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**To:** Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)  
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**From:** The Chairperson, CTSAMVM

**Date:** 26 July 2022

**SUBJECT: CTSAMVM REPORT 2022/19 – VIOLATIONS OF THE R-ARCSS AND ACoH IN NASIR COUNTY, UPPER NILE STATE BY PARTY SIGNATORIES**

Please find attached a report on violations of the R-ARCSS and the ACoH which took place in Nasir County, Upper Nile State between February to May 2022.

Please accept the assurances of my highest consideration.

**Lt Gen Asrat Denero Amad**  
**Chairperson CTSAMVM**



## CTSAMVM REPORT 2022/19

### EXECUTIVE SUMMARY

Between February and May 2022, CTSAMVM received various allegations of violations by Party Signatories in Nasir County, Upper Nile State, including fighting between SPLM/A-IO forces and Kit-Gwang Forces in Torkech, Recruitment by SSPDF in Nasir town, Clashes between SSPDF soldiers and armed youth in Nasir town and the arrest of two (02) youth leaders in Nasir town by SSPDF.

CTSAMVM conducted investigations and confirmed that there was indeed fighting in Torkech on 05 Feb 2022 between the SPLM/A-IO Division 3 Forces and the twelve SSPDF aligned Kit Gwang forces who defected from SPLM/A-IO Sector 4 Command in Mandeng in August 2021. During the fighting, one (01) SPLM/A-IO officer (Col Lam Malual Diew) and two (02) of the SSPDF aligned Kit-Gwang soldiers were injured.

The mobilization exercise of the youth in Nasir town took place and was conducted by two SPLM/A-IO defected Generals, Maj Gen Tut Doar and Maj. Gen. Chuol Buoth Nyuot who came to Nasir County from Juba. The two Generals were sent from Juba to Nasir town by SSPDF HQ "to mobilize their soldiers" to join them. They are currently living at Fouk in the former SAF Barracks under the care of the SSPDF Special Operations Brigade Cmdr, who provides them with Shelter and Food among others.

On 21 May 22, SSPDF soldiers from Wechyar Barracks moved out to collect firewood. They met and clashed with armed youths in a village called Tingoldit where by 01 of SSPDF was shot dead. When the SSPDF forces were returning to the Barracks they found civilians farming in Naiyar, fired at them and instantly killed one civilian called Bol Rambang Diew. The same SSPDF soldiers found another civilian in Hai Pure between Wechyar Barracks and Nasir town and killed him also.

Maj Gen Justin Nhial Batoang, SSPDF Special Operations Bde Commander based at Wychar Adiiw in Nasir town, confirmed to have arrested some youth on different dates and on different allegations. The youths were later released unconditionally.





**FIGHTING BETWEEN SPLM/A-IO AND KIT-GWANG FORCES AT TORKECH, RECRUITMENT BY SSPDF, CLASHES BETWEEN SSPDF SOLDIERS AND ARMED YOUTH, THE ARREST OF 02 YOUTH LEADERS BY SSPDF AND KILLING OF CIVILIANS BY SSPDF IN NASIR COUNTY**

1. Background

CTSAMVM received various allegations of different incidents from Nasir County, Upper Nile State including fighting between SPLM/A-IO forces and Kit-Gwang Forces in Torkech, Recruitment by SSPDF in Nasir town, clashes between SSPDF soldiers and armed youth in Nasir town and the arrest of two (02) youth leaders in Nasir town by SSPDF.

2. Incidents

- a. Incident 1, Fighting between SPLM/A-IO forces and Kit-Gwang Forces in Torkech: On 05 Feb 22, CTSAMVM MVT Malakal received information from Lt Gen Peter Thuok Chuol, SPLM/A-IO Sector 4 Cmdr alleging that, twelve (12) Kit Gwang group members who had defected from SPLM/A-IO Div 3 in Torpout and went to Akobo County in Jonglei State in October 2021, returned to Torkech in Nasir County with the intension to attack SPLM/A-IO Forces in Sector 4 HQ at Mandeng and Div 3 Forces at Torpout Cantonment Site. He further alleged that, the same forces had blocked the river line route from Mandeng to South Sudan-Ethiopia border along River Sobat and hence no free movement of boats and that civilians had vacated their homes in Torkech.
- b. Incident 2, Recruitment by SSPDF in Nasir town: On 18 February 2022 CTSAMVM MVT Malakal received information from Hon. Duol Kun Thian, the Nasir County Commissioner, alleging that there was massive mobilisation and recruitment of Youths into SSPDF in Nasir Town, Nasir County by SSPDF Brig Gen. Gatwech Jock Deng, the SPLM-IG Chairperson in Nasir County who came to Nasir Town with Maj Gen Tut Doar and Maj. Gen. Chuol Buoth Nyuot.





