

CTSAMVM CONFIDENTIAL
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FROM: The Chairperson, CTSAMVM

DATE: 24 October 2023

**SUBJECT: CTSAMVM REPORT 2023/15 - EXTRA-JUDICIAL KILLING IN
EASTERN EQUATORIA STATE**

Dear CTSAMVM Technical Committee Senior party representatives.

Please find attached a report on a violation of the R-ARCSS which took place in Eastern Equatoria State in May 2023.

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 2023/15
EXTRA-JUDICIAL KILLING IN EASTERN EQUATORIA STATE
EXECUTIVE SUMMARY

In July 2022 a violent incident took place in Ikotos, which resulted in increased tensions in the area and the arrest by the SSPDF of several men accused of belonging to NAS.

On the early morning of 9 May 2023 a patrol led by the commander of the SSPDF Company in Ikotos, Captain David Ujuai, went to Lokoro village (about 9 Km from Ikotos) with the intention of recovering a weapon belonging to an ex-SSPDF soldier. The weapon was not found, and instead Captain David Ujuai ordered the arrest of Henry Lojaya Lokol who was resident in the village. He was the brother of an SPLM/A-IO official arrested following the July 2022 incident, and also suspected of being a member of NAS.

Henry Lojaya Lokol reluctantly handed over the weapons in his possession and eventually agreed to surrender. His wife was threatened and beaten. Following his arrest, he was tied up and taken away by the SSPDF patrol. A short distance from the village he was shot dead.

By killing an unarmed, bound man in their custody, the SSPDF acted in clear violation of the R-ARCSS, national laws and international laws to which the Republic of South Sudan is a signatory.

CTSAMVM was told by the SSPDF that the incident has been investigated, but was given no information to suggest that any members of the SSPDF have been held accountable for the killing.



EXTRA-JUDICIAL KILLING IN EASTERN EQUATORIA STATE

Reference:

A: CTSAMVM Report 2022/21 - Killing, looting and arrests in Eastern Equatoria State, dated 25 October 2022.

B: CTSAMVM Report 2023/06 - Arrest and detention of an SPLM/A-IO Officer and a civilian in Eastern Equatoria State dated 10 May 2023.

C: CTSAMVM Report 2023/10 – Killing of two SSPDF soldiers and a Boma Chief in Central Equatoria State.

INTRODUCTION

1. Background:

- a. Tensions between the civilian community in Ikotos erupted into violence in July 2022. Following this incident, a civilian – the SPLM/A-IO County Secretary – was arrested and imprisoned by the SSPDF. The details of the violence and arrest are to be found in Reference A.
- b. Despite repeated attempts CTSAMVM was refused access to Giyarda Prison where, according to the SSPDF, the arrested civilian was being kept. The continued arrest of the civilian (and the failure by the SSPDF to provide any information about an arrested SPLM/A-IO officer) were the subject of a CTSAMVM report. See Reference B.
- c. On 17 May 2023 CTSAMVM received an allegation from Hon Mary Alphonse Lodira, the Deputy Governor Eastern Equatoria State, that on 9 May 2023 a detachment of soldiers under the command the SSPDF Commander in Ikotos County, Captain David Ojwai, surrounded the home of Henry Lojaya Lokol (the brother of the arrested SPLM/A-IO County Secretary) and arrested him. She said that his whereabouts were unknown.



2. During an initial investigation on 28/29 July 2023 allegations were made to CTSAMVM by family members and neighbours of Henry Lojaya Lokol that after being arrested he was tied up, taken away and shot dead.
3. Allegation: That on 9 May 2023 in Ikwoto County Henry Lojaya Lokol was arrested by the SSPDF and killed.

INVESTIGATION

4. Investigations were undertaken with the full participation of National Monitors. The SSPDF National Monitor was not present on the visit of 28 July 2023, although all interviews were recorded and played back to him.
5. During the course of the investigation, CTSAMVM undertook:
 - a. A Dynamic Air Patrol (DAP) on 28 July 2023 to Ikotos Central Payam and Ikwoto County Headquarters. This was followed up by a series of telephone interviews with witnesses whose numbers were obtained during the patrol.
 - b. A Long Duration Patrol (LDP) to Ikwoto County from 27 to 30 September 2023 including Lokoro.
 - c. A visit to the Headquarters of SSPDF 7 Division and the Headquarters of SSPDF 3 Brigade at Torit on 2 October 2023.
6. CTSAMVM interviewed a wide range of witnesses including:
 - a. SSPDF:
 - i. The commander of 7 Division SSPDF, Major General Angon Unguom Chut.



