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FROM: The Chairperson, CTSAMVM

DATE: January 2022

SUBJECT: CTSAMVM REPORT 2022/02 – KILLING AND DETENTION OF CIVILIANS IN CENTRAL EQUATORIA

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS which took place in Central Equatoria State in September 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 2022/02

EXECUTIVE SUMMARY

On 11 September 2011 a civilian, Mr Manase Kundu Festo, was forced to take part in an SSPDF patrol to locate NAS positions near Kenyi Boma, Central Equatoria. Three other civilians were also forced to take part in the patrol. There was an attack on the patrol by an unidentified armed group and in crossfire between SSPDF and the armed group Mr Manase was killed.

Following the attack two civilian women were arrested by the SSPDF and detained and mistreated at an SSPDF barracks.

It is the conclusion of CTSAMVM that by forcing Manase Kundu Festo and the other three men to take part in a military operation against their will, the SSPDF acted in clear violation of the R-ARCSS, specifically articles 2.1.10.5 and 2.1.10.7.1. The arrest and mistreatment of two civilian women is a violation of the R-ARCSS, specifically articles 2.1.10.5 and 2.1.10.7.5. The theft of property and goods from civilians is a violation of the R-ARCSS, specifically articles 2.1.10.5.



CTSAMVM REPORT 2022/02 – KILLING AND DETENTION OF CIVILIANS IN CENTRAL EQUATORIA

Introduction

1. Background: There has been tension between the SSPDF and civilians in the Lainya area in Central Equatoria since 2018. This is due to the presence of alleged NAS elements, and the SSPDF blames civilians for providing them support. CTSAMVM has submitted two reports in 2021 concerning violations committed by the SSPDF against civilians in the Lainya area: 2021/01 'Rape and killing of civilians in the Lainya area'; and 2021/11 'Killing of civilians in Central Equatoria State'.
2. Allegations: On 12 September 2021 CTSAMVM received information from the Ecumenical Church of South Sudan (ECSS) Bishop Rufus Lemi of Lainya that one man had been killed by the SSPDF and two women arrested during an encounter with suspected NAS forces at Lokosok in Kenyi Boma, Kenya Payam, Lainya County.
3. Aim: The aim of this report is to present the findings of CTSAMVM investigations into violations, to attribute responsibility for breaches of the agreements where applicable, and to make recommendations with regard to compliance actions that will help foster peace and reconciliation.
4. Methodology:
 - a. Between 13 September and 3 December 2021 CTSAMVM visited Limbe, Yei and Kenyi Boma and interviewed a total of 14 witnesses as follows:
 - i. SSPDF: Lt James Chol, Deputy Director of Counter Intelligence, Yei; Lt Kulong, 1 Brigade Intelligence Officer, Yei; Col William Deng, 3 Brigade Deputy Commander, Limbe; Lt Kongon, Kenyi Barracks commander,

and also the commander of the patrol during which Mr Manase was killed.

- ii. Civil authorities, traditional and religious leaders: The Paramount Chief of Lainya County; The Kenyi Boma Chief; the Kenyi Payam administrator; ECSS Bishop of Lainya.
 - iii. Civilian witnesses: Mr Manase's wife, step-mother and stepfather; another civilian man – James - taken by the SSPDF to accompany the patrol; two women who were arrested by SSPDF.
- 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.
- c. National Monitors were involved throughout the investigation.

Findings

5. On 12 September 2021 CTSAMVM was informed by the ECSS Bishop of Lainya, that on 11 September 2021, a civilian, Mr Manase Kundu Festo, had been killed at Lokosoko. He further informed CTSAMVM that during or after the incident two women had been arrested by SSPDF at Kenyi Payam, Lainya County.
6. On 13 September 2021 CTSAMVM met the SSPDF Deputy Counter Intelligence officer, Yei County, Lt James Chol. He stated that: the man who had been killed was called Manase Kundu Festo, a civilian who had gone to the SSPDF base at Kenyi and said that he knew where a NAS base was located. He was asked to show the SSPDF the NAS base location and according to Lt James Chol he volunteered to do so. That on 11 September Mr Manase took them to the site

but it had been vacated, and the soldiers decided to return; however, Manase Kundo Festo advised them to take a different route and they fell into an ambush. Mr Manase was killed in the crossfire, and one soldier was wounded. Two women were near the ambush site, and they were taken back to the SSPDF base “for their own safety”.