c. Incident 3, Clashes between SSPDF soldiers and armed youth in Nasir town: On 21 May 22 at 1530hrs, CTSAMVM MVT Malakal engaged with Nasir County Youth leader, Mr Gatbel Ruach, who alleged that on the same day in the morning (at 11:00hrs), while SSPDF soldiers from Wechyar Barracks had moved out to collect firewood, met and clashed with armed youths in a village called Tingoldit where by one SSPDF was shot dead. When returning to the Barracks the SSPDF soldiers found some civilians farming in a place called Naiyar, the soldiers fired at them and instantly killed one civilian called Bol Rambang Diew. In another incident, the same SSPDF soldiers found another civilian in an adjacent area called Hai Pure between Wechyar Barracks and Nasir town and killed him.

d. Incident 4, The arrest of two (02) youth leaders in Nasir town by SSPDF:

On 11 May 2022, CTSAMVM MVT Malakal engaged with Nasir County Commissioner Hon. Duol Kuon Thian who alleged that SSPDF Special Operations Brigade Commander in Nasir, Maj Gen Justin Nhial Batoang arrested two youth leaders namely; Mr. Chan Rey Liep and Mr. Koang Dobuol who have been living in Nasir since the Commissioner was appointed. He said that the arrest caused high tension among the community members whose sons were arrested. He further said that he would write an official statement about the arrests made by the SSPDF and called upon CTSAMVM to urgently get involved in the rescue of the two youths from the SSPDF.

3. Aim: The aim of this report is to present the findings of CTSAMVM investigations into alleged or suspected violations of provisions of R-ARCSS and ACoH, attribute responsibility for breaches where applicable and to make recommendations with regard to compliance and/or non-compliance actions.

4. Methodology:

a. The investigations were undertaken with the full participation of CTSAMVM National Monitors and discussed at the JMCO. CTSAMVM interviewed a wide range of witnesses as follows:

- i. Incident 1: CTSAMVM MVT Malakal interviewed several witnesses who were directly connected to and those relevant to the alleged incident. The team visited Mandeng, Torkech, Torpout and Nasir County HQ in Nasir town. The team met and engaged with SPLM/A-IO Sector 4 Commander, Lt Gen Peter Thok Chuol, based in Mandeng, SPLM/A-IO Commander, Col Gatkwoth Gadwal based in Torkech. At Torpout, the team also engaged the SPLM/A-IO 3 Div HQ/Cantonment Site Commander, Maj Gen Thomas Tut Riek, Maj Gen John Chuol Ngot - Deputy Cmdr 3Div, Maj Gen Peter Ruach Wie – Operations Commander Sector 4. Finally, the team met with Hon Duol Kun Thian, the Nasir County Commissioner at the County HQ.
- ii. Incident 2: In the process of investigating the incident, CTSAMVM MVT Malakal conducted face-to-face interviews with persons directly connected and those relevant to the alleged incident. The team visited the Nasir County HQ in Nasir Town and met with Hon Duol Kun Thian, the Nasir County Commissioner, Mr. Biel Thok Tut, the youth leader of the White Army, Mr. Gatbel Ruach Ruot, the Deputy youth leader of the White Army. The team further visited Wychar Adiiw Barracks, the SSPDF Special Operations Bde HQ and met with Maj Gen Justin Nhial Batoang, the Bde Cmdr and Brig Gen James Gatwech Jok Deng, the Chairman SPLM-IG Party
- iii. Incident 3: CTSAMVM MVT Malakal interviewed several witnesses who were directly connected to and those relevant to the alleged incident. The team visited Nasir County HQ in Nasir Town and interviewed Hon Duol Kun Thian, the Nasir County Commissioner, Mr. Biel Thok Tut, the youth leader of the White Army, Mr. Gatbel Ruach Ruot, the Deputy Youth leader of the White Army. The team also visited SSPDF Barracks at Wychar Adiiw and interviewed the SSPDF Special Operations Bde Commander, Maj Gen Justin Nhial Batoang.



