 February 2021 the soldiers under his command destroyed houses, looted property and destroyed an NGO facility resulting in the displacement of civilians. There are grounds for considering that the violence was inflicted as a retaliation against the Koch community for the casualties inflicted on SSPDF soldiers on 9 February 2021.
15. SSPDF have accepted responsibility for the action carried out by soldiers under the command of Col Tholow Wich. Furthermore, SSPDF have reportedly investigated the incidents which took place on 20 February and the officer responsible has been arrested and is in Juba awaiting court martial procedures.

Conclusion

16. The effect of the destruction of houses and NGO facilities in Koch County by SSPDF was to cause widespread civilian displacement in violation of Article 2.1.10 of the R-ARCSS. SSPDF has failed to fulfil its obligations to protect civilians as required by Articles 4, 5 and 6 of the Agreement on Cessation of Hostilities 21 December 2017 as incorporated into Article 2.1.10 of the R-ARCSS.

Observations and Recommendations

17. The SSPDF response in arresting and investigating the actions of Col Tholow Wich is welcome and clearly demonstrates a willingness to accept responsibility for the regrettable events of 20 February 2021.
18. The attempts made by the State and County Officials and SSPDF to achieve a negotiated resolution to the problems caused by the cattle raid of 11 January 2021 are to be commended and in future related incidents should continue.
19. The violence in Koch county is likely to recur because of the prevalence of weapons held by armed youth. Unfortunately, the attempts to retrieve weapons resulted in a violent outcome. Any future exercises, including disarmament of armed actors, should be conducted by peaceful negotiation.
20. The appropriate body for providing security in the community should be a properly trained and equipped police presence instead of military force. The incident underlines the importance of completing the training and deployment of the police element of the Necessary Unified Forces as required by the R-ARCSS.
21. CTSAMVM will follow up on the report that Col Tholow Wich has been arrested and will be subject to court-martial proceedings.

