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Ref: CM/2023/10/070

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FROM: The Chairperson, CTSAMVM

DATE: 24 October 2023

SUBJECT: CTSAMVM REPORT 2023/11 - KILLING OF A BOY IN CENTRAL EQUATORIA STATE

Dear CTSAMVM Technical Committee Senior party representatives

Please find attached a report on a violation of the R-ARCSS which took place in Central Equatoria State in July 2023.

Please accept the assurances of my highest consideration

Major General Hailu Gonfa Edossa

Chairperson

Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism



CTSAMVM REPORT 2023/11

KILLING OF A BOY IN CENTRAL EQUATORIA STATE

EXECUTIVE SUMMARY

On the morning of 1 July 2023 a father and his two sons were walking to their fields in the Libogo sub-boma of Lasu Payam. They passed a group of SSPDF soldiers walking towards Lasu, who they recognised them as being from the barracks in Lasu.

Further on they came across two more SSPDF soldiers. These soldiers were from the SSPDF Mobile Force from Abegi. After some sort of altercation, one of the boys (aged 13) became scared and ran away. He was shot in the thigh and fatally wounded. His father was also shot and wounded, but recovered following treatment at the Lasu clinic.

The two soldiers were arrested and held in custody at the SSPDF Mobile Force barracks in Abegi. The Commander of the Mobile Force and the Acting Commander of the SSPDF Brigade in Yei claimed there had been some sort of attack against the SSPDF patrol, but their accounts were contradictory and CTSAMVM found no evidence of any shots being fired other than those of the two SSPDF soldiers.

The killing of an unarmed 13-year-old boy by soldiers of the SSPDF constitutes a clear violation of the R-ARCSS.

KILLING OF A BOY IN CENTRAL EQUATORIA STATE

INTRODUCTION

1. Background:

a. Relations between the SSPDF and civilians in southern Central Equatoria State have been improving, however they continue to be compromised by the actions of ill-disciplined soldiers. CTSAMVM (and its predecessor organisation CTSAMM) has recorded numerous violations by the SPLA/SSPDF against civilians since July 2016. Since the signing of the R-ARCSS over 13% of all CTSAMVM reports have recorded violations (including SGBV) by the SSPDF against civilians in southern Central Equatoria State. The most recent being the killing of a Boma Chief in June 2023 (CTSAMVM Report 2023/10)

b. On 4 July 2023 whilst on a routine visit to the Yei County Paramount Chief, CTSAMVM was told of a shooting incident on 1 July 2023 in Lasu Payam where a 13 year-old boy was shot dead by the SSPDF.

2. Allegation: That on the morning of 1 July 2023 in the Yago area, Libogo sub Boma, Lasu Payam a 13 year-old boy was shot and killed by the SSPDF whilst walking with his father and brother to the family farm; it was further alleged the boy's father had been shot and injured.

INVESTIGATION

3. Investigations were undertaken with the full participation of National Monitors.

4. During the course of the investigation, which took place between 4 and 19 July 2023, CTSAMVM undertook a number of visits in the Yei and Abegi areas.

5. CTSAMVM interviewed a wide range of witnesses including:

a. SSPDF:

i. The Acting Commander of SSPDF Brigade 1 in Yei.

- ii. The Commander of the SSPDF Mobile Force in Abegi.
 - iii. Two SSPDF soldiers (one corporal and one private) being held in SSPDF custody having been accused of perpetrating the killing.
 - b. NSS: The NSS Director for Yei County
 - c. Local authorities and civilian witnesses:
 - i. The victim's father.
 - ii. The Yei County Paramount Chief.
 - iii. Lasu Payam Director.
6. Location: The incident took place in the area of Yago in Libogo sub-boma of Lasu Payam. This is close to the border with DRC about 17 Km west of Lasu.
7. Standard of proof: 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

8. The victim: According to the father of the boy who was killed, who was himself a victim of the shooting:
- a. He was walking in the morning of 1 July 2023 with his two sons towards his fields. He passed a group of SSPDF soldiers without incident. He knew they were from Lasu. A short distance later they met two more SSPDF soldiers whom he later claimed were from Abegi. These soldiers stopped the man and his sons and started threatening them; at no point did they accuse them of being "rebels".

