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**FROM:** The Chairperson, CTSAMVM

**DATE:** 24 October 2023

**SUBJECT: CTSAMVM REPORT 2023/14**

Dear CTSAMVM Technical Committee Senior party representatives

Please find attached a report on the recent events in the Lobonok area in Central Equatoria State over the past 6 months, including harassment of civilians, SGBV, an attack against an SSPDF base and the shooting of a civilian.

Please accept the assurances of my highest consideration.

Major General Hailu Gonfa Eddosa



Chairperson

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

## **CTSAMVM REPORT 2023/14**

### **TENSION AND VIOLENCE IN THE LOBONOK AREA, CENTRAL EQUATORIA STATE**

#### **EXECUTIVE SUMMARY**

There have for a long time been tensions in the Lobonok area between SSPDF Forces and the local community, especially in the goldmining areas. There has also been NAS activity, the last reported by CTSAMVM was a clash between NAS and the SSPDF in November 2020; this followed in increase in SSPDF deployment in the area after a NAS attack against bodyguards of Vice President Wani Igga earlier in 2020.

On a routine visit to the area in April 2023, allegations were made to CTSAMVM of harassment of the local population and acts of SGBV by SSPDF soldiers. CTSAMVM investigated these allegations on later visits. On 25 July 2023 there was an attack against the SSPDF base in the Paya goldmining area, which the SSPDF blamed on NAS. On 29 August 2023 a local Chief was shot and wounded by an SSPDF soldier.

CTSAMVM found that relations between the SSPDF and the local population are strained. The SSPDF are seen as 'outsiders', and have caused significant bad feeling by restricting access to the goldmining area, which provides the main local source of income. There was anecdotal evidence of rape and forced marriage, and CTSAMVM was able to confirm one case where an armed SSPDF soldier had raped a mother in front of her family.

All the SSPDF officers interviewed by CTSAMVM accused NAS of prosecuting the attack at Paya, which left 13 soldiers and 3 civilians dead, but CTSAMVM was unable to find any evidence this was the case. It is probable at least some local people were involved in the attack.

The SSPDF soldier who shot the unarmed civilian on 29 August 2023 had been drinking and was with his weapon in a civilian area unsupervised.



CTSAMVM found that by failing to prevent soldiers committing criminal acts including SGBV against civilians using their issued weapons, and by allowing off-duty armed soldiers into civilian areas unsupervised the SSPDF failed to protect civilians and was therefore in violation of the R-ARCSS.

CTSAMVM recommends that the issue of access to the goldmining area is addressed at National or State Government level, Police are deployed in and around Lobonok and the SSPDF takes the measures necessary to prevent their soldiers from committing violations against the civilian population.





## TENSION AND VIOLENCE IN THE LOBONOK AREA, CENTRAL EQUATORIA STATE

### INTRODUCTION

#### 1. Background:

- a. There has for a long time been tensions in the Lobonok area: tensions between the SSPDF and the local community, tensions caused by the presence and operations of NAS and tensions in and around the goldmining area in the Paya hills. There has also been NAS activity. CTSAMVM reported an ambush by NAS in July 2019 and more recently another ambush in August 2020 (CTSAMVM Report 2020/06) and a clash between the SSPDF and NAS in the Paya area in November 2020 (CTSAMVM Report 2020/11).
- b. The situation has been relatively quiet for the past few years. Following the August 2020 incident (where 6 members of Vice President Wani Igga's bodyguard were killed) the SSPDF increased its presence in the area. This increased presence led to increased tensions between the SSPDF and local civilians. According to the SSPDF one of their soldiers was killed (allegedly by NAS) in the Yapa area in March 2023 and another narrowly escaped an alleged NAS ambush the following month.
- c. Some of the tension between the SSPDF and the civilian community is because the soldiers are from other areas of the country (they are often described by the locals as "Dinka and Nuer") and around Lobonok the people are Bari. There is also friction caused by the SSPDF reportedly denying the local people access to the goldmining areas. There is no police presence in the goldmining area.
- d. In April 2023 whilst on a routine patrol to the area CTSAMVM was made aware allegations about the mistreatment of the local population by the SSPDF,



including SGBV. CTSAMVM continued to visit in order to be able to understand the dynamics involved and get specific information. During this period there were several incidents which occurred: one was an attack against the SSPDF in Paya and another the shooting by an SSPDF soldier of a local traditional leader.

2. Incidents and allegations: This report covers the following incidents and allegations:

- a. Harassment of civilians and SGBV: Allegations by members of the local community that they had been subject to abuse and mistreatment by SSPDF soldiers stationed in the area, and that local women have been subject to forced marriage and SGBV.
- b. Attack at Paya: The SSPDF base at Paya was attacked on 23 July 2023. According to initial reports at least 10 soldiers and several civilians were killed. The SSPDF claimed the attack was perpetrated by NAS.
- c. Shooting of the Lobonok Payam Head Chief: On 29 August 2023 the Payam Head Chief was shot and injured by an SSPDF soldier.

