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TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 15 May 2017

**SUBJECT: CTSAMM REPORT 038 – KILLING AND DISPLACEMENT OF CIVILIANS IN PAJOK**

Your Excellency,

Please find attached a CTSAMM report on violations of the Permanent Ceasefire and Transitional Security Arrangements (Chapter II of the Agreement on the Resolution of the Conflict in the Republic of South Sudan of 26 August 2015) that took place in Pajok (shown on the map as Parajok) in Eastern Equatoria State in early April 2017. This report was discussed at the 11<sup>th</sup> CTSAMM meeting on 5 May 2017

  
Major General Molla Hailemariam  
Chairman



**Ceasefire and Transitional Security Arrangements Monitoring Mechanism**

**CTSAMM REPORT NUMBER 038**  
**KILLING AND DISPLACEMENT OF CIVILIAN IN PAJOK**

**Executive Summary**

There has been ongoing conflict in the eastern part of Eastern Equatoria State, and on 3 April 2017 Government Forces mounted an operation against SPLM/A-IO forces in the area of Pajok. There were reports of civilians being killed, and a large number fled towards Uganda.

Subsequent investigations by CTSAMM found clear evidence that Government Forces, had indeed deliberately and in cold blood killed a number of civilians before, during or after operations against SPLM/A-IO positions several kilometers from Pajok. There had also been looting of houses and community assets. The majority of the civilian population fled either before or during the fighting.

It is the clear opinion of CTSAMM that the actions of Government Forces on Pajok on or around 3 April 2017 were in clear and blatant violation of both the spirit and the word of the ARCSS.

It should be of grave concern to JMEC that the Government appears to allow acts of violence by the Security Forces against its own people, and that this violence is directed in such a manner as to appear to have an ethnic dimension that results in mass displacement of citizens of particular ethnicity. Those responsible should be held to account.

## KILLING AND DISPLACEMENT OF CIVILIANS IN PAJOK

### 1.0 Introduction

#### 1.1 Background:

- Pajok payam is strategically located on the Ugandan border, and until recently remained relatively calm. However, the presence of an SPLM/A-IO unit about 7 km from Pajok, rising tensions in the Eastern Equatoria region and events in neighbouring Magwi County led to a feeling of insecurity.
- There have been no reports of previous conflict between Government Forces and the SPLM/A-IO in the Pajok area, but there have been ambushes on the Torit to Pajok road and other attacks in Magwi County linked to SPLM/A-IO activity.

1.2 Incidents: On 3 April 2017 Government Forces mounted offensive operations against SPLM/A-IO forces in the Pajok area. During these operations, deliberate attacks were made against the civilian population which including the shooting and killing of at least 16 people. The MVT obtained substantial evidence of looting, including photos and victim/eyewitness testimony, and also received reports that there had been a number of rapes. The majority of the civilian population fled across the border, and the only ones to return were women looking for children lost in the chaos, and those trying to recover food.

1.3 Aim: The purpose of this report is to describe what happened in Pajok and attribute responsibility where appropriate.

#### 1.4 Methodology:

- The MVT based in Torit reported what turned out to be preparatory troop movements on 31 March 2017, and from then on monitored the situation closely. As soon as reports of fighting were received plans were made to visit Pajok on 5 April, but the joint CTSAMM/UNMISS patrol was turned back by Government Forces and NSS personnel.
- On 11 April the patrol once again set out for Pajok, arriving on 12 April. The MVT was able to interview the Government Forces officer in command of operations in the Pajok area, the local director of NSS and the Ayaci County Commissioner. They were also able to talk with many of the few remaining local people who were eyewitnesses to what happened.

### 2.0 **Investigation**

#### 2.1 Timeline: The timeline of what happened is as follows:

- 31 March 2017. Reports were received by the MVT that Government military personnel were being moved towards Ayaci County from Magwi County.
- 1 April 2017: An estimated 1,000 Government soldiers deployed to Ayaci County. This deployment caused suspicion and fear in the local population.
- 2 April 2017: Some civilians started moving towards Pogee on the Ugandan border. The word went round that some of the Government soldiers were 'Mathiang Anyoor' whose reputation is such that many local people were too scared to stay.



- 3 April 2017:
  - Government Forces advanced on two axes, one down the main road to Pajok and the other east of the main road towards Lawach Boma and the base of SPLM/A-IO forces. There was apparently little actual fighting: the SPLM/A-IO forces reportedly fled in the face of the Government Forces advance.
  - Government Forces looted Pajok and killed at least 16 civilian inhabitants.
- 5 April 2017: The initial CTSAMM/UNMISS patrol to Pajok was refused access to the area by a Government Forces and NSS checkpoint.
- 12 April 2017: The CTSAM/UNMISS joint patrol arrived in Pajok, and undertook investigations before returning to Torit on 14 April.

## 2.2 Killing of civilians:

- The MVT was able to get eye-witness statement from the few remaining citizens that at least 16 civilians in the Pajok area alone were killed by Government Forces. They were shown graves and one body, which had been left to rot. Given the fact that Pajok represented only a small part of the area within which Government Forces were operating, it is highly likely that the total number of civilians who lost their lives is more than the 16 herein reported.
- Several eye witnesses described how soldiers had dragged men from houses, robbed and beat them before shooting them in cold blood.

- On 3 April Government Forces used vehicles to tell civilians that they were there to fight the rebels only and to return to their homes. Several of those who obeyed this instruction were subsequently shot and killed.