- b. His 13 year-old son became scared and started to run away, at which point the soldiers wounding him fatally in the thigh. The father also sustained a bullet wound in the thigh.
 - c. The boy died from his wound. The father was taken to Lasu health centre for treatment.
 - d. The father said that the SSPDF soldiers from Lasu were very angry at the soldiers who had shot his son.
9. SSPDF: Statements given by the SSPDF were contradictory. However, what was said was as follows:
- a. The acting commander of SSPDF Brigade 1 in Yei said that the Abegi Mobile Force had recently taking in a new company of what he described as "NUF" ¹. He stated that some soldiers from Abegi had joined those from the unit at Lasu on a patrol to "flush out rebels" in the AOR. The patrol was ambushed, and two soldiers were seriously injured. Two other soldiers were ordered to stay with the casualties until they were evacuated, after which they followed the rest of the patrol. They saw some people running away from them in the bush and opened fire, accidentally killing the boy.
 - b. The commander of the SSPDF Mobile Force in Abegi told a different story. He said that whilst in Libogo sub boma the patrol came under enemy fire immediately took cover. Two soldiers opened fire without orders killing the boy. A doctor was called from Lasu but the boy was dead before he arrived. The two soldiers concerned were arrested and placed in detention.
 - c. CTSAMVM was able to interview the alleged perpetrators, one was a corporal and the other a private. They both gave their ages as 43 years, and were in

¹ CTSAMVM reported the deployment of alleged "NUF" on 20 June 2023. Following this incident CTSAMVM met with the Intelligence Officer at SSPDF Brigade 1 in Yei to clarify the issue. According to him the "NUF" were from Gorom and Digala. CTSAMVM has no information about any deployment from Gorom Training Centre. Digala is not a Training Centre but a camp where ex-SPLM/A-ID personnel (who had changed allegiance to the SSPDF) were apparently stationed. CTSAMVM was denied access to the site (See CTSAMVM report2022/06).

custody in the SSPDF base in Abegi. Key points from what they said are as follows:

- i. They went on patrol in the Lasu area – which one of them described as being “dominated by rebels” on 30 June 2023 and spent the night in the field.
- ii. One of their colleagues from Lasu fell ill. The patrol commander sent one of the soldiers to get medicine, and then he and the other accused soldier were ordered to guard the sick man until he was evacuated.
- iii. When the sick soldier was evacuated the two accused soldiers “continued with their mission”. They saw some people in the bush (one said long grass) who immediately started running away from them and decided to open fire. They did not give the reasons they opened fire.
- iv. They both claimed they had no idea they had hit anyone, and continued with their mission. They said that they were surprised when they were arrested when they returned to barracks.
- v. Neither of them reported any hostile fire or ambush.

10. NSS: The Yei County NSS Director corroborated what CTSAMVM had been told by the father of the dead boy, although he said the boy ran when he saw the soldiers. He said nothing about any alleged ambush or attack by any other party.

11. Civil authorities and traditional leader: The Lasu Payam Director and the Yei County Paramount Chief corroborated the account given by the boy's father. Neither said anything about the involvement of any other party, or shots being fired by anyone else other than the two SSPDF soldiers. The Payam Director said that after the shooting the soldiers temporarily arrested 5 people in houses nearby, but CTSAMVM has not corroborated this.

ASSESSMENT

12. The exact circumstances of the shooting are unclear, but what is certain that an unarmed 13 year-old boy was shot and killed by two SSPDF soldiers, and his father shot and wounded.
13. Accounts of the shooting given by SSPDF officers and the alleged perpetrators were contradictory. The alleged perpetrators said nothing about the involvement of any other party, or any other shots being fired other than their own. Apart from the two SSPDF officers interviewed by CTSAMVM, no other witness – including the NSS Director – suggested there had been an ambush or attack against the SSPDF patrol.

CONCLUSIONS

14. It is the conclusion of CTSAMVM that the fatal shooting by the SSPDF of a 13 year-old boy and shooting of his father in Lasu Payam on 1 July 2023 constituted a clear violation of the R-ARCSS, specifically articles 2.1.10.5 and 2.1.10.7.4

OBSERVATIONS AND RECOMMENDATIONS

15. This incident is yet another example of the ill-discipline and lack of training in SSPDF forces employed against the NAS threat in Central Equatoria State. CTSAMVM could find no evidence to support claims² by the Acting Commander of SSPDF 1 Brigade in Yei and the SSPDF Mobile Force Commander in Abegi that the SSPDF patrol was attacked.
16. It is evident that the soldiers involved had either not been told or did not understand the rules of engagement so necessary when operating amongst the civilian population.

² The claims made by the two commanders were contradictory: the Acting Brigade Commander said there had been an ambush before the incident when two soldiers were wounded; the commander at Abegi claimed the boy was shot as the patrol came under attack.