## INVESTIGATION

3. Investigations into the general allegation of the mistreatment of civilians were undertaken by CTSAMVM over a period of 5 months from 26 April 2023 to 16 September 2023. Investigations into the attack against Paya and the shooting of the Payam Chief were undertaken as soon as possible after the incidents occurred. Specific patrols were as follows:

- a. Lobonok area 26 – 28 April 2023 including Karpeto and Pager.
- b. Lobonok, Karpeto and Pager 26-28 June 2023 (Note: it was planned to visit the goldmining area but the SSPDF advised against it for security reasons).





- c. Juba, the Freedom International Hospital 1 September 2023 to interview the victim of the 29 August shooting incident.
  - d. Lobonok, Karpeto, Pager SSPDF base, Longoyo SSPDF base 13 – 16 September 2023.
4. Due to the security situation all patrols to the area were accompanied by UNMISS Force Protection. The need to coordinate Force Protection resulted in some delay.
5. CTSAMVM (together with UNMISS Force Protection) was prevented by the SSPDF from visiting the goldmining area because of security concerns.
6. Witnesses: During the investigations a wide range of witnesses were interviewed including:
- a. Women's group representatives.
  - b. Civil leaders, including the Chief Administrator of Lobonok Payam.
  - c. Traditional leaders, including the Karpeto Boma chief.
  - d. The Lobonok Payam head chief, Matthew Kenyi, the victim of the 29 August 2023 shooting incident.
  - e. Youth representatives.
  - f. 9 local civilians, including a rape victim a woman who said she was in a forced marriage.
  - g. SSPDF:
    - i. Commanders, officers and soldiers in Karpeto, Pager and Longoyo bases (including survivors from the 23 July attack on the Paya Base now in Longoyo).



- ii. An SSPDF sergeant in Longoyo who was alleged to have perpetrated forced marriage.
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. SGBV, forced marriage and harassment of civilians:

a. Rape:

- i. Confirmed rape incident: CTSAMVM interviewed one victim of rape by an armed SSPDF soldier in the Pager area. The soldier entered her home, intimidated her husband and threatened to kill her children and then raped her in the presence of her family. The incident was reported to the SSPDF Commander at Pager and the culprit arrested. The Deputy Commander at Pager corroborated the information given by the victim, and confirmed the culprit was in SSPDF custody.
  - ii. Further rape allegation: The chairperson of the Karpeto woman's group alleged a 16 year-old girl had been raped and made pregnant by an SSPDF soldier in the Paya goldmining area. CTSAMVM was unable to visit the area to investigate the allegation.
- b. Forced marriage: CTSAMVM was made aware of several cases SSPDF allegedly forcing local women to marry them. CTSAMVM was able to interview one such woman and her current husband, an SSPDF NCO in Pager. This was a complicated case involving customary justice which CTSAMVM is not





qualified to assess. However, based on the allegations, there is no doubt that SSPDF soldiers, who are from other areas of South Sudan, take local wives, some willingly and others forcefully or through family arrangements. This was in part confirmed by the leader of a woman's group said some local women willingly live with or marry soldiers. While forced marriage is a form of SGBV and a violation of Article 2.1.10.2 of the R-ARCSS, CTSAMVM was unable to get sufficient evidence as whether these particular cases constituted violations of the R-ARCSS.

- c. Denial of Freedom of Movement to civilians: CTSAMVM received numerous complaints from local people about the SSPDF denying access to what they regard as their traditional goldmining areas. This, as well acts of harassment by the SSPDF, creates ill-will between the SSPDF and the local population.
9. Attack at Paya: On 25 July 2023 CTSAMVM received information from the SSPDF Commander at Pager that on 23 July alleged NAS forces had attacked the SSPDF base at Paya. The Paya base is in the goldmining area and was established about 3-4 years ago. CTSAMVM found that:
- a. The SSPDF base at Paya was attacked in the morning of 23 July 2023. Women who had been gathering wood the previous evening had reported seeing men in the bush, but it was assumed these were people hunting for food. The SSPDF soldiers in the base were unprepared and the few who had their guns to hand were overwhelmed; the rest ran away. According to the SSPDF a total of 13 soldiers were killed (either at the scene or later of wounds) and 3 civilians: two women and a girl. One of the women was pregnant.
  - b. According to the Deputy Commander at the SSPDF Base at Pager, 2 soldiers had been killed in the area between Longoyo and Paya prior to the attack although dates were not given.
  - c. SSPDF officers interviewed by CTSAMVM all claimed that the attackers were NAS, but none were able to provide conclusive evidence.





