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**TO:** Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)  
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**FROM:** The Chairperson, CTSAMVM

**DATE:** 2 February 2024

**SUBJECT: CTSAMVM REPORT 2024/01 INCIDENT AT TONGA**

Please find attached a report on a violation of the R-ARCSS which took place in Upper Nile State in October 2023

Please accept the assurances of my highest consideration.

  
Major General Hailu Gonfa Edossa

**Chairperson-CTSAMVM**



## CTSAMVM REPORT 2024/01

### INCIDENT AT TONGA

#### EXECUTIVE SUMMARY

On 22 October 2023 a small force of Agwelek Forces attacked SPLM/A-IO Forces in Tonga. Two SPLM/A-I O soldiers were killed and a civilian wounded. The number of attackers killed was unconfirmed.

The reason for the attack remains unclear, but it is the assessment of CTSAMVM that it was directed by a senior Agwelek officer. Claims were made that the SSPDF was involved, but CTSAMVM could find no evidence that this was the case.

There is a clear relationship between the Agwelek Forces and the SSPDF, and because of this the SSPDF must bear overall responsibility for the incident because they failed to exercise control over the Agwelek.

It is the recommendation of CTSAMVM that until the future of the Agwelek is settled, they are placed firmly under control of the SSPDF in order to prevent such incidents from happening again.



## INCIDENT AT TONGA

Reference:

A: Khartoum Peace Agreement (KPA) Between the Sudan Peoples' Liberation Movement – In Government and the Agwelek Forces of 16 January 2022.

B: CTSAMVM Report 2023/01 – Violence in Upper Nile State and Northern Jonglei State from July 2022.

### INTRODUCTION

1. Background:

- a. Since early 2023 the 'Agwelek' Forces under the command of General Johnson Olony have been stationed at Wau Shilluk, together with a detachment of the SSPDF. On 28 September 2023 CTSAMVM was informed by the Commander of 2<sup>nd</sup> Division SSPDF that he was waiting for the formal integration of the Agwelek Forces into the Government Forces as previously agreed.
- b. On 23 October 2023 CTSAMVM received information about a clash involving the SPLM/A-IO at Tonga, allegedly as a result of an attack by Agwelek Forces. This information came from the Panyikang County Commissioner

2. Allegation: It was alleged that at about 22.00 Hrs on 22 October 2023 Tonga was attacked by "Agwelek Forces under the command of General Johnson Onony", and that these forces were driven off by the SPLM/A-IO with casualties on both sides.

### INVESTIGATION

3. Investigations were undertaken with the full participation of available National Monitors. It must be noted, however, that the SSPDF National Monitor was on leave and did not accompany the MVT to Tonga.





4. During the course of the investigation the MVT conducted a number of telephone interviews, and visited:
  - a. HQ 2<sup>nd</sup> Division SSPDF on 26 October 2023.
  - b. The Upper Nile State Governor's Office on 1 November 2023.
  - c. Tonga on 3 November 2023.
  - d. New Fangak on 30 November 2023.
5. CTSAMVM interviewed a range of witnesses including:
  - a. Panyikang County Commissioner, Hon. Mustafa Gai Lual.
  - b. Fangak County Commissioner, Hon Biel Boutros together with members of his staff, representatives of SPLM/A-IO 7 Division and the police.
  - c. SSPDF 2 Division based in Malakal:
    - i. Maj Gen Moses Kuol, Commander.
    - ii. Colonel Gai Tek, Chief of Intelligence
  - d. SPLM/A-IO 7th Infantry Division stationed at Phom New Fangak:
    - i. Gen John Jock Kuai, Commander.
    - ii. Maj Gen Samuel Jok, Deputy Commander
    - iii. Col David Gatnyoach Nen, Head of Intelligence.
  - e. SPLM/A-IO 2 Brigade based in Tonga:
    - i. Brigadier Gordon Dak, Commander.
    - ii. Brigadier Bol, Deputy Commander.
  - f. Captain Moses Keuach, JMCC SPLM/A-IO representative in Tonga.
  - g. Police Inspector Dabul Gak, Tonga
  - h. Prisoners held by the SPLM/A-IO in New Fangak allegedly captured after the attack on 22 October:
    - i. A Non-Commissioned Officer aged 56 years.
    - ii. A Private soldier aged 38 years.
6. 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

7. Incident: Tonga was definitely attacked on the night of 22 October 2023:
  - a. CTSAMVM was given different accounts of the number of attackers: initial reports from the Panyikang County Commissioner suggested there were about 11; according to the Chief of Military Intelligence of SPLM/A-IO 7 Division it was “three platoons”. A captured attacker interviewed by CTSAMVM said 20 people were involved.
  - b. 2 SPLM/A-IO soldiers were killed and several injured; reports of the number of attackers killed varied between 1 and 4. At least two of the attackers were captured and taken to New Fangak. Several civilians were wounded, including a woman.
  - c. The attack was directed at the SPLM/A-IO barracks and the residence of the County Commissioner, who was evacuated to New Fangak but returned as soon as the fighting was over.
8. Identity of the attackers: The County Commissioners of both Panyikang and New Fangak claimed the attackers were Agwelek, and that they had received support from the SSPDF. Officers of the SPLM/A-IO Divisions 7 based in New Fangak, and those of SPLM/A-IO Brigade 2 based in Tonga made the same claims. The supporting evidence given to CTSAMVM was as follows:
  - a. The Panyikang County Commissioner said the body of one of the attackers was someone he knew from “when they were working together before the Kitgwang separation”. He also said that he interviewed a captured attacker





who said that he had come from Wau Shilluk and that the attack was ordered by "General Parome" (Note: the name he gave for the captured attacker was not that of either of the captured attackers interviewed later by CTSAMVM in New Fangak).

