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FROM: The Chairperson, CTSAMVM

DATE: 21 March 2023

**SUBJECT: CTSAMVM REPORT 2023/04 – MISTREATMENT OF CIVILIANS IN
CENTRAL EQUATORIA STATE**

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on an incident which took place in Central Equatoria State on 13 January 2023.

Please accept the assurances of my highest consideration.

Lieutenant General Asrat Denero Amad



Chairperson

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

EXECUTIVE SUMMARY

On 13 January 2023 a patrol of SSPDF soldiers from the SSPDF base in Abegi went to Yembe, acting on a tip-off that several members of NAS would be meeting there to address a domestic issue involving a NAS officer called Captain Zacharia. CTSAMVM was told that another reason for the patrol was to try and discover the whereabouts of an SSPDF soldier who had allegedly been abducted in the area.

On arrival at Yembe the SSPDF arrested one NAS soldier and killed another. CTSAMVM was unable to determine whether the man who was killed lost his life in a firefight or was shot in cold blood. Captain Zacharia fled.

The SSPDF patrol was ordered to stay the night in Yembe. They stole and ate some goats. The next day they arrested 3 civilian relatives of Captain Zacharia (aged between 51 and 62) and his 6-year-old son. They made them carry looted household items and accompany the patrol to Kerkule, where they were released.

According to the captured NAS soldier, NAS does not have permanent bases but members live in communities. This endangers civilians who are caught up in SSPDF operations against NAS. Civilians live in fear of both NAS and the SSPDF.

By mistreating civilians, the SSPDF acted in violation of the R-ARCSS.

CTSAMVM recommends the SSPDF increases the training and discipline of its personnel in order that civilians are treated correctly and within the law. CTSAMVM also welcomes the recent commitment made by the R-TGoNU to reengage with the Rome peace process facilitated by the Community of Sant'Egidio, in the hope that the issues between the Government and NAS can be resolved.



MISTREATMENT OF CIVILIANS IN CENTRAL EQUATORIA STATE

INTRODUCTION

1. Background:

- a. Incidents allegedly involving NAS continue to be an issue in southern Central Equatoria State. In the 5 weeks leading up to the events covered by this report, CTSAMVM was made aware of 5 alleged NAS incidents: two abductions, one robbery and two attacks against SSPDF personnel.
- b. Since the signing of the R-ARCSS, 17% of CTSAMVM reports have attributed responsibility for violations of the ACOH to NAS. However, on 5 occasions CTSAMVM has found the SSPDF responsible for committing violations of the R-ARCSS against civilians in operations against alleged NAS activists, or in reprisal for NAS-related incidents. The last two such cases are described in CTSAMVM Reports 2022/12 and 2022/18.
- c. On 12 January 2023 the SSPDF received intelligence of a meeting that was being arranged in Yembe on 13 January 2023 to resolve a domestic dispute between two NAS officers. One of the officers was called Captain Zacharia. According to the Commander of 1 Brigade SSPDF, Yembe was known as a NAS operating base, and the meeting provided an opportunity to “weed out NAS in the area”. According to the Commander of the SSPDF Mobile Force in Abegai, the main reason to go to Yembe and take advantage of the meeting was to try and recover an SSPDF soldier allegedly abducted in the area on 12 January 2023.
- d. Yembe is in the bush about 11 Km west of Yei.

2. Incident: The arrest of civilians, the killing of a NAS operative and the looting of civilian property by the SSPDF in Yembe on 13 January 2023.



3. Aim: The aim of this report is to present the findings of CTSAMVM investigations into alleged or suspected violations of provisions of applicable agreements, to attribute responsibility for breaches of the agreements, and to make recommendations with regard to compliance actions that will help foster peace and reconciliation.

4. Methodology:

- a. The investigations were undertaken with the full participation of CTSAMVM National Monitors.

