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Ref: CM/2023/019

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

DATE: 17 January 2023

**SUBJECT: CTSAMVM REPORT 2023/01 – VIOLENCE IN UPPER NILE STATE
AND NORTHERN JONGLEI STATE FROM JULY 2022**

Esteemed Senior Party Representatives,

Please find attached a report on the violence in Upper Nile State and northern Jonglei State which started in Tonga in July 2022, attributing violations of the R-ARCSS where appropriate.

Please accept the assurances of my highest consideration.

Lieutenant General Asraf Denero Amad

Chairperson

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



EXECUTIVE SUMMARY

On 16 January 2022 the “SPLM-IG” (as it is described in the agreements) signed two agreements: one was an agreement on Status of Forces with the whole SPLM/A-IO Kit-Gwang movement, and the other was a specific agreement to integrate the Agwelek forces into the SSPDF.

Following disagreements between SPLM/A-IO Kit-Gwang forces loyal to General Simon Gatwech and Agwelek forces loyal to General Johnson Olony, fighting between the two factions broke out and the SPLM/A-IO Kit-Gwang was pushed out of Tonga. The conflict spread, and local armed groups referred to as the “White Army” became involved. The status of the SPLM/A-IO Kit Gwang and Agwelek forces was never clarified by the ITGoNU. On 15 August Agwelek forces in Tonga were attacked: witnesses gave confused accounts of who the attackers were but all said the “White Army” was involved. The attack was repulsed.

On or about 18-19 August 2022 Agwelek forces in 3 or 4 barges passed through Malakal and attacked SPLM/A-IO positions in Diel and New Fangak. The Commander of SSPDF 2 Division in Malakal confirmed that he had been ordered to facilitate the movement of the Agwelek forces. Following these attacks and in reprisal the “White Army” together with some SPLM/A-IO advanced towards and attacked Tonga.

It is the assessment of CTSAMVM that there is a clear relationship between the SSPDF and Agwelek forces, and that in facilitating the movement of these forces before they attacked SPLM/A-IO positions, the SSPDF acted in clear violation of the R-ARCSS.



VIOLENCE IN UPPER NILE STATE AND NORTHERN JONGLEI STATE FROM JULY 2022

Introduction

1. Background:

- a. On 16 January 2022 an agreement on Status of Forces was signed in Khartoum between the "SPLM-IG" (as it is described in the agreement) and the SPLM/A-IO Kit-Gwang. Both Generals Simon Gatwech and Johnson Olony signed on behalf of the Kit-Gwang. On the same day a separate agreement was signed between the "SPLM-IG" and the Agwelek Forces, which specifically states that the "Agwelek forces will promptly integrate into the SSPDF". On 17 January 2022 the Commander in Chief of the SPLM/A-IO, First Vice President Dr Riek Machar, issued an order to all SPLM/A-IO units that as a result of these agreements, Kit-Gwang forces are now part of the SSPDF, and as such SPLM/A-IO forces should observe the ceasefire in place.
- b. At the CTSAMVM Technical Committee (CTC) meeting on 23 February 2022 the Acting Senior Representative of the ITGoNU/SSPDF stated that "Kit Gwang, we signed an agreement with them and we are not denying this..... That is why even the Chairman of the SPLM/A-IO wrote a very good message to everyone. Although we have not yet fully integrated them but the process is ongoing. They are here in Juba; they are not here idle; they are discussing how to be integrated".
- c. In July 2022 reported disagreements between forces loyal to Gen Simon Gatwech (SPLM/A-IO Kit-Gwang) and forces loyal to Gen Johnson Olony (Agwelek) led to violent clashes and displacement of civilians in Upper Nile State to the west of Malakal. The clashes spread from Upper Nile State into northern Jonglei State. The consequences of the fighting have been severe for civilians; large numbers have been displaced, humanitarian support has been disrupted and freedom of movement obstructed. The so-called "White Army"

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and other local armed civilian groups became involved, and allegations were made that Parties to the R-ARCSS were also involved in the fighting.

- d. At the CTC meeting on 31 October the ITGoNU/SSPDF representatives were asked to clarify the status of the Agwelek and SPLM/A-IO Kit-Gwang forces. Despite this request, which was also repeated at the CTC meeting of 6 December 2022 and became a resolution of the 34th and 35th CTSAMVM Board meetings, CTSAMVM has yet to receive any information from ITGoNU or the SSPDF about the status of the Agwelek Forces and the SPLM/A-IO Kit-Gwang.

2. Allegations and Incidents: Specific allegations and incidents covered in this report are:

- a. Fighting in Tonga on 15 August 2022.
- b. Attacks by Agwelek forces against SPLM/A-IO positions in Diel, Dor and New Fangak on 18-20 August 2022, and subsequent reprisal attacks by “White Army” forces against Tonga.
- c. Facilitation of the movement of Agwelek forces by the SSPDF prior to the attacks of 18-20 August 2022.
- d. Displacement and killing of civilians.