### 2.3 Displacement of civilians.

- Accurate figures for the population of Pajok payam are not available, although Pajok had been a busy town with a diverse population; the MVT found no more than 200 people remaining. Information obtained from humanitarian agencies suggest at least 7,000 people have been displaced from the area. The chief of Caigon Boma told the MVT that there were only 38 people left in the boma: 15 old women and 23 old men.
- People started fleeing on 2 April when Government Forces started to deploy to the area. On 3 April there was a mass exodus caused by heavy gunfire and the actions of the soldiers: harassment, looting and killing of civilians.
- Missing children:
  - On 3 April the schools were open, although few children attended. When the shooting started a number of children who were at school became separated from their parents who had fled to Uganda. The MVT interviewed two women who returned to Pajok to look for their children. One woman fled when she saw two of her neighbours killed by Government Forces and returned on 13 April to search for her 9 year-old son; another returned on 12 April to look for two of her children but left in despair when all she found was that her brother and a close neighbour had both been killed.

- It was reported to the MVT that a number of children had gone missing from Chemis Primary School, but no witnesses could be found and the school was deserted. The issue of missing children should be further investigated as a matter of urgency.

#### 2.4 Looting:

- Following the fighting of 3 April Government Forces looted Pajok thoroughly. Houses, shops, schools and the clinic had all been looted: the MVT observed that all goods had been taken from the shops, that the school had been looted and its safe forcibly opened and the contents taken.
- A large quantity of looted items had been taken to a well-guarded house in Pajok. On 12 and 13 April looted items from this house were seen being loaded on a pick-up and a military truck and taken towards Magwi escorted by Government Forces soldiers.

#### 2.5 Humanitarian situation: The MVT was able to make the following observations about the humanitarian situation in Pajok:

- The few people remaining in Pajok were elderly. Due to the looting of shops, homes and granaries they had little to sustain them. They were very worried about the lack of able-bodied people to look after them.
- The people were scared of the Government troops and lived in fear.
- The MVT were told that the situation in the camps in Uganda was not good, and that some people had returned to Pajok to gather food only to find it had all been looted.



## 2.6 Other observations:

- Rape: One of the old people remaining in Pajok complained that young women had been raped by Government Forces soldiers. An officer said he was aware of only one case of attempted rape and the soldier concerned had been arrested; he went on to admit that the soldiers get drunk and are difficult to control. Because there were so few people remaining in Pajok and no young people the MVT was not able to investigate the issue of rape further.
- Committee: The MVT were told that on 10 April a meeting was reportedly convened between Government Forces officers and the remaining local people and a committee established with five representatives of the army and five local civilians to discuss issues related to looted property and other concerns. The MVT was shown the minutes of the meeting, but no names of the civilian representatives were given, and they considered the committee irrelevant as all looted property had been removed and also because they were so few residents left in the area.

## 3.0 **Assessment:**

- 3.1 During operations against SPLM/A-IO forces in the Pajok area, Government Forces not only clearly failed to protect the civilian population, but actively committed atrocities including the beating and killing of unarmed citizens, and the wholesale looting of private and community assets.
- 3.2 The actions of Government Forces were directed against citizens of minority ethnic groups who have now fled to Uganda in yet another mass displacement from Greater Equatoria. All the evidence suggests they are scared to return while Government Forces troops are still in occupation, and it was observed by the MVT that due to the looting they have little to return to,



#### **4.0 Conclusion:**

- 4.1 It is the conclusion of JTC that by committing atrocities against the civilian population whilst engaged in operations against SPLM/A-IO forces in the Pajok area, Government Forces were in clear and blatant violation of Chapter 2 of the ARCSS, particularly:

Article 1.7.5: "Acts of hostility, intimidation, violence or attacks against the civilian population...."

Article 3.1 of the COHA: "The parties shall refrain from attacks on the civilian population and commit to the protection of human rights . . . ."

- 4.2 JTC concludes that by blocking the joint MVT/UNMISS patrol to Pajok on 5 April, Government Forces were in clear violation Chapter II of the ARCSS, specifically Article 7.2.b of the COHA: "The MVT shall enjoy complete freedom of movement...."

#### **5.0 Observations and Recommendations:**

- 5.1 The officers responsible for violent and illegal acts against the citizens of Pajok should be held to account. CTSAMM emphasises to JMEC if the Government fails to investigate and take action against those who violate not only the provisions of the ARCSS but also national and international law, the Government tacitly sanctions these acts and thereby becomes complicit.
- 5.2 The deployment of Government troops caused fear and displacement even before the shooting began. There is evidence that the actions of these soldiers were perceived by local people to be ethnically motivated. This ethnic dimension,

seen elsewhere in the Equatoria region, must be of grave concern to those who hope for a peaceful future for a united South Sudan.

- 5.3 All the evidence suggests that discipline within the Government Forces units deployed to the Pajok area was almost non-existent. It is strongly recommended that Government Forces impose discipline upon their military personnel and give the troops the training necessary for them to operate like professional soldiers and protect rather than terrorise the civilian population.
- 5.4 The wholesale looting of Pajok involved Government Forces stealing from their own people, and leaving so little that it will be difficult for those people to return. CTSAMM calls upon JMEC to encourage the Government to restore stolen property to the people of Pajok, and to create the conditions necessary for them to return.
- 5.5 CTSAMM will conduct further patrols to the Pajok area in order to monitor the situation there.