7. According to the SSPDF patrol commander, Lt Kongon, on 11 September 2021, he along with his soldiers left the SSPDF base at Kenyi at about 04.00 on a patrol to find the alleged NAS bases. He later took 4 civilian men – including Mr Manase – as they were moving towards Kenyi Payam in order that the patrol be shown the location of an NAS bases. Lt Kongon said he knew Manase because he was prominent in the community. Lt Kongon also said that on the patrol Mr Manase denied that he had any knowledge of the NAS bases locations, which contradicts the statement of the SSPDF Counter Intelligence Officer.
8. Mr Manase’s step father (also his uncle), step mother and wife witnessed the SSPDF patrol taking him on 11 September 2021. They said that Mr Manase was working in the fields when the patrol arrived at between 05.00 Hrs and 06.000 Hrs. The soldiers took his mobile ‘phone and forced him to go with them to the bush towards the village of Wandosok. The witnesses stated that Mr Manase did not volunteer to join the patrol.
9. The three other men from Kenyi taken by SSPDF along with Mr Manase on 11 Sept were brothers. CTSAMVM interviewed one of them (James), who clearly stated that they and Manase were forcibly taken by the SSPDF. The witness accounts were supported by the Paramount Chief of Lainya and the Kenyi Boma chief.
10. The SSPDF patrol with Mr Manase and the three other civilian men left Kenyi and passed by Lomilikin Primary Health Care Clinic (PHCC). According to the witness James the SSPDF spotted some footprints by the PHCC and asked Manase if he knew about them; he said he had no idea whose they were, but the patrol followed the footprints to Wandosok, which is approximately 5 Km from Manase’s house.

11. At Wandosok the patrol found two women in a house. They surrounded the house and questioned the women, the location and questioning was confirmed by Lt Kongon the patrol commander. According to the two women and witness James the soldiers took their mobile 'phones, and they were questioned about a place called Lomikilin (which according to Mr Manase the patrol had already passed.) and another place called Lobosok.
12. As the women were being questioned the SSPDF soldiers were attacked. There was an outbreak of gunfire and the soldiers and civilians ran for cover. Witness James stated that he followed Mr Manase and lay down during the shooting which is reported to have lasted for about 20 minutes. When the shooting was over Mr Manase was found to have been struck by bullets and been killed. According to the SSPDF Deputy Director of Counter Intelligence and SSPDF Brigade 1 Intelligence Officer an SSPDF soldier was wounded. However no reports of SSPDF casualties were provided by the civilian witnesses or the patrol commander.
13. According to Lt Kongon, Mr Manase was killed by shots fired from the direction of the assailants, who he described as "NAS rebels".
14. The SSPDF patrol did not follow up on the attack and pursue the attackers. The patrol was terminated after the shooting the body of Mr Manase was left where it lay, but on the way back to their base the patrol released James and the other two men so that they could assist the family with the recovery of the body.
15. Lt Kongon arrested the two women who had been at the scene of the attack and took them to the SSPDF 3 Brigade Headquarters at Limbe. According to the two women:
 - a. They were initially taken to the SSPDF base at Kenyi, where they were questioned about NAS positions. Later, at 16.00 Hrs on 11 September 2021

they were taken to SSPDF 3 Brigade in Limbe, where they claimed they were put in chains and kept in the cells. They were questioned further.