- iv. Incident 4: CTSAMVM MVT Malakal visited Nasir County HQ in Nasir Town and interviewed Hon Duol Kun Thian, the Nasir County Commissioner, Mr. Biel Thok Tut, the youth leader of the White Army, Mr. Gatbel Ruach Ruot, the Deputy Youth leader of the White Army, Maj Gen Thomas Tut Ruey, the Police Director Nasir and Ulang Counties. The team further visited SSPDF Barracks at Wychar Adiiw and interviewed the SSPDF Special Operations Bde Commander, Maj Gen Justin Nhial Batoang.
- b. 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

### 5. Incident 1:

- a. Indeed, there was fighting in Torkech on 05 Feb 2022 between the SPLM/A-IO Division 3 forces and the twelve (12) SSPDF aligned Kit Gwang officers who defected from SPLM/A-IO Sector 4 Command in Mandeng in August 2021.
- b. During the fighting, three (03) people were injured including one (01) SPLM/A-IO officer (Col Lam Malual Diew) and two (02) of the SSPDF aligned Kit-Gwang soldiers. The SSPDF aligned Kit-Gwang members dispersed and went far away from Nasir County while others dissolved within the community. Therefore, at the time of investigation there was no organized SSPDF aligned Kit-Gwang forces in Nasir County and its surroundings.

- c. At the time of writing this report, the security situation in Nasir County and its surroundings was normal. There was general lack of social amenities such as food, clean water, shelter, health facilities and education facilities in Mandeng.

6. Incident 2:

- a. The mobilization exercise of the youth in Nasir town took place and was conducted by the two SPLM/A-IO defected Generals, Maj Gen Tut Doar and Maj. Gen. Chuol Buoth Nyuot who came to Nasir County from Juba.
- b. The two (02) former SPLM/A-IO Generals namely; Maj Gen Tut Doar and Maj. Gen. Chuol Buoth Nyuot were sent from Juba to Nasir town by SSPDF HQ "to mobilize their soldiers" to join them. They are currently living at Fouk in the former SAF Barracks under the care of the SSPDF Special Operations Brigade Cmdr, who provides them with Shelter, Food etc.
- c. The presence of Brig Gen James Gatwech Jok Deng (Chairman SPLM-IG Nasir County) and the two former SPLM/A-IO Generals namely Maj Gen Tut Doar and Maj. Gen. Chuol Buoth Nyuot in Nasir town caused a lot of tension between the youth and SSPDF and thus a security threat to the area.
- d. Brig Gen James Gatwech Jok denied any links or knowledge of the mobilization exercise or recruitment of the youths in Nasir town. He informed CTSAMVM that his purpose of going to Nasir was to pay tribute to his late father but not to mobilize or recruit the youths.
- e. Only about five (05) youths have remained with the former SPLM/A-IO Generals in Fouk, the rest left and went back to their homes.
- f. There exists an organised armed youth group/White Army in Nasir County who are loyal to the County Commissioner (SPLM/A-IO) and are always at loggerheads with the SSPDF Special Operations Brigade forces who are the dominant organised force in the area.

