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To Maj Gen Rabi Mujung Emmanuel (ITGoNU)
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 Maj Gen Bior Leek Kuareng (Former Detainees)

From: The Chairperson, CTSAMVM



Date: 22 April 2022

SUBJECT: CTSAMVM REPORT 2022/10 – PRELIMINARY REPORT INTO ARMED CLASHES, DESTRUCTION OF PROPERTY AND SGBV CASES IN KOCH AND LEER COUNTIES IN UNITY STATE

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS and ACoH which took place at Koch and Leer Counties, Unity State, in January-April 2022.

Please accept the assurances of my highest consideration.

Lt Gen Asrat Denero Amad

Chairperson CTSAMVM

CTSAMVM REPORT 2022/10

EXECUTIVE SUMMARY

Mir Mir Cantonment Site (CS) is a designated SPLM/A-IO CS and Mir Mir Payam was SPLM/A-IO controlled area since the September 2018 when the Peace Agreement was signed. The Koch County Commissioner, Hon Gordon Koang Biel who belongs to ITGoNU, was reportedly not welcomed in Mir Mir which is one of his County Payams and as such there was constant disagreement between him and the SPLM/A-IO Mir Mir CS Commander, Maj Gen Gorge Gatbany.

Around August 2021 there were reports of some internal conflicts within Mir Mir CS where some soldiers were alleged to have killed a woman and a man who were in detention at the CS cells. The soldiers alleged to have been involved in the killing were led by Lt. Gatkhor Chuol and Lt. Kulang Mathiang. They fled and allegedly named themselves the "SSPDF aligned Kit Gwang faction of Mir Mir" and went to hide around Koch town.

There was fighting mainly between Koch armed youth against SPLM/A-IO forces in Mir Mir but later spread to Leer County. It was further alleged that the Koch County Commissioner (ITGoNU) allegedly took advantage of the situation and overran the CS on 11th Feb 22.

SPLM/A-IO defectors who initially fought the Cantonment Site were led by Lt Gatkhor Chuol who declared himself commander of SSPDF aligned Kit Gwang faction of Mir Mir and as such elevated his rank to a Major General after reportedly defeating the SPLM/A-IO forces in the CS.

The SPLM/A-IO forces were dislodged on 11 February 2022 from the Cantonment Site positions in Mir Mir by forces/armed youth under Command of Koch County Commissioner and elements of defected soldiers, the SSPDF aligned Kit Gwang Faction. There is evidence that various violations ranging from rape, physical torture of civilians and killing by burning of people and properties were committed.

It is the conclusion of CTSAMVM that clashes in Koch and Leer Counties did take place between forces/armed youth under Command of Koch and Mayendit County Commissioners together with elements of defected soldiers SSPDF aligned Kit Gwang faction against the SPLM/A-IO forces. These clashes were instigated by the government County commissioners and for this reason the government must bear responsibility for violations of the R-ARCSS and ACoH.

PRELININARY REPORT INTO ARMED CLASHES, DESTRUCTION OF PROPERTY AND SGBV CASES IN KOCH AND LEER COUNTIES, UNITY STATE

Introduction

1. Background:

- a. Mir Mir is a designated SPLM/A-IO Cantonment Site and Mir Mir Payam was SPLM/A-IO controlled area since the September 2018 when the Peace Agreement was signed. The Koch County Commissioner, Hon Gordon Koang Biel who belongs to ITGoNU, was reportedly not welcomed in Mir Mir which is one of his County Payams and as such there was constant disagreement between the Koch County Commissioner and SPLM/A-IO Mir Mir Cantonment Site Commander, Maj Gen Gorge Gatbany. The Chief and Payam Administrator for Mir Mir who were appointed by the Koch County Commissioner were denied access to, stay and/or work in their Mir Mir offices. This was because the SPLM/A-IO side believed that their choices for the posts of Chief and Payam Administrator in Mir Mir were not considered and the Commissioner opted to appoint people of his own choice. Since then, there was clear mistrust between the Cantonment Commanders and Koch County Commissioner.
- b. Around August 2021, there were reports of some internal conflicts within Mir Mir Cantonment Site where some soldiers were alleged to have killed a woman and a man who were in detention at Mir Mir Cantonment Site cells. The soldiers alleged to have been involved in the killing led by Lt. Gatkhor Chuol and Lt. Kulang Mathiang, fled after the incident for fear of being arrested. When they fled, it is reported that they allegedly named themselves the "SSPDF aligned Kit Gwang faction of Mir Mir" and went to hide around Koch town. However, on 8th Jan 22, they were said to have come back to attack the Cantonment Site together with a large group of armed youth from Koch but they were repulsed by the Cantonment soldiers.

