

**CTSAMVM CONFIDENTIAL**  
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**TO:** Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)  
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)  
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**FROM:** The Chairperson, CTSAMVM

**Date:** 02 February 2024

**SUBJECT: CTSAMVM REPORT 2024/02 TENSION AND VIOLENCE IN UNITY STATE**

Please find attached a report on incidents and violations of the R-ARCSS which took place in Unity State in October and November 2023.

Please accept the assurances of my highest consideration.

**Major General Hailu Gonfa Edossa**  
**Chairperson-CTSAMVM**



**CTSAMVM REPORT 2024/02 TENSION AND VIOLENCE IN UNITY STATE**  
**EXECUTIVE SUMMARY**

On or about 7 October 2023 Lieutenant General Simon Maguek and a number of soldiers loyal to him changed allegiance from the SPLM/A-IO to the SPLM. He was welcomed in Leer, where he and his followers were accommodated by the Leer County Commissioner. One of his officers, Colonel Joseph Koang Machar, moved to Koch where the Koch County Commissioner gave him a base at Bhang, which is just a few kilometres from Koch. Colonel Joseph Koang Machar clearly described himself as being in the SSPDF.

Colonel Joseph Koang Machar, with at least the complicity and probably the support of the Koch County Commissioner, started arresting members of the SPLM/A-IO resident in Koch, some of whom he persuaded to change allegiance and join the forces loyal to Lieutenant General Simon Maguek. Some of those who were detained were treated badly, and although most were eventually released about four or five were retained.

In late November 2023 a group of armed youth from Koch (who are under the control of the Koch County Commissioner) moved towards SPLM/A-IO positions in Leer County with the intention of attacking them. The Unity State Governor and – according to the armed youth - “CDF” intervened and the armed youth withdrew without attacking.

On 28 November 2023 forces under the command of Lieutenant General Simon Maguek moved from Leer towards SPLM/A-IO positions on the Adok road and clashed with SPLM/A-IO at Kaigai. The fighting eventually stopped due to the intervention of the SSPDF commander in Leer who persuaded the SPLM/A-IO to pull back away from Kaigai.

Article 2.1.4 of the R-ARCSS specifically refers “...all forces of the warring parties and all other forces or militias allied to either Party....” Once the forces of Lieutenant General Simon Maguek had been welcomed and accepted by the SPLM and SSPDF,



the SPLM and SSPDF became responsible for the actions of these soldiers, and in failing to control them, they failed in their obligations under the R-ARCSS.





## CTSAMVM REPORT 2024/02 TENSION AND VIOLENCE IN UNITY STATE

Reference:

A: CTSAMVM Report 2022/17 - Final report on the armed clashes and violations against civilians in Koch and Leer Counties of Unity State dated 26 July 2022.

### INTRODUCTION

#### 1. Background:

- a. On or about 7 October 2023, the SPLM/A-IO Sector 2 Commander, Lieutenant General Simon Maguek, “defected” from the SPLM/A-IO and joined the SSPDF. He moved to Leer together with a number of his followers and was welcomed by senior SPLM officials.
- b. Soon after Lieutenant General Simon Maguek’s change of allegiance, CTSAMVM became aware of rumours and allegations that he was planning to attack SPLM/A-IO positions in Unity State. According to senior SPLM/A-IO officers his “defection” had led to an increase in tension, and several incidents.
- c. There were also specific rumours in mid-to-late November 2023 that armed youth from Koch and Maynendit were moving towards Mir Mir and were preparing to attack SPLM/A-IO positions.

#### 2. Specific allegations:

- a. Arrest of SPLM/A-IO personnel: On 27 October 2023 the Commander of SPLM/A-IO Division 4B, Major General Gatgok Khor, alleged that on 26 October 2023 “13 Officers, Non-Commissioned Officers (NCOs) from SPLM/A-IO and 3 NUF soldiers were arrested in Koch County.” On 30 October 2023 he went on to allege that the soldiers were still in custody, and they had been arrested because they “failed to defect from SPLM/A-IO alongside Lt General Gen Simon Maguek”. These allegations appeared in the press, where it was



claimed a total of 24 personnel had been arrested, an allegation that was denied by the Koch County Commissioner.

- b. Attack against SPLM/A-IO positions at Kaigai: On 28 November 2023 CTSAMVM received an allegation from the Commander of SPLM/A-IO Division 4B that at 0500 Hrs that morning the SPLM/A-IO military base at Kaigai had been attacked by “the SSPDF, Kong Biel of Koch County, Gatluk Nyang of Mayendit County and Taker Dong of Leer County”. Later that day the SPLM/A-IO released a press statement clearly blaming the forces of Lieutenant General Simon Maguek “ that align with the SSPDF” for the attack.

