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

DATE: 21 March 2023

**SUBJECT: CTSAMVM REPORT 2023/03 – TENSION AND VIOLENCE IN
MAIWUT COUNTY**

Esteemed Senior Party Representatives,

Please find attached a report on tension and violence in Maiwut County, Upper Nile State.

Please accept the assurances of my highest consideration.

Lieutenant General Asrat Deneo Amad

Chairperson

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



EXECUTIVE SUMMARY

There was increasing tension in Maiwut County which led to violence in September 2022 and then again in November 2022 and January 2023. These tensions continue.

The genesis of the issues in Maiwut County go back to 2019, when Major General James Ochan Puot changed allegiance from the SPLM/A-IO to the SSPDF. This led to the SPLM/A-IO being pushed out of Turow Cantonment Site and re-establishing at Jekau. Since 2019 CTSAMVM has presented 3 reports on the violence in Maiwut County, the last being 2022/14 which covered attacks by the SSPDF against the forces of SPLM/A-IO Division 5 which were dislodged from Jekau.

There have been two further changes of allegiance from the SPLM/A-IO to the SSPDF since that by Major General James Ochan Puot in 2019, the last being as a result of the 'Turu Declaration' signed by "Brigadier General" James Gatwech and others in March 2022. The recent violence has been between 'Turu Declaration' forces and those of the SPLM/A-IO.

The situation is made more complicated by inter-clan and intra-clan issues. Efforts to address the issues which cause tension and violence have not been successful.

CTSAMVM found that the violence which took place in September and November 2022 and January 2023 resulted from attacks by the SPLM/A-IO and counter-attacks by 'Turu Declaration' forces aligned to the SSPDF. Two civilians were killed, and women subjected to SGBV. Both the SPLM/A-IO and the SSPDF acted in violation of the R-ARCSS.

CTSAMVM recommends that the SSPDF withdraws from Jekau, thus removing an issue which is driving violence in the area and returning to the SPLM/A-IO its headquarters and Cantonment Site. CTSAMVM further recommends that the the RTGoNU takes urgent steps to address the issues that drive conflict in Maiwut County, and ensures a workable ceasefire is instituted with immediate effect.



TENSION AND VIOLENCE IN MAIWUT COUNTY

Introduction

1. Background:

- a. The current tensions in Maiwut County go back to July/August 2019, when the Cie Wau community refused to accept the appointment of a County Commissioner from the Chiang Chany clan. SPLM/A-IO Division 5 was then stationed in Turow Cantonment Site. Fighting broke out between the SPLM/A-IO and armed Cie Wau youth. In September 2019 Major General Ochan Puot, himself from the Cie Wau community, transferred his allegiance from the SPLM/A-IO to the SSPDF. He was welcomed in Juba. SPLM/A-IO Division 5 were pushed out of Turow Cantonment Site and moved to Jekau. This was the subject of a CTSAMVM Violation report presented to the 18th CTC Meeting in January 2020.
- b. Following further reports of violence in January 2020, in February 2020 a Peace and Reconciliation Conference was convened in Juba “between the Government Allied Forces under the command of Maj. Gen. James Ochan Puot in Maiwut and the SPLM/A-IO Forces of the 5th Infantry Division in Adar State”. The resolutions of this conference were never fully adhered to and there were a series of clashes in April 2020 which were the subject of CTSAMVM Report 2020/04.
- c. In August 2021 tensions in the area were raised when Major General Khor Chuol Giet changed allegiance from the SPLM/A-IO Division 5 to the SSPDF. He moved to Malual Gahoth and set up a civil administration there. Reports of violence followed, and allegations of recruitment were made by the commander of Division 5 SPLM/A-IO. There were clashes between SPLM/A-IO “defectors” under Major General Tut Yak Rom (who also changed allegiance in August 2021) and SPLM/A-IO forces in Mangok.



- d. On 16 March 2022 “Brigadier General” James Gatwech Reath and other SPLM/A-IO officers SPLM/A-IO Division 5 signed the ‘Turu Declaration’ and changed their allegiance to the “SPLM-In Government under the wise leadership of HE Salva Kiir....”. This change of allegiance further increased tensions in the area.
- e. On 20 March 2022 forces under the command of “Brigadier General” James Gatwech attacked SPLM/A-IO positions at Jekau, Wangkuarbiy, Kuerkeem and Loolnyang. The HQ of SPLM/A-IO Division 5 at Jekau – which had been considered a Cantonment Site after the SPLM/A-IO were ejected from Turow Cantonment Site in 2019 - was dislodged. This incident was the subject of CTSAMVM Report 2022/14.
- f. In June 2022 there was a visit to the area by the CDF, DCDF and other senior officers. The commander of SPLM/A-IO Division 5, Major General David Thuok Chuol Leiy, attended a meeting with SSPDF commanders but no agreement was reached about a location for SPLM/A-IO forces.
- g. On 2 October 2022 CTSAMVM received contradictory information about an incident at Turu on or around 30 September 2022: The commander of SPLM/A-IO 5 Division, Major General David Thuok Chuol Leiy, said he had received information from the SSPDF that one of their soldiers was killed by an unknown gunman; the SSPDF said it was a civilian who was killed.
- h. On 25 November 2022, the commander of SPLM/A-IO 5 Division told CTSAMVM that “the SSPDF and it’s allies” were moving in preparation to attack SPLM/A-IO positions at Wangkuarbiy, Loolnyang, Kuerkeem and Wechtutbuor.



