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TO: Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)
Maj. Gen. Jany Kaway Yoakhor (SSOA)
Maj. Gen. Bior Leek Kuareng (Former Detainees)

FROM: The Chairperson, CTSAMVM

DATE: 22 April 2022

**SUBJECT: CTSAMVM REPORT 2022/09 – VIOLATIONS AGAINST CIVILIANS
IN JUR RIVER COUNTY, WESTERN BAHR EL GHAZAL STATE**

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS and ACoH which took place in Udici and Kangi Payams of Jur River County in Western Bahr Ghazal in Mid-2021 and Jan 2022

Please accept the assurances of my highest consideration.


Lt Gen Asrat Denero Amad

Chairperson, CTSAMVM



CTSAMVM REPORT 2022/09

EXECUTIVE SUMMARY

In mid-January 2022, there were complaints of murder by SPLM/A-IO's Brig Gen Philip Piol Ajak and soldiers under his command in Bahr Urut. Two people were allegedly killed on 12 Jan 2022 and 15 January 2022 by the group. There were allegations of six other murder cases earlier labelled against Brig Gen Philip Piol Aja's Group in Udici and Kangi Payams of Jur River County, Western Bahr El Ghazal.

SPLM/A-IO's Brig Gen Philip Piol Ajak together with his six escorts had moved from Ngo-Halima Cantonment Site in the second half of 2020, to Udici Payam which is 80 Km North West of Wau town and Kangi Payam which is 95Km North West of Wau town, both of Jur River County in Western Bahr El Ghazal (WBGs) citing welfare issues. The group was affiliated with SPLM/A-IO Division 6A's Brigade 4 whose HQ is based in Wadalelo.

The group was, in January 2022, accused of several counts of murder at Bahr Urut in Udici Payam. The group was also accused of other past murders and violations in the civilian area that they occupied. Due to popular civilian outcry about Brig Gen Philip Piol Ajak's activities, on 16 January 2022, a joint government force was injected in an operation to hunt down the Brig Gen and his group. The operation resulted in civilian complaints of harassment, beatings, looting and arbitrary arrests of civilians.

It is the conclusion of CTSAMVM that Brig Philip Piol Ajak and his group of soldiers are responsible for the death of 08 people. The SPLM/A-IO Bde 4 (Div 6A) Commander, Maj Gen Twal Twal, is equally liable for the crimes committed by Brig Gen Ajak because he released him and his soldiers to go and settle in his village with civilians with their rifles without any means and ways to check and reprimand them.

CTSAMVM further concludes that SSPDF is equally responsible for serious breaches of several provisions of the ACoH and the R-ARCSS including; Failure to protect and the abuse of human rights of civilians and to ensure the safety of individuals and communities (ACoH Art 5.1, R-ARCSS Art 2.1.10.7.4, 2.2.3.1), by

stealing property and goods from civilians, the SSPDF acted in clear violation of ACoH Art 6 (e), R-ARCSS Art 2.1.10.5, committing offences against property (ACoH Art 6 (e), R-ARCSS Art 2.1. 10.5).

VIOLATIONS IN WESTERN BAHR EL GHAZAL STATE

Introduction

1. Background:

- a. In mid-January 2022, there were complaints of murder by SPLM/A-IO's Brig Gen Philip Piol Ajak and soldiers under his command in Bahr Urut. Two people were allegedly killed on 12 Jan 2022 and 15 January 2022 by the group. There were allegations of six other murder cases earlier labelled against Brig Gen Philip Piol Aja's Group in Udici and Kangi Payams of Jur River County, Western Bahr El Ghazal.
- b. During investigations of the above allegations, the SPLM/A-IO Commanders alleged that the Government was using SPLM/A-IO defectors to fight/target SPLM/A-IO members. Consequently, CTSAMVM undertook to investigate these allegations concurrently.

2. Incidents and allegations

- a. SPLM/A-IO's Brig Gen Philip Piol Ajak together with his six escorts, moved from Ngo-Halima Cantonment Site in the second half of 2020, to Udici Payam which is 80 Km North West of Wau town and Kangi Payam which is 95Km North West of Wau town, both of Jur River County in Western Bahr El Ghazal (WBGS) citing welfare issues. The group was affiliated with SPLM/A-IO Division 6A's Brigade 4 whose HQ is based in Wadalelo.
- b. When he arrived in the area, Brig Gen Philip Piol Ajak recruited under his command other unverified number of SPLM/A-IO members in the area which he claimed to be 747 in number. The group was, in January 2022, accused of

several counts of murder at Bahr Urut in Udici Payam. The group was also accused of other past murders and violations in the civilian area that they occupied.

- c. Due to popular civilian outcry about Brig Gen Philip Piol Ajak's activities, on 16 January 2022, a joint government force was injected into a failed operation to hunt down the Brig Gen and his group. The operation resulted in civilian complaints of harassment, beatings, looting and arbitrary arrests of civilians. The SPLM/A-IO's also complained that the government used SPLM/A-IO defectors to fight Brig Ajak's group.

