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FROM: The Chairperson, CTSAMVM

DATE: 21 September 2021

**SUBJECT: CTSAMVM REPORT 2021/11 – KILLING OF CIVILIANS IN
CENTRAL EQUATORIA STATE**

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 on or about 31 May 2021.

Please accept the assurances of my highest consideration.

Major General Tehsome Gemechu Aderie

Chairperson

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

CTSAMVM REPORT 2021/11

EXECUTIVE SUMMARY

The area of Gumbri, northeast of Lainya, is considered by the local authorities and the SSPDF to be "under the control" of NAS. Because of the security situation in Gumbri, all civilians living in the area moved out last year. Most went to Lainya, although some return temporarily from time to time to tend their farms and get food.

On or around 31 May 2021 the SSPDF were active in Gumbri. This was confirmed by the County Commissioner and director of NSS in Lainya.

A group of civilians, including a minister of the Episcopal Church of South Sudan had returned to Gumbri to tend their farms. On or about 31 May 2021 the minister and one other were arrested by a group of SSPDF soldiers. They had their hands tied, and were taken to the compound of a local sub-chief, who was with other civilians who had returned to their farms.

There was some sort of altercation and the sub chief was shot by the SSPDF soldiers, together with a boy of 10 years. The other civilians ran away, and when they returned they found the bodies of the minister and the man who had been arrested with him. Both had been shot.

The killing of civilians by members of the SSPDF in Gumbri on or around 31 May 2021 constitutes a clear violation of the R-ARCSS.



KILLING OF CIVILIANS IN CENTRAL EQUATORIA

Introduction

1. Background:

- a. On the evening of 1 June 2021, the CTSAMVM team based in Yei were contacted by a source who claimed that on 31 May 2021 the SSPDF in Lainya had killed four civilians including a church minister and a child.
- b. In order to find out more, on 2 June 2021 CTSAMVM contacted the youth leader in Lainya County who confirmed that the killing had taken place, and gave the names of those killed as:
 - i. Reverend Cosmas Kwaje Matayo.
 - ii. Simon Taban Elekima (10-year-old boy).
 - iii. Moses Wani Daniel - Sub-chief
 - iv. Benjamin Laki Zibidago – Headman
- c. Efforts by CTSAMVM to contact the SSPDF Brigade Commander in Lainya on 2 June 2021 were unsuccessful.
- d. The Youth leader further alleged that the four civilians had been taken from the Gumbri parish church on Sunday 30 May by SSPDF soldiers and told to take them to NAS positions in the area. The minister and the 3 others all denied any knowledge of the NAS, but were taken by the soldiers and marched through the bush. The minister was allegedly killed on Monday 31 May and the others on 1 June. They were allegedly shot in the head and later buried by locals in Loka Boma.
- e. On 2 June 2021 The Most Rev. Dr. Paul P Benjamin Yugusuk, Archbishop of the Central Equatoria Internal Province and Bishop of the Diocese of Lainya of the Episcopal Church of South Sudan issued a press statement (dated 1 June

2021) claiming the Reverend Cosmas and others had been killed by the SSPDF.

- f. On 3 June 2021 the SSPDF spokesman and director of media and press Major General Lul Ruai Kuang published a: "Press Statement on Killing of Members of the Clergy" which noted the allegations with concern but stated "...it's highly unlikely own forces were responsible". On the same day CTSAMVM contacted the commander of SSPDF 3 Brigade Ground Forces in Lainya County (based in Limbe), who denied his troops had killed the 4 civilians. However, he did say there was a recent clash with NAS in the area, and if any civilians were killed they could have been caught in crossfire.
 - g. Allegation: CTSAMVM received allegations from a number of sources that the Reverend Cosmas and three other civilians, including a child, were killed by SSPDF soldiers in the Gumbri area on or about 31 May 2021.
2. Aim: The aim of this report is to summarise the results of CTSAMVM investigations into the allegations, attribute responsibility for violations of the R-ARCSS where appropriate and make recommendations.
3. Methodology:
- a. On 4 June 2021 CTSAMVM contacted the Youth leader in Lainya County for more information.
 - b. On 20-22 July 2021 MVT Yei undertook an integrated patrol to Lainya and attended an UNMISS forum to build Social Cohesion & Confidence between the Community members and organised forces in Lainya County.
 - c. On 25 to 28 August 2021 CTSAMVM undertook a Long Duration Patrol to Lainya County in order to complete investigations into the allegations.
 - d. All investigations were carried out with the involvement of National Monitors.

- e. CTSAMVM met with and interviewed a wide range of witnesses, including SSPDF military commanders, civilian witnesses and local authorities.
- f. 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.

Findings

- 4. There is mistrust between the civilian population in the Lainya area and the security services. The forum in Lainya on 20-22 July 2021 was held in order to try and address this issue. When opening the forum, the Lainya County Commissioner, Emmanuel Khamis, acknowledged there was a "relationship gap" between civilians and armed forces in the County.
- 5. The area of GUMBRI, where the incident occurred, is about 20 Km northwest of Lainya. It is generally acknowledged that it is under the control of NAS; this was clearly stated by Director of National Security for Lainya County, Mr Abdulkerim Philip, the Paramount Chief of Lainya, Matthew Ladu and Brigadier Lazarous Ngoch, the commander of SSPDF 3rd Brigade, Ground Forces, based at Limbe. The Lainya County Commissioner, Emmanuel Khamis said "NAS are active in the area". The population of the area was displaced last year and most now live in Lainya.
- 6. The Paramount Chief of Lainya stated that Gumbri was a "prohibited security area" because it is under NAS control, and anyone found there could be assumed to be NAS. He further said that the people who had been killed did not tell him they were going to Gumbri.