2. Allegations: Specific allegations communicated to CTSAMVM and covered in this report are:

- a. Allegations by the commander of SPLM/A-IO Division 5 that on 27 November 2022 SSPDF forces under the command of Major General James Ochan Puot twice attacked SPLM/A-IO positions killing 5 SPLM/A-IO soldiers.
- b. Allegations by Brigadier General James Gatwech, commander of the Turu Declaration forces, that in September and November and again on 5 December 2022 SPLM/A-IO Division 5 attacked civilians at Turu and SSPDF positions at Jekau.
- c. Allegations from the commander of SPLM/A-IO 5 Division that on 14 December 2022 SSPDF soldiers attacked SPLM/A-IO forces at Kuerkeem.

3. Aim: The aim of this report is to present the findings of CTSAMVM investigations into the ongoing tension in Maiwut County, the clashes which allegedly took place between September and December 2022, to attribute responsibility for violations of the R-ARCSS where appropriate and to make recommendations.

4. Methodology:

a. Long Duration Patrol (LDP) 9-12 January 2023: In order to investigate the allegations and the general situation in Maiwut County CTSAMVM visited the area from 9-12 January 2022.

i. Areas visited: Maiwut, Turu, Pagak.

ii. Witnesses: During the LDP CTSAMVM met with and interviewed a wide range of witnesses, including:

(1) SSPDF: Major General James Ochan Puot, Commander of SSPDF Special Operations Brigade; "Brigadier General" James Gatwech,

Chairman of the Turu Declaration; Brigadier General Wiyual Ruat Koch, Acting Commander of SSPDF 18 Brigade Special Forces in Pagak.

(2) Civil Administration: The County Commissioner, Executive Director and Police Commissioner of Maiwut County; the Turu Payam Administrator.

(3) Traditional Leadership: The Deputy Paramount Chief of Maiwut County and the Head Chief of Maiwut Payam.

(4) Civil Society and NGO's: Chairperson and members of the Maiwut County Woman's Group, Relief and Reintegration Commission (RRC), representatives of 3 INGO's.

(5) Civilians: 4 IDPs from Biyen, Jekau Payam, a victim of shooting near Turu and a relative interviewed in Maiwut hospital; IDP's, a former member of the SPLM/A-IO and a Church Leader in Turu.

b. National Monitor participation: National Monitors were involved throughout, and were present at all interviews.

c. 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: CTSAMVM was unable to meet with the leadership of SPLM/A-IO Division 5 when on patrol in Maiwut County:

- a. CTSAMVM had made prior arrangements to do so, but during the patrol were unable to make contact and coordinate a meeting.
 - b. The security situation in the areas where CTSAMVM was told SPLM/A-IO units were stationed was not good at the time of the patrol. A recent shooting incident had been reported, and without assurances from the SPLM/A-IO, CTSAMVM was unable to proceed.
6. Complaint by SPLM/A-IO National Monitor: The SPLM/A-IO National Monitor with the CTSAMVM team submitted a formal complaint claiming that the SSPDF had deliberately prevented any meetings with the SPLM/A-IO.
 7. Scope: This report outlines what CTSAMVM was able to determine despite being unable to meet with the SPLM/A-IO. Information about specific incidents is based on the corroborated testimony of a number of witnesses.

Findings

8. The violence in Maiwut County is internecine: it involves people who are not only from the same tribe, but also the same clan. The situation stems from the change of allegiance of Major General James Ochan Puot back in 2019, and current tensions result from the change of allegiance of “Brigadier General” James Gatwech following the signing of the Turu Declaration in March 2022. “Brigadier General” James Gatwech is from the same sub-clan (Chin Jurgal) as the Operations Director of SPLM/A-IO Division 5, Major General Biel Goner. CTSAMVM was told by a number of sources that Major General Biel Goner took exception to his colleague changing sides, and it is this division which is driving tension and violence in the area.
9. On or around 18 September 2022 there was an attack against Turu Payam. Local witnesses blamed the SPLM/A-IO under the command of Major General Biel Goner, and several said they recognised the attackers. A civilian was killed in the attack. According to “Brigadier General” James Gatwech the attackers were trying to kill him, and following the attack his (Turu Declaration) forces pursued the

attackers to Wanguriby and Kuerkeem where they “completely dislodged the SPLM/A-IO forces.”