3. Methodology:

- a. The CTSAMVM MVT supported by Sector III HQ based in Wau reviewed previous engagements' reports which were relevant to the investigation.
- b. Visited Kangi and Udici Payams.
- c. Interviewed a total of 36 key witnesses including civil administrators, SSPDF and SPLM/A-IO Commanders (including Brig Gen Ajak), Police leaders, traditional leaders and civilians.
- d. 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. The whole State had been calm until SPLM/A-IO's Brig Gen Philip Piol Ajak and his six soldiers (with five guns) came and settled in the general areas of Bar-Wir and the surroundings within Udici-Kangi Payams.
5. According to Maj Gen Majok Madat Twal Twal, the SPLM/A-IO's Bde 4 Commander, (Division 6A) Brig Gen Philip Piol Ajak is still an active service member of SPLM/A-IO under Brigade 4 of Div 6A. He received permission from his Bde Commander (Maj Gen Twal Twal) to relocate to his home area in Udici Payam (civilian area) as a result of welfare issues at Ngo-Halima Cantonment Site. He remained in touch with his Brigade Commander for close to two years while he was living at home.
6. According to the in-charge Wau North Police Post, five murder cases are evidently linked to Brig Gen Philip Piol Ajak for which he should be made to account; two cases were already sanctioned to Wau North Court in Mid-2021, arrest warrants were already issued but the suspect has been at large.
7. A joint operation comprising SSPDF, NSS and Police conducted a 3-day operation on 16th -18th January 2022 to extract Brig Gen Philip Piol Ajak from Udici on the authority of the WBGs Security Committee chaired by the Governor, following two murder cases allegedly committed on 12th and 15th January 2022 plus other torments on the community.
8. There was the burning of 5 (five) houses, food granaries and looting of goats, chicken, plus sorghum that took place between 16-18 January 2022 by the joint forces while conducting an operation to extract Brig Gen Philip Piol Ajak and his group. This followed the occupation of Brig Gen Philip Piol Ajak's homestead for three days by the joint forces.
9. At least one male adult and one breastfeeding mother were arbitrarily arrested and detained together with a toddler for two weeks by the joint government forces. Other unspecified number of civilians were arrested and detained at the SSPDF Division 5 HQ but were later released. Two months after the operation,

there were still unknown number of persons under detention at SSPDF Div 5 HQ but were being promised to be handed over to police as confirmed by the SSPDF Div 5 Intelligence Officer who oversees the detention facility.

10. The relatives of Brig Gen Philip Piol Ajak were threatened and/or targeted which caused them to run with at least three of them confirmed as arrested by the joint forces, their houses burnt and one killed by unknown assailants, a month after the operation.
11. More than 200 (two hundred) households were displaced due to the deployment of the forces and fear of vengeance. Mboro Public Health Community Centre (PHCC) was identified by the authorities as a designated IDP camp for people who fled from Kangi and Bararut following the operation. Food and humanitarian support was to be provided to the IDPs.
12. According to Kangi Payam Administrator, some of Brig Gen Ajak's close kinships ran to IDP camps in Bahr Urut and other places in fear of community vengeance for his actions. There was unfolding conflict between the relatives of Brig Gen Philip Piol Ajak in Atong clan versus Tubo clan of those he killed. There may be no remedy to enable the return of Ajak's kinsmen unless he is arrested and charged or traditional settlement procedures of some sort of vengeance.
13. The Muzulmin did not take part in the government joint operation of 16 – 18 January 2022 because the group was last year integrated into SSPDF and their leader officially declared he had retired from service following the integration of his forces into SSPDF. There are no known records of violations on the community labelled against the Muzulmin prior to their integration late 2021.

Conclusion

14. Brig Philip Piol Ajak and his group of soldiers are responsible for the death of 08 people.

15. The SPLM/A-IO Bde 4 (Div 6A) Commander, Maj Gen Twal Twal, is equally liable for the crimes committed by Brig Gen Ajak because he released him and his soldiers to go and settle in his village with civilians with their rifles without any means and ways to check and reprimand them.
16. By conducting the joint operation without the involvement of the SPLM/A-IO's (Division 6A), it was against the spirit of trust and confidence which had been agreed upon within the State Security committee to conduct joint operations whenever there is a common problem.
17. The SSPDF is responsible for serious breaches of several provisions of the ACoH and the R-ARCSS including the following:
 - a. Failing to protect and the abuse of human rights of civilians and to ensure the safety of individuals and communities (ACoH Art 5.1, R-ARCSS Art 2.1.10.7.4, 2.2.3.1)
 - b. By stealing property and goods from civilians, the SSPDF acted in clear violation of ACoH Art 6 (a), R-ARCSS Art 2.1.10.5.
 - c. Committing offences against property (ACoH Art 6 (e), R-ARCSS Art 2.1. 10.5).
18. The SPLM/A-IO is equally responsible for serious breaches of several provisions of the ACoH and the R-ARCSS including the following:
 - a. Unlawfully allowing its forces to occupy civilian areas (ACoH Art 6 (g), R-ARCSS Art 2.2.3.1).
 - b. Brig Gen Philip Piol Ajak is responsible for murder of 5 (five) civilians while his soldiers killed 2 (two) relatives of the Area Paramount Chief, Mr Peter Ayok in Mid-2021 at Parachut. On the morning of 12 January 2022, Brig Gen Philip Piol Ajak's one soldier called Apo Otongo went to Bar-Achot and killed 01

civilian and injured 02 others. These actions are in clear violation of R-ARCSS Art 2.1.10.4, 2.1.10.5, 2.1.10.7.4 by killing 8 civilians.

- c. Failure to respect and ensure compliance with the international humanitarian law (R-ARCSS, Art 2.1.10.7.1, 2.1.10.7.4)

Observations and Recommendations

- 19. The theft and looting of civilians' property and goods including livestock by SSPDF soldiers displays total lack of discipline and contempt of civilians whom the SSPDF has a duty to protect.
- 20. The SPLM/A-IO should hold Brig Gen Philip Piol Ajak and his group accountable for the murders committed.
- 21. The SSPDF should compensate the civilians of their lost properties including food items and hold the perpetrators to account.