- b. Between 16 and 19 January 2023 CTSAMVM interviewed witnesses as follows:

- i. Civilians: The group of civilians arrested at Yembe: 2 women and 1 man. There was also a 6-year-old child who had been arrested with the adults, and who was present at the interview which took place in the office of the Paramount Chief of Yei County.
- ii. Traditional leadership: The Sub-Chief of Yembe Boma (contacted by telephone).
- iii. SSPDF: The Commander of SSPDF 1 Brigade in Yei; the Commander of the SSPDF Mobile Force in Abegi.
- iv. NAS: A NAS officer arrested at Yembe, who was being held at SSPDF 1 Brigade HQ in Yei.

c. Limitations:

- i. CTSAMVM was unable to visit the site of the incident. This is because Yembe is in the bush away from any driveable roads, and due to the presence of NAS it was not safe for CTSAMVM to walk there without Force Protection.

- ii. Local civilians and traditional leaders appeared afraid to give much information to CTSAMVM.
5. 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

6. On 13 January 2023 a patrol from the SSPDF Mobile Force at Abegi went to Yembe, acting on a tip-off that there were NAS officers meeting there to resolve a domestic issue involving a NAS officer called Captain Zacharia. According to the SSPDF Commanding Officer at Abegi, they were trying to locate an SSPDF soldier who had allegedly been abducted in that area the previous day.
7. When the SSPDF soldiers arrived at Yembe, they arrested one NAS soldier (an officer) and killed another. There are conflicting accounts about how the NAS soldier was killed: according to the SSPDF he opened fire and was killed in a firefight; according to the captured NAS officer he was killed in cold blood after failing to find and hand over a rifle belonging to a Captain Zacharia. The arrested civilians said the SSPDF “proceeded to kill one of them in their midst”. The man who was killed was clearly identified as a member of NAS by his colleague who was captured.
8. Captain Zacharia and his wife fled during the SSPDF operation. The SSPDF patrol arrested other members of his family: two of his aunts and an uncle (aged between 51 and 62) and his 6-year-old son.

9. The SSPDF soldiers were ordered by their Commanding Officer to stay the night in Yembe and monitor any NAS activity. They stayed in the compound of the Sub Chief. According to the family of Captain Zacharia they looted 7 goats and household items. The SSPDF claimed 4 goats were given to them by the Sub Chief of Yembe Boma and 3 were killed in crossfire, but this was denied by the Sub Chief who said the SSPDF brought goats with them when they came to his compound.
10. The arrested NAS officer said he was originally in the SPLA but defected in 2017 and was recruited by NAS. He also said that the NAS group to which he belonged did not have a permanent base but that "everybody operates from their houses".
11. On 14 January the 4 arrested civilians were taken by the SSPDF patrol to the SSPDF base in Kergulu, where they were released. They stated that they were used by the SSPDF soldiers to carry household items they had looted from the village. They then went to Yei, and the incident was reported to CTSAMVM.

ASSESSMENT

12. Without access to independent witnesses CTSAMVM is unable to assess whether the NAS soldier who was killed was shot in a firefight or in cold blood.
13. The SSPDF arrested 3 middle-aged people (two of whom were women) and a young child. Although released when the SSPDF patrol reached Kergule on the road, the civilians were clearly traumatised and scared following the experience.
14. It is the assessment of CTSAMVM that the SSPDF patrol did steal goats and household items from the community in Yembe.
15. Civilians in the Yembe area living in fear, both of the SSPDF and NAS.



16. It is clear that NAS members live in local communities and are of course related to local people. The presence of NAS in local communities constitutes a danger to those communities from SSPDF operations.

CONCLUSIONS

17. It is the conclusion of CTSAMVM that by arresting 4 civilians, including a child, and by stealing goats the SSPDF acted in violation of the R-ARCSS, specifically Article 2.1.10.5. The SSPDF also failed in its obligations under Article 2.1.10.7.4.

OBSERVATIONS AND RECOMMENDATIONS

18. CTSAMVM acknowledges the difficulties and frustrations experienced by the SSPDF as a result of the presence and actions of NAS in southern Central Equatoria State. However, the SSPDF appears to lack the training and discipline to treat civilians in a professional and appropriate manner when conducting operations against NAS.

19. CTSAMVM recommends the SSPDF increase the training and discipline of its personnel in order that civilians are treated correctly and within the law.

20. CTSAMVM welcomes the recent commitment made by the R-TGoNU to reengage with the Rome peace process facilitated by the Community of Sant'Egidio.