10. On or around 18 November 2022 the community at Biyen, Jekau Payam was attacked. Tukuls were burnt. Civilian witnesses stated they recognised the attackers as belonging to the SPLM/A-IO. A civilian was killed, and several women were stripped naked and made to stand in the sun without drinking water for some hours.
11. On 8 January 2023 there was an attack against civilians harvesting Maize at Pajung, Turu Payam. One man was injured; he and his uncle – who was a witness to the shooting - were interviewed by CTSAMVM. Both said the shooting was by members of the SPLM/A-IO; the uncle said they were “people from the area who he knows well”.
12. According to the SSPDF and civil authorities, the SPLM/A-IO is no longer occupying Wangkuarbiy and Kuerkeem. CTSAMVM contacted “Brigadier General” James Gatwech, commander of the Turu Declaration forces, who denied there were any SPLM/A-IO forces in Kuerkeem, and that the only fighting he was aware of in the area were attacks by the SPLM/A-IO against civilians in Pajung village, Turu Payam.
13. CTSAMVM was unable to visit the area and therefore unable to verify whether or not this is the case. CTSAMVM is unable to verify where the headquarters of SPLM/A-IO 5 Division is currently situated.

Assessment

14. Current tensions and violence in the area have been driven by internecine conflict following the change of allegiance of military and civilian personnel following the Turu Declaration and subsequent taking of Jekau by the SSPDF in March 2022. Civilians have suffered as a result of this tension and violence.

15. It is the assessment of CTSAMVM that some SPLM/A-IO forces from SPLM/A-IO Division 5, under the command of Major General Biel Gonar, have been involved in operations which have affected civilian communities in Turu and Biyan. Two civilians were killed, and CTSAMVM has corroborated evidence that several women were subject to SGBV in that they were stripped naked and left standing in the sun. CTSAMVM also has corroborated evidence that civilians were attacked at Pajen by SPLM/A-IO personnel, and one was wounded. By attacking civilian communities in this way, SPLM/A-IO forces acted in clear violation of the R-ARCSS.
16. Based on the admission by “Brigadier General” James Gatwech that his ‘Turu Declaration’ forces attacked Wanguriby and Kuerkeem following the SPLM/A-IO attack against Turu on or about 18 September 2022, it is the assessment of CTSAMVM that SSPDF forces acted in clear violation of the R-ARCSS. Because CTSAMVM was unable to visit areas claimed to be under the control of the SPLM/A-IO, other allegations of attacks by SSPDF forces could not be verified.
17. It is the assessment of CTSAMVM that the continued occupation of Jekau Cantonment Site by the SSPDF is not only provocative, but also denies the SPLM/A-IO a secure Cantonment Site where their forces can concentrate prior to eventual training and unification.

Conclusion

18. CTSAMVM has reasonable grounds to believe that SPLM/A-IO forces did attack the villages of Turu and Biyen on or about 18 September and 18 November 2022 respectively, and civilians at Pajen on as such acted in clear violation of the R-ARCSS, specifically Article 2.1.10.5. The SPLM/A-IO also failed in its obligations under Article 2.1.10.7.2.
19. By forcing women to strip naked following the attack against Biyen on 18 November 2022, SPLM/A-IO forces acted in clear violation of the R-ARCSS, specifically Article 2.1.10.2. The SPLM/A-IO also failed in its obligations under Articles 2.1.10.7.4 and 2.1.10.7.5.

20. By attacking SPLM/A-IO forces at Wanguriby and Kuerkeem sometime after 18 September 2022 – as freely admitted by “Brigadier General” James Gatwech, the SSPDF acted in clear violation of the R-ARCSS, specifically Article 2.1.10.5. The SSPDF also failed in its obligations under Article 2.1.10.7.2.
21. By continuing to occupy the Jekau Cantonment Site, the SSPDF is acting in clear violation of the R-ARCSS, specifically Article 2.1.10.4.

Observations and recommendations

22. One of the findings made in the report presented by CTSAMVM to the CTC 18 about the violence in Maiwut in August 2019 was that: *“Maj Gen Ochan changed allegiance to the Government (SSPDF) in September 2019. He was welcomed in Juba. Change of allegiance causes insecurity, raises suspicions about the intent and sincerity of the Party accepting the change of allegiance, and jeopardises the successful implementation of the R-ARCSS. It is essentially a violation of those provisions of the R-ARCSS prohibiting recruitment”*. Since then there have been two further changes of allegiance. By accepting these changes of allegiance, the SSPDF has effectively politicised what is an internecine dispute.
23. It is recommended that all forces aligned/affiliated to the SSPDF and SPLM/A-IO move immediately into Cantonment Sites, in order to reduce the chances of violence and prepare for Phase 2 training.
24. It is recommended that the SSPDF withdraws from Jekau Cantonment Site, in order that SPLM/A-IO forces from 5 Division can return to their Headquarters.
25. It is recommended that the RTGoNU takes urgent steps to address the issues that drive conflict in Maiwut County, and ensures a workable ceasefire is instituted with immediate effect.