- b. At 07.00 on 12 September 2021 they were released by the Lainya County Commissioner. This was confirmed by the Kenyi Payam Administrator. The women were taken to the Limbe PHCC for medical checks and handed to the Limbe Chief who handed them on to the Keny Boma Chief.
 - c. Both women claimed that during their time in SSPDF custody they were beaten. One of them – aged 50 – said that two months after the incident she still felt unwell as a result of the mistreatment and had sought medical help. The two arrested women said that when they were being held at the SSPDF barracks at Kenyi they saw goods that had been taken from the villagers. One of the women said she recognised clothes and a jerry-can of honey that belonged to her.
16. Witness James said that on the way back to Kenyi after the shooting incident and before he and his brothers were released, he witnessed the SPDF soldiers taking 3 goats and some clothes from the home of an old man.
17. After the death of Mr Manase the SSPDF made no attempt to contact or see Manase's wife or family after the incident. They released James and his brothers to a local chief near Kenyi – who also happened to be Manase's step-father – and that is when his death became known.
18. The Kenyi Payam Administrator stated that he reported the death of Manase to the County Executive Director in order that it could be followed up, but as of early November 2021 had no further information.
- a. No SSPDF officers visited or had anything to do with Manase's family following his death. According to Lt Kongon no complaint was made by the family. None of the SSPDF officers interviewed by CTSAMVM expressed any

regret for the death of Manase, nor did they assume any responsibility for what happened to him.

- b. Mr Manase Kundu Festo was 57 years old. He was a well-known figure in Kenyi who acted as secretary to the Boma Chief. His body was carried back to Kenyi on the afternoon of 11 September and he was buried the following day. He left three wives and 11 children.

Assessment

- 19. Manase Kundu Festo was killed during a firefight between an SSPDF patrol, and unknown gunmen suspected by the SSPDF to be NAS. It is not possible to determine which party was responsible for the fatal shots. He was caught in crossfire.
- 20. Despite the account of Lt Chol, the accounts of the other witnesses indicate that Manase Kundu Festo was forced to join the SSPDF patrol, together with James and his two brothers. He was killed because he was placed in extreme danger by the actions of the SSPDF and but for the actions of the SSPDF he would not have been killed. The statement made by Lt Chol that Mr Manase volunteered to guide the patrol is not credible because witness statements indicate that he was forcibly taken from his farm by the patrol. Furthermore The patrol commander also stated that Mr Manase did not know the location of the alleged NAS base.
- 21. The SSPDF arrested, mistreated and detained for two nights *in a military barracks* the two women who happened to be at the site of the shooting. No reasons or justification for the arrests were provided by the SSPDF.
- 22. During the patrol the SSPDF personnel stole personal belongings and livestock from civilians.
- 23. The tragic circumstances of the death of Mr Manase and the subsequent mistreatment of the two women who were arrested and the subsequent theft of

property indicate that the SSPDF completely failed to protect the civilians of Kenyi Boma.

Conclusions

24. CTSAMVM concludes that:

- a. By forcing Manase Kundu Festo and the other three men to take part in a military operation against their will, the SSPDF acted in clear violation of the R-ARCSS, specifically articles 2.1.10.5 , 2.1.10.7.1 and 2.1.10.7.4.
- b. By arresting and mistreating the two women and detaining them in a military barracks the SSPDF acted in clear violation of the R-ARCSS, specifically articles 2.1.10.5 , 2.1.10.7.5 and 2.1.10.7.4.
- c. By stealing property and goods from civilians the SSPDF acted in clear violation of the R-ARCSS, specifically articles 2.1.10.5.

Observations and Recommendations

25. It is apparent that the SSPDF has not taken into account and acted on the recommendations made in CTSAMVM reports 2021/01 and 2021/11 mentioned above. All SSPDF ranks should be aware of their commitments under the R-ARCSS to protect civilians.
26. The casual theft by SSPDF soldiers of property and goods – including livestock – displays not only an appalling lack of discipline, but also contempt for the civilians the SSPDF has a duty to protect.
27. CTSAMVM recommends that the SSPDF takes all actions necessary to stop such incidents from happening again.