## INVESTIGATION

3. Investigations were undertaken with the full participation of National Monitors.
4. During the course of the investigation the MVT conducted a number of telephone and in-person interviews in Bentiu/Rubkona, and visited:
  - a. Leer on 1 November 2023.
  - b. Koch on 7 November 2023.
  - c. Koch from 21 to 30 November 2023 (including Bhang military camp situated about 3.5 Km from Koch).
  - d. Leer are from 19 to 22 December 2023 (including Pilling military camp, Rupkong Cantonment Site, Muom Training Centre and Kaigai Payam.
5. CTSAMVM interviewed a range of witnesses including:
  - a. The acting Governor of Unity State (who is also the Minister for Local Government & Law Enforcement), Hon William Dak.
  - b. The Acting SPLM/A-IO Sector 2 Commander, Maj Gen George Gatthouy Thak.
  - c. The Commander of SPLM/A-IO Division 4B, Major General Gakgok Khor.
  - d. The Commander of SSPDF Division 4, Major General William Manyang Mayak.





e. Koch. The County Commissioner, Gordon Kooang, refused to meet CTSAMVM. However, CTSAMVM was able to meet and interview the following:

- i. The Acting Koch County Executive Director, William Puok Gatluak.
- ii. The Koch Town Mayor, John Mayiel Hoth.
- iii. Colonel Joseph Koang Machar, SSPDF (Note: Colonel Machar is an ex-SPLM/A-IO Officer based in Bentiu who changed allegiance from the SPLM/A-IO to the SSPDF together with general Simon Maguek on 7 October 2023).
- iv. The Koch Police Commissioner and the Director of the Prison Service.
- v. Two SPLM/A-IO Officers who had been arrested and detained in Koch.
- vi. Two civilian witnesses.

f. Leer and surrounding area:

- i. Leer County Commissioner, Hon. Taker Riek Dong.
- ii. The Commander of Brigade 12, SSPDF Division 4, Brigadier General James Gatluak Kai.
- iii. Lieutenant General Simon Maguek, Gai, ex-SPLM/A-IO Sector 2 Commander who changed allegiance to the SSSPDF on 7 October 2023.
- iv. Church leaders in Leer.
- v. The UNMISS commander in Leer.
- vi. Pilling: The former Deputy County Commissioner Mr Paul Koang, and the Commander of Brigade 4 of SPLM/A-IO Division 4B, Brigadier General Peter Banypiny.
- vii. Rupkong Cantonment Site: The Commander of SPLM/A-IO Division 4B, Major General Gakgok Khor (previously interviewed by telephone).
- viii. Muom Training Centre: The Commandant, Brigadier General Peter Par Tai.
- ix. Kaigai Payam: 7 civilian eye witnesses.

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. Arrest of SPLM/A-IO soldiers and some civilians in Koch: CTSAMVM was given some contradictory information by witnesses who were interviewed. However, it was able to establish that:
- a. On 7 October 2023 Colonel Joseph Koang Machar, an SPLM/A-IO officer based in Bentiu, “defected” with Lieutenant General Simon Makuek together with a reported 48 other SPLM/A-IO personnel and declared his allegiance to the SPLM/SSPDF. He was (from what he told CTSAMVM) “absorbed into the SSPDF but not assigned to any unit”. He claimed that subsequent to the “defection”, some of those who changed allegiance were arrested by the SPLM/A-IO and detained at Tong (CTSAMVM has not been able to confirm this allegation).
  - b. He moved to Koch with 5 soldiers loyal to him, where he established a base at Bhang, which is about 3 Km south of Koch. He was joined by a number of other soldiers from Leer. He was provided with logistic support by the Koch County Commissioner, Hon Gordon Koang Biel. He told CTSAMVM that when he arrived in Koch he did arrest a number of SPLM/A-IO soldiers “in revenge for the defectors arrested by the SPLM/A-IO in Tong”, but released them when he found they were no longer serving.
  - c. On arrival at Koch Colonel Joseph Koang reportedly arrested 9 people, 2 civilians and 7 SPLM/A-IO soldiers who lived in Koch. These people were taken to Koch prison where the civilians were released but the soldiers detained overnight. The soldiers were taken by Colonel Joseph Koang the next morning. Later on – specifically on 26 October 2023 - more people were arrested; some witnesses say a total of 26, others many more. One arrestee – an SPLM/A-IO Colonel – said he had been detained for 17 days, and that 20



of those arrested had agreed to join Colonel Joseph Koang's forces (under the overall command of Lieutenant General Simon Maguek) at Bhang.