7. The Executive Chief of Gumbri, Edward Laku, said that people do go back to the Gumbri area to tend their farms and get food for their families. He knew all the deceased and stated that they had not told him they were going back.
8. There was no church service in Gumbri on 31 May 2021. There is no congregation there because of the displacement last year. This was confirmed by the Bishop of Lainya Bishop Rufus Joel Lemi and also the NSS Director.
9. The Lainya County Commissioner stated that he was aware of SSPDF operations in the Gumbri area on 31 May 2021, but would not comment on whether those killed in the operation were NAS "rebels" or civilians.
10. The Director of NSS admitted there were SSPDF operations in the Gumbri area on 31 May 2021, and that any people killed were "NAS rebels". When interviewed on 28 August 2021 the commander of 3 Brigade Ground Forces SSPDF:
 - a. Denied that any of his forces were in the general area of Gumbri at the time of the killings; this is at variance with the information given by the NSS director, and also it conflicts with what he said on 3 June 2021 when he said there had been a recent clash in Gumbri (paragraph 1.f above).
 - b. He also stated that he was not aware of the killings. He said that if his soldiers met NAS fighters in their area of responsibility, they "had to defend themselves".
11. Information from civilian witnesses: CTSAMVM met with and interviewed a number of civilian witnesses who between them gave the following information:
 - a. At an unspecified day just before 31 May 2021 a group of people from Gumbri, but now resident in Lainya, left Lainya and went to Gumbri in order to gather food and tend their farms. The group consisted of about 4 men, 6 women and 3 children.

- b. On the morning of 31 May 2021 a group of about 8 people were sitting together at the house of sub chief Moses Wani Daniel in Gumbri. The Reverend Cosmas and Benjamin Laki were not with this group but had been elsewhere. A group of SSPDF soldiers arrived and with them were Reverend Cosmas and Benjamin Laki, both of whom had their hands tied. One of the soldiers shot Moses Wani Daniel in the chest, after which people started to run away and one young boy, Simon Taban, was shot. Moses Wani Daniel apparently died the following day, and when the people returned to bury him they found the bodies of Reverend Cosmos and Benjamin Laki. The people tried to get Simon Taban back to Lainya for treatment but he died and was buried with the others.
- c. There are three independent witness statement from civilians who assisted with the burial of the four bodies that they had all been shot and were in civilian clothes.

Assessment

12. It is apparent that the SSPDF were operating in the Gumbri area on 31 May 2021. Although this was denied by the commander of SSPDF 3 Brigade Ground Forces, both the County Commissioner and the Director of NSS clearly stated they were aware of SSPDF operations in Gumbri at that time, and in an early statement the SSPDF commander suggested there had been a clash with NAS.
13. Gumbri is considered to be territory controlled by NAS, and the SSPDF might assume that anyone found there could be NAS.
14. A group of Gumbri villagers, now resident in Lainya, returned to Gumbri just before 31 May 2021 in order to tend their farms and get food. The four people killed were amongst their number. These people did not inform either the Paramount Chief of Lainya nor the Executive Chief of Gumbri that they were going there.



15. The Reverend Cosmos and Benjamin Laki were arrested by a group of SSPDF soldiers. It cannot be confirmed exactly where or why they were arrested. These two were taken to the house of sub chief Moses Wani Daniel by the SSPDF soldiers who arrested them. There was some sort of altercation and Moses Wani Daniel was shot by the SSPDF soldiers, as was a ten-year-old boy, Simon Taban. Witness statements identify the soldiers as being members of the SSPDF.
16. When the villagers returned to bury Moses Wani Daniel they found the bodies of The Reverend Cosmos and Benjamin Laki.
17. All four dead had been shot and were in civilian clothes. Those involved with their burial all stated clearly that this was the case.

Conclusion

18. It is the conclusion of CTSAMVM that 4 civilians were killed by SSPDF soldiers on or around 31 May 2021 at Gumbri, in clear violation of the R-ARCSS, particularly Articles 2.1.10.5 and 2.1.10.7.4

Observations and Recommendations

19. The SSPDF has suffered attacks and ambushes by alleged NAS fighters in the Lainya area, and the area of Gumbri is seen as being controlled by NAS. All the evidence suggests that the SSPDF were conducting operations in the Gumbri area on 31 May 2021, and that at the same time a group of civilians – including a church minister – had gone to the area to collect food and tend their farms without telling any of the authorities they were doing so. Although it can be understood that the SSPDF would be suspicious of anyone found in a NAS-controlled area, it is very difficult to understand why they shot unarmed civilians including a ten-year-old boy, and two men they had previously arrested and tied up.
20. CTSAMVM recommends that the SSPDF conduct an enquiry into the incident and take any necessary action.