- ii. The commander of 3 Brigade, SSPDF Brigadier Mariano Odungo Ohlong, together with Lieutenant Colonel Abraham Wol, Lieutenant Colonel Tong Mayik, Lieutenant Colonel James Lokang and Captain Kulang Tang.
- iii. The Deputy Commander of the SSPDF Company in Ikotos County, Lieutenant Santino Makueth.
- b. SSNPS: The Ikwoto County Police Inspector, Colonel Abraham Mathiang.
- c. Civil Authorities: The Ikwoto County Executive Director, Ceaser Engong Ambodio.
- d. Traditional and community leaders:
 - i. Lokoro Village Chief.
 - ii. The Ikotos County Youth Leader.
- e. Civilian witnesses:
 - i. 3 family members of the deceased (2 brothers and his widow).
 - ii. 5 neighbours/witnesses.
- 7. 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.



FINDINGS

8. The arrest and shooting of Henry Lojaya Lokol:

- a. In the early morning of 9 May 2023 a patrol of about 12 SSPDF soldiers from Ikotos commanded by Captain David Ujuai arrived at Lokoru Village, which is in Losiket Boma about 9 Km west of Ikotos. They had with them an ex-SSPDF soldier called John Lomolo Pasquela, who had been arrested and was in detention in the SSPDF barracks over an issue involving a missing weapon: he was supposed to be taking the patrol to the house of a relative in order to recover the weapon. However, the person in question was not there.
- b. Captain David Ujuai then told John Lomolo Pasquela to take them to the house of Henry Lojaya Lokol. Henry Lojaya Lokol was an SPLM/A-IO officer who had attending NUF training at Owinykibul Training Centre. According to Lieutenant Santino Makueth (the Deputy Commander of the SSPDF Company in Ikotos), Henry Lojaya was associated by the SSPDF with the violent events in Ikotos of July 2022 (Reference A) during which an SSPDF soldier was killed. Henry Lojaya's widow told CTSAMVM that he had moved to Lokoro village because he was scared for his life.
- c. The house of Henry Lojaya Lokol was surrounded, and multiple witnesses said that his wife was threatened and assaulted. John Lomolo Pasquela was sent into the house to persuade Henry Lojaya Lokol to hand over any weapons in his possession. He reluctantly surrendered an AK47 rifle and a PKM machine-gun. He initially refused to give himself up, but was eventually persuaded to do so by his wife "for the sake of their family and to defuse the situation". His wife expected him to be arrested and taken into custody by the SSPDF. They arrested him, tied him up and took him away after ransacking the house and taking away a black bag owned by Henry Lojaya Lokol.



- d. A few minutes after Henry Lojaya Lokol was taken away by the SSPDF, gunshots were heard. His wife and neighbours rushed to the scene and found him shot dead; his hands were still tied.
- e. According to John Lomolo Pasquela he was also tied up after Henry Lojaya Lokol had been arrested. He said that Captain David Ujuai stopped but sent him ahead with three soldiers. He heard gunshots, assumed Henry Lojaya Lokol had been shot and was scared he would share the same fate. He was held in SSPDF custody for a further two months before being released.

9. SSPDF:

- a. The commander of 7 Division SSPDF, Major General Angon Unguom Chut told CTSAMVM that Henry Lojaya Lokol had defected from the SPLM/A-IO and joined NAS, and this is why the SPLM/A-IO had not complained about the incident. He gave CTSAMVM a stapled 12-page document which he claimed was found when Henry Lojaya Lokol was arrested and proved his involvement with NAS. He also said that the incident had been investigated and resolved "all the way up to Juba".
- b. The commander of 3 Brigade SSPDF, Brigadier Mariano Odungo, told CTSAMVM that Henry Lojaya Lokol was a Major General in NAS, and that when arrested he was found in possession of a NAS flag, several Motorola radios and a list of NAS members. He further claimed that Henry Lojaya had fought SSPDF forces in Ikotos and had a base there.
- c. CTSAMVM was not able to interview Captain David Ujuai: he was not at the SSPDF base in Ikotos during the visit of 30 September 2023, and although CTSAMVM saw him at 3 Brigade HQ Brigadier Mariano Odungo refused to let the team speak with him. During the visit to the SSPDF base in Ikotos, CTSAMVM met with the Deputy Commander, Lieutenant Santino Makueth who said he was not aware of the killing of Henry Lojaya Lokol and was therefore unable to comment.



d. So far as CTSAMVM is aware no SSPDF officers or soldiers have been held accountable for the killing of Henry Lojaya Lokol. CTSAMVM was given no information to this affect by the SSPDF.