2. Allegations:

- a. There were reports of armed clashes in southern parts of Unity State in areas of Mir Mir in Koch County and parts of Leer County. The fighting was mainly between Koch armed youth against SPLM/A-IO forces in Mir Mir but later spread to Leer County. During these clashes various violations of rape, arson, looting of properties as well as loss of human lives were reported. CTSAMVM conducted investigations on the clashes in Mir Mir and the effects of the conflict on the community like alleged rape cases and the killing by burning of elderly women in their homes in parts of Leer County.
 - b. It was further alleged that the Koch County Commissioner (ITGoNU) allegedly took advantage of the situation and fully participated in the conflict until his forces combined with armed youth and the SSPDF aligned Kit Gwang faction overran the Cantonment Site on 11th February 2022.
3. Aim: The aim of this report is to provide the findings of CTSAMVM investigations into the allegations, attribute responsibility for breaches of the agreements where applicable and to make recommendations.

4. Methodology:

- a. CTSAMVM undertook patrols to Mir Mir on 18 January 2022 before it was overrun and had engagements with the Cantonment Site Commander. On 01 March 2022, CTSAMVM engaged with the Koch County Commissioner and his Deputy who briefed about the attacks on the Mir Mir Cantonment Site.
- b. CTSAMVM had planned for 5 days Long Duration Patrol but after two days, clashes started again and the MVT could not continue with investigations.
- c. CTSAMVM interviewed a wide range of people including SSPDF Division 4 Commander Maj Gen John Maluit Wic Gatyang, Leer County Commissioner Hon Stephen Taker Riak and his Deputy Hon Paul Kuong, Unity State Minister for Peace Building Hon. James Madut Ruai, Unity State Deputy

Governor Hon Tor Tungwar, SSPDF Bde 12 Commander Brig Gen Gatluak Kai, UNMISS officials in Koch and Leer Counties, two survivors of Sexual and Gender Based violence, held discussions with relevant witnesses, victims, security organs within the area, Humanitarian workers and Administrative leaders to gather evidence at different locations within Leer and Koch Counties from January to April 2022.

- 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

5. The Conflict initially started between the SSPDF aligned Kit Gwang group against SPLM/A-IO but changed when Koch County Commissioner (ITGoNU) took advantage of the situation and actively got involved until Mir Mir Cantonment Site was attacked and overrun by the commissioner's forces on 11 February 2022.
6. The SSPDF aligned Kit Gwang group was assimilated as part of the forces used by Koch County Commissioner and later Mayendit Youth under their County Commissioner joined the conflict. Both commissioners are Key Political appointees of Revitalized Transitional Government of National Unity (RTGoNU) and are with the ITGoNU.
7. SPLM/A-IO defectors who initially fought the Cantonment Site were led by Lt Gatkhor Chuol from Mir Mir Cantonment site. Lt Gatkhor Chuol declared himself commander of the SSPDF aligned Kit Gwang faction of Mir Mir and as such elevated his rank to a Major General after reportedly defeating the SPLM/A-

IO forces in the Cantonment site on 11 Feb 22. However, he was reportedly killed in action in Bieh village when SPLM/A- IO forces under the command of Gen Ruot Chuol, the SPLM/A-IO Sector commander of Unity State, attacked his position on 5th April 2022 in a counter attack.