- b. The Fangak County Commissioner repeated what was said by the Panyikang County Commissioner about the identity of the attacker who was killed. He also said that General Johnson Olony wants the Tonga area back "for business interests", which he gave as the reason behind the operation.
- c. The Deputy Commander of SPLM/A-IO Brigade 2 said that they knew the forces that attacked them came from Wau Shilluk because they knew them. He referred to the captured attacker – the same who was mentioned by the County Commissioner - who he said gave them most of the information they obtained.
- d. The Chief of Military Intelligence at SPLM/A-IO Division 7 said that it was the Agwelek who attacked Tonga "because the interrogated captives admitted so". He said that during the pursuit following the incident, two attackers were captured at Diel, one of whom was a Brigadier and the other of unspecified rank. Neither of these captives were available for CTSAMVM to interview. He also said that the attackers withdrew to Wau Shilluk, although CTSAMVM was given no information to support this.
- e. Interview with captured attackers: CTSAMVM interviewed two captives being held in New Fangak.
- i. A private who gave his age as 38 years. He appeared to be confused and possibly suffering from a mental disorder and so was unable to provide any credible information.



- ii. A Non-Commissioned Officer who gave his age as 56 years.
- He stated that he came from Wau Shilluk in a group of 20 and was captured at a place called Fangari during the fight that took place on 22 October in Tonga.
  - He said that the operation was directed by “General Parome” and the mission was to take over and occupy Tonga. He went on to say that “General Parome” had bought weapons from Magenis, and that his commander was Deo Lang Kueth.
- f. CTSAMVM established that General Parome is a senior officer in the Agwelek Forces.
9. Position of SSPDF: CTSAMVM met with the Commander of 2 Division SSPDF on 26 October 2023. He stated that he had heard of the incident at Tonga on 22 October 2023 and that the Agwelek Forces were accused, but as the area was not under the control of his Division he did not have any specific information. He confirmed he had asked the Agwelek commanders in Wau Shilluk about the attack and they denied any responsibility. He also said that despite the agreement signed between the Agwelek and the SSPDF, he has no administrative or command control over the Agwelek Forces.

## 10. ASSESSMENT

11. Relationship between the SSPDF and the Agwelek Forces:
- a. The Khartoum Peace Agreement (Reference A) clearly establishes a relationship between the Agwelek Forces and the SSPDF: article 2.3 states that “...the Agwelek Forces shall promptly integrate into the SSPDF....”. According to the Commander of 2 Division SSPDF when interviewed by CTSAMVM on 28 September 2023 this integration had yet to take place, and on 26 October he said that despite the agreement [the Khartoum Agreement]





with the Agwelek Forces he had no administrative or command control over them. In August 2022 the SSPDF facilitated the movement of Agwelek Forces who went on to attack the SPLM/A-IO positions at Diel in clear violation of the R-ARCSS (Reference B).

- b. On 6 December 2023 CDF gave a speech at Alel Training Centre at a ceremony to mark the despatch of two NUF battalions to Juba before being deployed. He clearly stated that “in Phase Two all armed forces who aren’t yet trained will be expected to join the training including the Agwelek and other armed militias”. This suggests that the Agwelek Forces are expected to go into the Phase Two training system and eventually join the NUF.
  - c. It is the assessment of CTSAMVM that given the established relationship between the SSPDF and the Agwelek Forces, until the Agwelek Forces join the next phase of NUF training, the SSPDF is accountable for their actions even if acting on their own initiative without any SSPDF involvement.
12. Based on the evidence available CTSAMVM has reasonable grounds to believe that armed members of the Agwelek Forces were involved in the attack against Tonga on 22 October 2023, and that a senior officer in the Agwelek Forces was involved in directing the attack.
13. CTSAMVM found no evidence to suggest any involvement by the SSPDF in the direction or execution of the attack.





## CONCLUSIONS

14. It is the conclusion of CTSAMVM that the attack against Tonga involved no active violation of the R-ARCSS by a Party Signatory, however the SSPDF by omission failed in its obligations under 2.1.10.7 of the R-ARCSS to prevent an attack by a “proxy militia”.

## OBSERVATIONS AND RECOMMENDATIONS

15. Tonga is a volatile area, subject to several competing claims. CTSAMVM commends the JDB for deploying NUF Forces to Tonga in December 2023 which should prevent any further violence. CTSAMVM recommends that all outstanding governance issues in the area are addressed at the political level as soon as possible to prevent further tension in the area.
16. CTSAMVM recommends that until integrated into the NUF, all Agwelek Forces are cantoned, and placed firmly under the command and control of the SSPDF, in order to prevent any further incidents.

