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FROM: The Chairperson, CTSAMVM

DATE: 24 October 2023

**SUBJECT: CTSAMVM REPORT 2023/09 – VIOLENCE IN FASHODA COUNTY
UPPER NILE STATE IN OCTOBER AND NOVEMBER 2022.**

Dear CTSAMVM Technical Committee Senior party representatives

Please find attached a report on covering the violence in Fashoda County in Upper Nile State in October and November 2022.

Please accept the assurances of my highest consideration.

Major General Hailu Gonfa Edossa

Chairperson

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



CTSAMVM REPORT 2023/09
VIOLENCE IN FASHODA COUNTY UPPER NILE STATE
OCTOBER AND NOVEMBER 2022

EXECUTIVE SUMMARY

In August 2022, fighting broke out when Agwelek forces attacked SPLM/A-IO positions and civilian communities in Fangak County, Upper Nile State. This was covered in CTSAMVM report 2023/01, which found the SSPDF to be in violation of the R-ARCSS by facilitating the movement of Agwelek forces prior to the attacks, and for being responsible for the actions of the Agwelek forces following the 16 January 2022 Khartoum Agreement that integrated the Agwelek forces into the SSPDF. These attacks exacerbated tensions between elements of the Nuer and Shilluk communities in northern Jonglei and Upper Nile States.

In October 2022, over 30 civilians were killed following attacks by what was described by witnesses as the “Nuer White Army” in Lul Payam, Fashoda County. It is generally agreed they were in revenge for the Agwelek attacks in August 2022.

Between 18-23 November 2023, there were large-scale attacks by what was described as “Nuer White Army” against all 3 payams in Fashoda County, including a significant attack against Aburoc IDP Camp. Hundreds of people were killed, and thousands displaced. Some witnesses alleged SPLM/A-IO soldiers were involved in the attacks.

CTSAMVM could find no hard evidence to confirm the involvement of the SPLM/A-IO in the fighting. Although it is possible that some SPLM/A-IO personnel did join the local armed groups who perpetrated the attacks, CTSAMVM concluded that the conflict was driven by tribal rather than political motives.

CTSAMVM recommends that the RTGoNU develops and improves early warning and security mechanisms to prevent incidents such as these.



VIOLENCE IN FASHODA COUNTY UPPER NILE STATE OCTOBER AND NOVEMBER 2022

Reference:

A: CTSAMVM Report 2023/01 'Violence in Upper Nile State and northern Jonglei State from July 2022' dated 17 January 2022.

INTRODUCTION

1. Background:

- a. 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 and northern Jonglei State. CTSAMVM investigated and reported the course and consequences of these clashes in the Tonga and Fangak areas. See Reference A.
- b. There were also allegations of fighting to the north of Malakal, in Fashoda County. CTSAMVM received reports of attacks by the "White Army" against civilians including those in the IDP camp at Aburoc in October and November 2022. There were further allegations that these attacks were supported by elements of the SPLM/A-IO.
- c. Attacks in August 2022 by Agwelek forces against SPLM/A-IO areas in the Fangak (as reported in Reference A) resulted in the killing of civilians and looting of civilian property; this led to revenge attacks by what was described as "Nuer White Army". A cycle of violence was established between the Agwelek and elements of the Nuer.

2. Allegations and Incidents: Specific allegations and incidents covered in this report concern attacks on civilians (including IDP's) on or about 8 October 2022 and between about 18 to 23 November 2022 at:



- a. Aburoc IDP Camp
 - b. Kodok.
 - c. Lul Payam
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 if appropriate, and to make recommendations with regard to compliance actions that will help foster peace and reconciliation.
4. Methodology:
- a. November and December 2022: CTSAMVM was unable to visit the areas concerned during this period because of security and logistic reasons. However, engagements were conducted by telephone and, where possible, in person in Malakal with a wide variety of people including the Fashoda County Commissioner, SSPDF commanders in Kodok and Malakal, members of Upper Nile State administration including the Human Rights and Peace advisors; religious leaders and UN agencies.
 - b. Long Duration Patrol 15-17 December 2022: CTSAMVM undertook a patrol to the Fangak area which led to the submission of CTSAMVM Report 2023/01 (Reference A) which gives the background to much of the conflict in Upper Nile State.
 - c. Long Duration Patrol to Kodok and Melut 22-24 May 2023: Due to a prolonged strike by CTSAMVM National Monitors it was not until May that CTSAMVM was able to deploy a team to Fashoda and Melut Counties where they were able to engage with a wide variety of witnesses:



i. In Kodok CTSAMVM met a total of 33 people:

- (1) 3 members of Fashoda County administration, including the County Executive Director.
- (2) The SSPDF Brigade Commander, the Chief Inspector of Police and the NSS Director.
- (3) 23 civilians, including 3 IDP's (one of whom was the Chairman of Aburoc IDP camp), 6 traditional leaders and the Chairman and 8 members of the Fashoda County Youth Organisation.
- (4) 4 religious leaders.

ii. In Melut CTSAMVM met a total of 6 people:

- (1) 2 members of the County administration, including the Executive Director
- (2) The SSPDF Brigade Commander
- (3) 3 IDPs from Aburoc IDP camp.

d. Follow-up: CTSAMVM contacted several people including the commander of Alel Cantonment Site.

e. All investigations were conducted by both International Observers and National Monitors.

f. 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. Scope:

- a. The situation in Upper Nile State was – and remains - complex. The relationship between Party Signatories and local armed groups is obscure, and the line between political and tribal issues often blurred.
- b. This report focuses on allegations of involvement by Party Signatories with attacks against civilians. The information in this report is only what CTSAMVM has been able to confirm through corroboration by multiple sources and seen through the lens of the R-ARCSS

FINDINGS

6. Attacks in October 2022: On or about 8 October 2022 armed groups described by witnesses as “Nuer youth” or “White Army” carried out a series of attacks in the Lul Payam area of Fashoda County. The attacks were repulsed by local armed groups after a reported 34 civilians were killed, a large number of people displaced and cattle stolen. One witness said that one of the attackers who was killed had papers on him that identified him as an officer of the SPLM/A-IO from Alel Training Centre, but apart from this there was no suggestion that any SPLM/A-IO forces were involved. CTSAMVM was not shown the papers.
7. Attacks in November 2022: Between about 18 and 23 November 2022 what was described by witnesses as a large group of “Nuer White Army supported by SPLM/A-IO” attacked all three payams in Fashoda County. Aburoc IDP camp (which at the time had a population of about 13,000 people) was attacked; a large number of people were killed directly by the attackers and many more drowned in the river whilst trying to escape. Eyewitnesses described seeing victims being hacked to death with machetes. CTSAMVM was given conflicting accounts of the numbers killed and told that many people remained unaccounted for, but about 600 people are known to have lost their lives, about 20,000 were displaced and took refuge in Melut, several hundreds were reportedly abducted (including children) and numerous cattle looted.



8. SSPDF: The SSPDF Brigade Commander based in Kodok told CTSAMVM that he was in the SSPDF Divisional HQ in Malakal when the fighting in Fashoda started. When asked why the SSPDF took no action to defend civilians, he said the SSPDF had been ordered very clearly to take no action other than in self-defence. After the fighting reinforcements – described by the commander as a Battalion of “Necessary Unified Forces” - were sent to Kodok and Wau Shilluk.

9. Evidence of SPLM/A-IO involvement:

a. Officials: Police, security and military officers in Fashoda County all told CTSAMVM that the attacks were initiated by the “prophet Makuach”, and that SPLM/A-IO forces were involved in the attacks of 18-23 November 2022. The evidence they cited to support alleged SPLM/A-IO involvement was:

- i. The attacking forces formed up and returned to areas under the control of the SPLM/A-IO.
- ii. Some of the attacking forces wore uniforms and had weapons consistent with being in the SPLM/A-IO
- iii. SPLM/A-IO ID cards were found on the bodies of some of the attackers who were killed.
- iv. An SPLM/A-IO Commander, “Major General Samuel Marjok” was involved with supporting the attacks.

10. Civilian witnesses:

- a. All the civilian witnesses interviewed by CTSAMVM said some of the attackers wore uniforms and were soldiers, as opposed to local armed youths in civilian clothes. 5 witnesses specifically said that SPLM/A-IO personnel were involved because they recognised them by their organisation, uniform and weapons.
- b. One witness – a religious leader – said he heard one of the attackers asking someone identified as being an SPLM/A-IO officer whether he should shoot a group of captives. He was ordered not to do so.



c. The youth leader repeated claims that SPLM/A-IO ID cards had been found on dead attackers, and stated that they assembled before the attack in Diel and other areas under SPLM/A-IO control. CTSAMVM was not shown any ID cards.