3. Aim: The aim of this report is to present the findings of CTSAMVM investigations into alleged or suspected violations of provisions of applicable agreements, to attribute responsibility for breaches of the agreements, and to make recommendations with regard to compliance actions that will help foster peace and reconciliation.



4. Methodology:

- a. July to December 2022: CTSAMVM was initially limited in the scope of investigations because of lack of helicopter support. However, between July and December 2022 CTSAMVM monitored the situation closely, maintained contact with key stakeholders and met witnesses when they could in the Malakal area. During this period CTSAMVM interacted with a wide range of stakeholders including Upper Nile State administrators, the Acting Governor of Upper Nile State, Fashoda and Panyikang County Commissioners, IDPs from Tonga and Adidiang, the commander of 2 Division SSPDF, the commander of SPLM/A-IO forces in Diel, civilians wounded at Tonga and victims of attacks at Adidiang and Yuom, International NGO's and UNMISS.
 - b. Long Duration Patrol 15-17 December 2022: CTSAMVM undertook a Long Duration Patrol (LDP) between 15-17 December 2022 visiting Old Fangak, New Fangak and Diel. During the LDP CTSAMVM met and interviewed over 25 witnesses including public officials, RRC, IDP's, local and International NGO's, Fangak County Commissioner, women's group and child protection representatives, traditional leaders, police and the Commander and senior officers of SPLM/A-IO 7 Division.
 - c. National Monitor participation: National Monitors were involved throughout, and were present at all interviews.
 - d. Standard of Proof: 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 human-rights- and humanitarian- entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.
5. Limitations: To date CTSAMVM has not been able to visit Tonga. A planned river patrol to Tonga was cancelled because no security guarantees were in place.

6. Scope: The situation in Upper Nile State and northern Jonglei State is complex. The relationship between Party Signatories and local armed groups is obscure, and the line between political and tribal issues is often blurred. This report focuses on those events which CTSAMVM can confirm through corroboration by multiple sources, and seen through the lens of the R-ARCSS.

Findings

7. Disagreements between SPLM/A-IO Kit-Gwang and Agwelek forces on or about 10 July 2022 led to the conflict which has been taking place in Upper Nile and northern Jonglei States since that time. The fighting started in Tonga in July 2022 when SPLM/A-IO Kit-Gwang forces were displaced from Tonga by Agwelek forces. The conflict then spread. There was considerable civilian displacement.
8. On 15 August 2022 Agwelek forces in Tonga were attacked. The composition of the attacking forces is not clear: witnesses gave contradictory information. However, all witnesses agreed that armed groups described as “White Army” were involved. This attack was repulsed after heavy fighting. The attack resulted in an unspecified number of casualties and considerable civilian displacement. On 1 October 2022 CTSAMVM interviewed survivors of the attack who had taken refuge in the Malakal POC site, who gave contradictory and confusing statements about the composition of the attacking forces, but confirmed the scale and results of the fighting.
9. On 18, 19 & 20 August 2022 Agwelek forces, reportedly under the command of “Maj Gen Paroma Angui”, attacked SPLM/A-IO areas in Diel, Dor, New Fangak and Joukom. The force was reportedly in 3 or 4 barges. Buildings were burnt, and a number of civilians killed, including 6 fishermen at Joukom.
10. On 22 September 2022 CTSAMVM met with the commander of 2 Division SSPDF, Maj Gen Moses Makuol Ajang. He stated that on or about 19 August 2022 he received orders from Juba to facilitate the movement of 4 barges carrying Agwelek forces from Renk to Atar. He did as he was ordered, and escorted the barges to

their destination. He also said that SSPDF was given an order “not to be involved in the fight between the 2 Kit-Gwang factions, but only defend themselves when attacked”.

11. The attacks by Agwelek forces on SPLM/A-IO areas elicited a reaction from local armed groups, referred to as “White Army”. Following the attacks of 18 - 20 August “White Army” groups attacked Agwelek forces in the Tonga area, which led to sporadic fighting for several weeks and the displacement of the Agwelek forces.
12. When interviewed on 16 December 2022 the Fangak County Commissioner specifically told CTSAMVM that SPLM/A-IO forces were involved “together with their youths (“White Army”)” in the attacks against Agwelek forces in Tonga following the Agwelek attacks of 18-20 August 2022. Maj Gen Samuel Jok, the deputy commander of 7 Division SPLM/A-IO was with County Commissioner at the time and agreed with all he said. On 17 December 2022 CTSAMVM met the leadership of 7 Division SPLM/A-IO in Diel. The main interlocutor was Maj Gen Stephen Gawar, the deputy in charge of administration and finance, but the commander, Maj Gen Simon Diang Duoth, and other senior officers were also present. At this meeting the SPLM/A-IO said that they “only fought in self-defence”.
13. Civilians displaced by the fighting in Tonga on 15 August 2022 fled to New Fangak and Adidiang. According to witnesses interviewed by CTSAMVM, Adidiang was reportedly attacked by “Nuer White Army from Diel” on 18 August 2022 and again on 7 September 2022. Civilians – mainly Shilluk - caught in the attacks at Adidiang were forced to take shelter in the POC site at Malakal.
14. CTSAMVM received reports of further attacks by Agwelek forces based in Atar against Tonga on 8 September 2022 and subsequently against Diel, Dor and new Fangak. SPLM/A-IO 7 Division claimed they had been shelled by alleged Agwelek forces at Diel on 17 October 2022.
15. The situation in the area remains tense. ITGoNU has stated that efforts are being made to address the root causes of the conflict. In a briefing on 30 December 2022 the Deputy Minister of Foreign Affairs, said: “Since early September and October,