10. SSNPS: The Police Inspector of Ikwoto County informed CTSAMVM that there had been no criminal cases registered against Henry Lojaya Lokol. He also said that although he was aware of the case of the killing of Henry Lojaya by the SSPDF, his family had not officially informed the police and made a complaint, and he had therefore taken no action.

11. Ikwoto County Executive Director:

a. The Executive Director, Ceaser Engong Ambodio, had been acting County Commissioner at the time of the incident. He said he received a petition from Henry Lojaya Lokol's family through the Chief of Losiket Boma which he passed on to the SSSPDF Military Intelligence officer in Ikotos.

b. He also said he did not know who gave the orders to arrest Henry Lojaya Lokol, and that after the incident Captain David Ujuai refused to speak to him about what happened.

ASSESSMENT

12. There is sufficient corroborated first-hand witness evidence for CTSAMVM to have reasonable grounds to believe that Henry Lojaya Lokol was arrested, disarmed, tied up and then shot dead by an SSPDF patrol commanded by Captain David Ujuai.

13. CTSAMVM has sufficient corroborated first-hand witness evidence to believe that Henry Lojaya Lokol's wife was physically abused during her husband's arrest. Some witnesses say she was slapped, she said she was "roughed up" with her children outside the hut which her husband was in.



14. CTSAMVM has not been able to corroborate claims by the SSPDF that Henry Lojaya Lokol was an active member of NAS. Even if he was, there is no evidence to suggest that he offered any armed resistance to the SSPDF. He handed over his weapons and eventually surrendered. He was disarmed and tied up when he was shot.

CONCLUSIONS

15. It is the conclusion of CTSAMVM that:

- a. The killing by the SSPDF of an unarmed and bound man in its custody on 9 May 2023 constituted a clear violation of the R-ARCSS, specifically article 2.1.9 which provides that no revenge, vengeance or retribution and any kind of violation of the Permanent Ceasefire is allowed under any circumstances.
- b. The physical abuse of Henry Lojaya's wife by the SSPDF constituted a clear violation of the R-ARCSS specifically article 2.1.10.5, and a failure by the SSPDF to adhere to their obligations to protect the human rights of civilians and women as outlines in articles 2.1.10.7.4 and 2.1.10.7.5.

OBSERVATIONS AND RECOMMENDATIONS

16. As a professional military, the SSPDF must adhere to the laws, rules and regulations governing armed conflict, national laws and international laws. The extra-judicial killing of a bound and unarmed man is arguably an execution. The deceased was not put through due process to answer to the alleged crimes he had committed. This was a clear violation of the R-ARCSS, national laws and international laws to which the Republic of South Sudan is a signatory. Article 3(d) of the First Geneva Convention explicitly prohibits carrying out executions without passing a prior judgement by a competent and regularly constituted court.



17. This was the first of two killings of men in the custody of the SSPDF within three months (for the other see Reference C – the killing by the SSPDF of a Boma Chief). In the case of the killing of the Boma Chief the perpetrator – an SSPDF private soldier – was arrested and faced disciplinary action. In the case of the killing of Henry Lojaya Lokol the patrol that shot him was commanded by an officer, and CTSAMVM has reasonable ground to believe that the officer – Captain David Ojuai – was present when the shooting took place. An officer should know, understand and apply the law. CTSAMVM has been given no information to suggest that any SSPDF personnel have been held to account for the killing.

18. CTSAMVM recommends:

- a. The SSPDF re-investigates the case and holds those responsible to account.
- b. The SSPDF takes measures to improve its level of discipline, and ensures that all its officers understand their responsibilities, and those who fail to act within the appropriate regulations and laws face the appropriate disciplinary action.