11. Alel Training Centre: CTSAMVM contacted the commander of Alel training centre and asked him about allegations that personnel under his command were involved with the attacks. He categorically denied that any of his trainees were in any way involved.

ASSESSMENT

12. Key Issue: The key issue is this: Is there sufficient evidence to conclude that the SPLM/A-IO had any involvement in the attacks of 18-23 November 2022 and therefore responsibility for the killing of civilians, by knowingly and as a matter of policy directly supporting the local armed groups which perpetrated the attacks with officers, troops or equipment.

13. Uniforms, weapons and ID cards:

- a. Uniforms and bits of uniforms are to be found being worn by local armed groups throughout South Sudan, and unless they have clear and consistent identification badges, the presence of uniforms does not necessarily indicate the presence of organised forces.
- b. CTSAMVM did not physically see any of the ID cards allegedly found on dead bodies.
- c. The use of medium weapons (PKM machine guns and RPG's) does not necessarily indicate the presence of organised forces from the Signatory Parties. It was reported that the local armed groups which perpetrated attacks in the Pibor area in December 2022 were similarly armed.



14. Command and control:

- a. CTSAMVM found no corroborated evidence that senior SPLM/A-IO commanders were involved in or directed the attacks.
- b. Numerous witnesses stated that the attackers came from areas under the control of the SPLM/A-IO. CTSAMVM is unable to assess whether or not SPLM/A-IO commanders would or would not have known about the build-up of forces in their areas.

15. Eyewitness identification of forces:

- a. Eyewitnesses – importantly residents of Aburoc IDP camp who were there when it was attacked – specifically and consistently described groups of “uniformed SPLM/A-IO soldiers” taking part in the attacks, as opposed to “armed Nuer Youth” or “White Army”.
- b. Given the weight of eyewitness evidence, it is possible to believe that at least some SPLM/A-IO personnel might have been involved in the attacks. However, CTSAMVM has no conclusive proof that this is the case.

CONCLUSION

- 16. CTSAMVM could find no firm evidence that the SPLM/A-IO leadership gave any direction or support to those prosecuting the attacks, and no conclusive proof that SPLM/A-IO personnel were involved in the attacks.
- 17. CTSAMVM is not able to assess whether or not SPLM/A-IO commanders would have known about the impending attacks, and had they done so whether or not they could have prevented them.
- 18. The primary cause of the violence was the ongoing conflict between elements of the Nuer and Shilluk (Agwelek) communities.



OBSERVATIONS AND RECOMMENDATIONS

19. It is now over seven months since the events described in this report took place. Since then there have been continued tensions between elements of the Shilluk and Nuer communities, with rumours of attacks and a fatal outbreak of violence in the Malakal POC Camp in June 2023. Despite attempts by the authorities to mediate, the causes of these tensions have not been addressed.

20. The incidents in Fashoda County in October and November 2022 involved the brutal killing of hundreds of civilians, and the deaths of many more who drowned whilst trying to escape. Many who died were residents of an IDP camp, which should have been a place of safety. Whilst CTSAMVM can find no evidence to attribute blame to any of the signatory Parties to the R-ARCSS, the fact remains that there were no mechanisms in place capable of preventing this tragedy.

21. The current conflict in South Sudan has seen the development of ever more powerful and heavily armed local armed groups, which national and local authorities appear powerless to control, as was demonstrated in the GPAA in December 2022 (see CTSAMVM report 2023/05).

22. CTSAMVM recommends that:

- a. Concomitant with the implementation of the R-ARCSS, the RTGoNU develops improved early warning mechanisms and the necessary security apparatus to help prevent the build-up of armed groups.
- b. All issues preventing the deployment of the NUF are addressed, so these forces can be used to protect civilians where necessary.
- c. Disarmament strategies are developed to not only reduce the number of weapons in the hands of armed groups, but also to remove the most destructive weapons in their possession – medium and heavy machine guns, RPGs etc.