7. Incident 3:



- a. SSPDF soldiers from Special Operations Bde in Wychar Adiiw went out to collect firewood in a far distance (about 02 hours walk) and clashed with armed youths who came from Ulang County in a place called Tingoldit. One SSPDF soldier was killed.
- b. One of the youth was identified as Nhial Chuol Them from Ulang. The Nasir County Commissioner confirmed that Ulang County administration was contacted to have Nhial Chuol Them arrested but they responded that he had escaped while his colleagues could not be identified.
- c. While the soldiers were returning back, they killed a civilian on the way and also shot at another in Nasir town who also died later. This was confirmed by Maj Gen Justin Nhial Batoang, the SSPDF Special Operations Bde Commander.
- d. The SSPDF Special Operations Bde Cmdr advised the relatives of the deceased civilians to formally report the case to police for investigation so that they can use the police report to write to the SSPDF HQ to request for compensation. At the time of investigations, the SSPDF Bde Cmdr said that they were still waiting for the response from the HQ.

8. Incident 4:

- a. CTSAMVM confirmed that five (05) youths were arrested by the SSPDF and later released. They are: Mr. Chan Riey Liep, Mr. Hadig Maluoth, Mr. Biel Thuok Tut, Mr. Gatbel Ruach Ruot and Mr. Biiy Pal Malual.
- b. According to the statement of Maj Gen Justin Nhial Batoang, Cmdr SSPDF Special Operations Bde, based at Wychar Adiiw in Nasir town, the arrested Youths were not tortured. This was confirmed by the interviewed youth leaders, who were also victims.
- c. The youth have since mended their relationship with the SSPDF in Nasir and resumed joint patrols in the town.



- d. The young man Mr. Biiy Pal Malual, in the controversy of the gun was not forced to join SSPDF but had joined willingly.

### **Assessment**

9. The conflict in Torkech is assessed to have been caused by the presence of the defected SPLM/A-IO officers (SSPDF aligned Kit-Gwang forces) and their competition for space. The SPLM/A-IO commanders are not comfortable with the presence of defectors in their area of control. Therefore, the coming back of the defected officers to Torkech threatened the SPLM/A-IO command in the area hence the fighting on 05 Feb 2022.
10. The fighting in Torkech, between SPLM/A-IO and the defected officers constitute a violation of the R-ARCSS, articles 2.1.2 and 2.1.9 among others.
11. The presence of the former SPLM/A-IO Generals at Fouk (former SAF Barracks) poses a threat to the security of Nasir County as the youth are still suspicious about their mission and activities in the area.
12. The SSPDF's involvement and aiding of military mobilisation of the youth is a violation of articles 3.2(e) of ACoH which prohibits all hostile military actions including recruitment and enlistment, and R-ARCSS Articles 2.1.10.3 and 2.1.10.4 which prohibit acts of recruitment, mobilisation, redeployment and movement of forces except for administrative and logistical movements.
13. The SSPDF soldiers suspected the armed youths who killed their colleague to be White Army youths from Nasir County, hence the killing of the civilians in revenge which violates Article. 2.1.9 of the R-ARCSS.
14. SSPDF's acceptance of Mr. Biiy Pal Malual, a young person of 16 years of age to join their ranks was a violation of the R-ARCSS, Art. 2.1.10.3 and 2.1.10.7.1.

### **Conclusions**

15. It is the conclusion of CTSAMVM that the SSPDF acted in violation of the ACoH, articles 3.2(e) and R-ARCSS Articles 2.1.10.3, 2.1.10.4 and 2.1.10.7.1 by

involvement and aiding of military mobilisation of the youth including the underage.

16. By killing two civilians in revenge, the SSPDF violated Article 2.1.9 of the R-ARCSS.

### **Recommendations**

17. The defected forces should always not be allowed to go in close proximity with the Party forces they defected from as this creates tension of intension to attack them. The SSPDF should therefore withdraw and/or recall Maj Gen Tut Doar and Maj. Gen. Chuol Buoth Nyuot from Nasir back to Juba or any other place distant from SPLM/A-IO forces and/or their affiliates to restore harmony between the County Commissioner, SSPDF forces and the youth.
18. The SSPDF should desist from making arbitrary arrests of civilians and when they must, they should always handover the suspects to the police for custody and investigation.
19. The SPLM/A-IO Command in Ulang and Ulang County administration should trace for Mr. Nhial Chuol Them along with his accomplices and hold them to account for the death of the SSPDF soldier.
20. The SSPDF should hold accountable the soldiers who killed the civilians. However, the SSPDF should fast track and expedite the process of compensating the deceased civilians.