8. Several people including the First Vice President Dr. Riek Machar contacted the SPLM/A-IO Sector Commander and Division Commanders within Leer asking them not to counter attack Mir Mir. But on 5th April 2022, SPLM/A-IO forces went to Bieh Village and proceeded to attack Mir Mir and took control for some hours before they were dislodged again in the evening by the Koch County Commissioner's forces and SSPDF aligned Kit Gwang defectors. General Ruot Chuol SPLM/A-IO Sector Unity State Commander was blamed for the renewed clashes of April 2022 where during the fighting some destruction of humanitarian facilities were witnessed especially destruction of Padeah ICRC clinic, Gandor health centre.
9. The SPLM/A-IO forces were dislodged on 11 February 2022 from the Cantonment Site positions in Mir Mir by forces/armed youth under Command of Koch County Commissioner and elements of defected soldiers SSPDF allied Kit Gwang Faction.
10. There is evidence that various violations ranging from multiple forms of SGBV including rape/gang rape and physical torture of civilians took place. Of the 47 reported SGBV survivors, CTSAMVM interviewed two survivors and the investigation report (in part) states that; **"She was 36 years old, a mother of 6 kids whose husband was a military officer undergoing training at Panyir Training Centre in Jonglei state. She said on 18 February 2022 a fighting broke in their village, herself and four other women hid in the river bank but later the armed youth found them, they were ordered to carry looted boxes of oil with four 5- Litres containers to Mir Mir. When they reached Mir Mir, she was forced to have sexual intercourse with three men whole night before they were released in the following morning to go back to their home. Upon return to her village same evening two men came again to the village took her and another woman back to Mir Mir where she was**

severally gang raped. She was released and immediately went to Leer to seek refuge and treatment. On 22 February 2022 on her back to her home to get sorghum food stored in their home in area called Wankecha she was again arrested and beaten by armed youth till she vomited blood, till today she was unwell and feeling physical pain as result of beating”

11. The report further states that; “On 7th April 2022, the MVT met a young lady (less than 20 years) from Padeah village who was a rape survivor. She said she was a married and mother of one child. She was happy to see the MVT members as she feels that we among few organizations out there who care about the welfare of survivors. She said in mid-February while in her village in Padeah two armed men raped her and forced her to carry some sorghum to Mir Mir. Upon arrival at Mir Mir she was taken to where Koch County Commissioner was addressing the youth in some uniform while commissioner was wearing black suit. She was released next day to go back to Padeah. On second time while at her home, again some men came and forced her and other women to carry food stuff but she was not raped. On third occasion while at her home with her mother and two younger sisters while collecting food preparing to run to Leer, another group of men came, ganged raped her two sisters. Herself and the mother were not raped but the armed youth took her necklace and beat her. She said her sisters were aged 13 and 14 years old. She says those who rape her and her sister were Koch armed youth as she could recognise commissioner and some of the youth”.
12. There was killing by burning of people and properties which were committed by Koch and Mayendit armed youth combined with SSPDF aligned Kit Gwang faction, all these forces/armed youths were under the control and direction of Koch and Mayendit County Commissioners.
13. The Deputy Governor of Unity State (SPLM/A-IO) Hon Tor Tungwar stated that, “there were no major Signatory Parties’ conflicts in Unity state for long time and what was currently being witnessed in Koch, Mayendit and Leer Counties was perpetrated by some few commissioners but they would be

held accountable for their actions soon.” He further stated that; “it is on record, that there was evidence and facts that points to serious violations by Koch County Commissioner when he clearly stated he would wipe out SPLM-IO party and its soldiers from entire Koch County.” He also said that he “was happy to report no SSPDF involvement in the clashes and appreciated their professionalism in regards to the way they avoided to be used by politicians during the clashes.” He assured that SPLM/A-IO would avoid revenge attacks in Mir Mir but would discuss the issue with Governor and other IG leaders both at National and state level to find ways to solve it.