the government of South Sudan has been engaging in finding an amicable solution to the conflict in Upper Nile and also Jonglei State through the envisioned dispatch of high-level political leaders to those areas to dialogue on the root causes of the conflict and secure the peace and stability.” He went on to state that: “...the conflict in Upper Nile was an internal dispute between the SPLM-IO Kit-Gwang faction of General Simon Gatwech and the Agwelek forces of General Johnson Olony.”

Assessment

16. It is CTSAMVMs assessment that the Khartoum agreements of 16 January 2022 established a relationship between ITGoNU/SSPDF and the SPLM/IO Kit-Gwang and Agwelek forces.
17. CTSAMVM has been concerned about the status of the command of forces included in the Khartoum agreements since the CTC meeting of 31 October 2022. CTSAMVM has received no clarification from SSPDF or ITGoNU about the status of Agwelek and SPLM/A-IO Kit-Gwang forces, but it is the assessment of CTSAMVM that the facilitation of the movement of Agwelek forces by the SSPDF during or prior to the attacks against SPLM/A-IO positions on 18-20 August 2022 demonstrates a clear relationship, and also confirms an affiliation/alliance and therefore the responsibility of the SSPDF for the actions of the Agwelek forces.
18. The attacks by Agwelek forces against SPLM/A-IO positions on 18-20 August 2022 demonstrated that the conflict was not confined to an “internal dispute between the SPLM-IO Kit-Gwang faction of General Simon Gatwech and the Agwelek forces of General Johnson Olony” as claimed by ITGoNU in the briefing given by the Deputy Minister of Foreign Affairs on 30 December 2022.
19. It is the assessment of CTSAMVM that no regular SSPDF forces have been involved in any of the fighting in Upper Nile State and northern Jonglei State.
20. It is the assessment of CTSAMVM that SPLM/A-IO forces were involved in repulsing the attacks by Agwelek forces on 18-20 August 2022. Some SPLM/A-

IO forces followed Agwelek forces towards Tonga after the attacks. CTSAMVM has no evidence that the SPLM/A-IO has any command relationship with local armed groups – “White Army” - but has observed that these groups move freely within areas controlled by the SPLM/A-IO. At time of writing CTSAMVM has not yet been able to visit Tonga because it has not proved possible to get security guarantees, so CTSAMVM is not able to verify the current situation there.

21. It is confirmed that there have been multiple deaths, injuries, looting and the destruction of homes in Upper Nile State and northern Jonglei State as a result the conflict which was started by fighting between Agwelek forces and those of SPLM/A-IO Kit-Gwang.

Conclusion

22. By facilitating the movement of Agwelek forces prior to their attacks against SPLM/A-IO areas on 18-20 August 2022 the SSPDF acted in clear violation of the R-ARCSS, specifically articles 2.1.10.4 and 2.1.10.7.2.

23. Under article 2.1.4 of the R-ARCSS: “The Permanent Ceasefire shall apply to all forces of the warring parties and all other forces or militias allied to either Party....” the SSPDF clearly have a relationship with the Agwelek forces and as a result are responsible for their actions, and therefore in violation of articles 2.1.10.4, 2.1.10.5 and 2.1.10.7.2 of the R-ARCSS for the 18-20 August 2022 attacks by Agwelek forces.

Observations and recommendations

24. The Government should take urgent action to defuse the volatile security situation in Upper Nile by intervening to separate the warring factions and clarifying the status of the Khartoum agreement.



25. The SSPDF should take full responsibility for the Agwelek forces, confirm their status and the progress of their integration in the SSPDF, and ensure their full compliance with the R-ARCSS.
26. ITGoNU should confirm the status of SPLM/A-IO Kit-Gwang forces loyal to General Simon Gatwech.
27. The Government should investigate the identified violations against civilians and hold perpetrators to account.
28. CTSAMVM will visit Tonga as soon as circumstances allow, in order to investigate and report on the current situation there.