- d. The SSPDF commander at Longoyo had been the commander at Paya at the time of the attack. He said he had been there since 2020 and knew the people well. Along with other SSPDF officers he admitted that relations between the SSPDF and the local community were not good. He clearly stated that the locals do not want the SSPDF in the area. Following the attack the SSPDF asked for assistance from nearby SPLM/A-IO units to help restore calm in the area.
- e. The Deputy Commander at Pager claimed that the people who attacked the Paya base were targeting the commander (who managed to escape). He went on to say that the attackers were asking why the commander stopped them going to the Paya goldmining area. A youth leader interviewed in Kartpeto said that local youth were very angry at being denied access to the goldmining area, which provided them with their only potential source of income in the area.
- f. Whilst the SSPDF officers interviewed by CTSAMVM blamed NAS for the attacks, they also said the local people were sympathetic to or supportive of NAS, and this was demonstrated by their failure to warn the SSPDF of the attack.

10. Shooting of Lobonok Payam Head chief:

- a. On the evening of 29 August 2023 Matthew Kenyi, the Head Chief of Lobonok Payam – an unarmed civilian – was shot in the chest by an SSPDF soldier from the SSPDF base at Longoyo. The soldier had been at the Chief's house and been given food; he later returned having drunk some alcohol, and having fired a few rounds in the air shot the chief. The reason the soldier – a sergeant – shot the chief is unclear, although there was a suggestion he could have been angry having been denied more food, and the Chief's wife suggested the soldier blamed the chief for allegedly harbouring people who had killed a soldier.



- b. The soldier was arrested by a Captain from the barracks. The Captain later said the culprit claimed he shot the chief because he had said that Dinka and Nuer soldiers should leave the area.

## ASSESSMENT

11. Relations between the local people and the SSPDF in the Lobonok area are not good. There is much local resentment against the SSPDF. One of the main reasons for this is because – according to what CTSAMVM – SSPDF officers restrict access to the goldmining areas.
12. The SSPDF units in the area have been there for a long time and a number of soldiers have developed relationships with local women. CTSAMVM was not able to verify allegations of forced marriages, and all allegations made about SGBV but was able to confirm one recent case of rape committed by an armed SSPDF soldier. The fact is that an off-duty soldier was able to go (unsupervised) into a civilian area with his weapon, and use this weapon to threaten and rape a mother of 5 children in front of her family: this demonstrates a failure by the SSPDF in its command responsibility to educate, discipline and control its soldiers - and its weapons – in such a way to prevent these incidents. By failing to protect civilians and allow an act of SGBV the SSPDF violated the R-ARCSS.
13. All the evidence suggests that the attack against the SSPDF base in Paya was a well-coordinated and planned operation, which caught the SSPDF off guard and resulted in the brutal killing of 13 soldiers and tragic deaths of 3 civilians. Given the evidence that the attackers apparently “asked why the SSPDF commander denied access to the goldmining area” it is probable local people were involved. The SSPDF accused NAS, but CTSAMVM was given no explicit evidence that NAS perpetrated the attack, and there has been no statement by NAS claiming responsibility. CTSAMVM is unable to attribute responsibility for the attack to any of the signatory Parties to the ACOH or A-RCSS.





14. The shooting of the Head Chief of Lobonok Payam – an unarmed civilian - was perpetrated by an off-duty armed SSPDF soldier who had been drinking. As already stated in paragraph 12 above, the fact that an armed soldier is allowed into a civilian area demonstrates the failure of the SSPDF commander concerned to enforce the discipline required to prevent such incidents and protect civilians. The shooting of an unarmed civilian by an SSPDF soldier constitutes a clear violation of the R-ARCSS.

## **CONCLUSIONS**

15. It is the conclusion of CTSAMVM that the rape of a woman constitutes a clear violation of the R-ARCSS, specifically article 2.1.10.2.

16. It is also the conclusion of CTSAMVM that the shooting of an unarmed civilian by soldiers from the SSPDF garrisoned in the Lobonok area constitutes a clear violation of the R-ARCSS, specifically article 2.1.10.5.

17. Further, the SSPDF failed in its obligations under articles 2.1.10.7.5 and 2.1.10.7.5 to protect civilians and protect women and girls.

## **OBSERVATIONS AND RECOMMENDATIONS**

18. Relations between the SSPDF units in the Lobonok area and local civilians need to be improved. CTSAMVM recommends:

- a. The SSPDF units currently in the area are replaced by others. JDB could consider deploying NUF units when they become available.
- b. The SSPDF develops policies to engage with the local population, and imposes rules which prevent armed, unsupervised soldiers being in civilian areas whilst off duty.



19. CTSAMVM observed no civilian police presence in the area. It is recommended that police stations be established as soon as possible in order to not only impose law and order, but also to give the local population confidence.
20. Access to the goldmining area is a significant cause of tension and distrust. This issue needs to be resolved by the National or State authorities so local people understand their rights.
21. CTSAMVM has no evidence that NAS was either indirectly or directly involved in the attack at Paya. However, if NAS is to avoid being blamed for such attacks it should adhere to the provisions of the 2017 ACOH, re-engage with the Rome process, re-commit to the ceasefire agreed in 2020 and condemn incidents such as the Paya attack.