14. The Koch County Commissioner was still occupying Mir Mir Cantonment Site as of 09 April. Since 13 February 2022 he had never returned to Koch County HQs.
15. There was large scale forced displacement of civilians by forces under command of the Koch and Mayendit County Commissioners, as such an influx of IDPs was witnessed by CTSAMVM in Leer town. Over 13,000 new IDPs had reported to Leer town as result of the conflict.
16. Freedom of Movement and activities by Humanitarian Organisations had been greatly affected as of 09 April 2022 as all the teams had closed their activities and evacuated to safety at UNMISS GHANBATT due to the volatile situation.
17. There is evidence that women were used as forced labourers to carry looted properties for long distances by armed youth under Koch and Mayendit County Commissioners. As a result, some developed physical injuries.
18. There was looting of civilian properties, humanitarian stores and vandalism committed by forces of Koch and Mayendit County Commissioners.
19. The three Ports of Wath-Thiey (in Koch), Adok Port (in Leer) and Pak Port (in Mayendit) which were SPLM/A-IO controlled ports were captured by Koch and Mayendit armed Youth and are currently under their control. The three ports are of economic value to the three counties of Koch, Leer and Mayendit.

20. The Deputy Governor Unity State (SPLM/A- IO) and Leer County Commissioner (ITGoNU) are the only political leaders who have condemned the conflict in Southern part of Unity State.
21. Little and/or nothing tangible had so far been done by the Unity State Security Committee Chaired by the Governor to address the problem.
22. As of the date of this report, the conflict was still ongoing, unchecked with more displacement of the community expected.

Assessment

23. There could be ulterior motives and reasons other than for this conflict that are economic. The capture and occupation of mainly port areas cannot be a mere coincidence.
24. The conflict may not end soon unless there is intervention from top political level leadership.
25. The conflict requires a joint political approach by all the Parties to the R-ARCSS. The resolution of the conflict in Tambura may be a good model for resolution.

Conclusion

26. It is the conclusion of CTSAMVM that clashes in Koch and Leer Counties did take place between forces/armed youth under Command of Koch and Mayendit County Commissioners together with elements of defected soldiers, the SSPDF aligned Kit Gwang faction against the SPLM/A-IO forces. These clashes were instigated by the government County Commissioners and for this reason the government must bear responsibility for violations of the R-ARCSS and ACoH.

Observations and Recommendations

27. CTSAMVM urges JDB to quickly constitute a team for a fact-finding and confidence building mission, joined by other strategic stakeholders to seek solutions to the current situation in Unity State.
28. There is urgent need for Unity State Security Committee to facilitate dialogue between the aggressing and aggressed counties/parties.
29. The RTGoNU leadership to ensure accountability for violations committed by the senior government leaders, in respect to individual and command responsibility, under Articles 2.1.4, 2.1.10.7.3 of the R-ARCSS and Article 13 of the ACoH.
30. The Koch and Mayendit County Commissioners should be held liable since there is evidence that the youth who they mobilised and commanded overrun and occupied Mir Mir Cantonment Site and Adok port, raped civilians, looted (civilian and humanitarian organisation property), vandalised humanitarian facilities, caused forceful displacement of civilians, burned civilian houses, assaulted civilians, killed several civilians, and indulged civilians in forced labour in violation of Articles 2.1.10.2, 2.1.10.4, 2.1.10.5, 2.1.10.7.1, 2.1.10.7.4 and 2.1.10.7. 5 of the R-ARCSS and Articles 3.2 (a) (d), (g) Article 6 (a), (b), (c), (e), (i) and Article 7 .1) of the ACoH
31. It is recommended that the two County Commissioners of Koch and Mayendit and SPLM/A-IO Sector Commander, Gen Ruot Chuol be held accountable for conflicts.
32. Need to fast track processes for building the Necessary Unified Forces to address such conflicts.