- d. Another arrestee – an SPLM/A-IO Lieutenant Colonel – stated he had been arrested on 26 October by the head of the Koch County Commissioners protection force, and detained with others until his release due to ill health. He and one other witness claimed that the detainees were treated badly (they used the word “tortured”) in order to persuade them to join the forces of Lieutenant General Simon Maguek.
  - e. Several witnesses claimed that although Colonel Joseph Koang said that all arrestees had been released, five remain in custody. A list of names was given to CTSAMVM. One of the witnesses who gave this information was the wife of one of the detainees.
  - f. When interviewed on 9 November 2023, the Commander of SSPDF Division 4, Major General William Manyang Mayak, said that he had heard that some SPLM/A-IO officers had been arrested in Koch “by the local authorities”, but had no further information about it.
  - g. Koch County Commissioner, Hon Gordon Koang Biel: The County Commissioner refused to meet CTSAMVM, despite numerous telephone calls, visits to his office and the intervention of the County Executive Director.
8. Armed youth in Koch:
- a. Colonel Joseph Koang stated that he “only commands SSPDF soldiers” and has no relationship with any armed youth in the area. Armed youth from Koch (under the direction of the Koch County Commissioner) have in the past been responsible for attacks against SPLM/A-IO positions (Reference A).
  - b. On 23 November 2023 whilst in Koch CTSAMVM interviewed a large group of armed youth returning to Koch. They said they had been sent to attack





SPLM/A-IO forces in Leer County (specifically in Adok and Rupkong), but had received instructions from “CDF” not to do so, and were told that if the attacks went ahead there would be severe consequences. They also said that the Koch County Commissioner, Hon Gordon Kong Biel, had been told by the Governor of Unity State to call off the attacks.

9. Clash at Kaigai:

- a. At about 05.00 Hrs on 28 November 2023 there was a clash at Kaigai between approximately 21 soldiers loyal to Lieutenant General Simon Maguek and SPLM/A-IO personnel at Kaigai. Kaigai is about 7.5 Km from Leer centre on the Adok road. 1 Officer from the forces loyal to Lieutenant General Simon Maguek was killed, and 1 SPLM/A-IO officer and 5 soldiers were killed. 2 civilians were injured in the crossfire. According to some witnesses the fighting lasted for two hours; others suggested it was longer.
- b. The only soldiers involved in the fighting against the SPLM/A-IO were those loyal to Lieutenant General Simon Maguek, who defected to the SSPDF on about 7 October 2023. There were no SSPDF soldiers involved.
- c. According to one witness – a religious leader, local people were surprised when Lieutenant General Simon Maguek changed allegiance and came to Leer with the County Commissioner. When he arrived in Leer he apparently said he would visit all the local areas (Kaigai, Pupking, Pilieny etc) to visit “his” people, although these are areas under the control of the SPLM/A-IO.
- d. According to the ex-Deputy Commissioner there are no ‘power sharing’ positions in Leer County which currently occupied by members of the SPLM/A-IO; the Deputy Commissioner (SPLM/A-IO) was removed in 2022 because (according to him) he wrote a very critical report after the fighting of April 2022 (as described in Reference A). According to the SPLM/A-IO Brigade Commander, SPLM/A-IO officials working at County Headquarters were put under pressure to change their allegiance to Lieutenant General Simon



Maguak; he gave the names of two who refused and as a result lost their positions, and two who had complied and retained theirs.

- e. The fighting was initiated by Lieutenant General Simon Maguek's forces, who left Leer (where they had been accommodated by the Leer County Commissioner) in the early hours of the morning and moved towards the SPLM/A-IO at Tharkotda, which is about 2.5 Km from Leer Centre. The SPLM/A-IO pulled back to Kaigai where most of the fighting took place. Lieutenant General Simon Maguek blamed the SPLM/A-IO for the fighting, but admitted that his forces "were patrolling in the area between the primary school and Franko Street and were attacked by the SPLM/A-IO, not realising they were so close". He was reported as saying that the patrol was sent out because he had information that the SPLM/A-IO were planning to attack him in Leer.
- f. All other witnesses interviewed by CTSAMVM said that the fighting took place at Kaigai, and it was started by "soldiers who came from Leer".
- g. According to the Commander of SSPDF Brigade 12 when the fighting came close to his position he called the SPLM/A-IO and told them to pull back. He, and other witnesses, said that after the incident was over there was a meeting convened by a spiritual leader at Thonyor (on an unspecified date) and issues between the SSPDF and SPLM/A-IO were resolved.
- h. Several SPLM/A-IO witnesses blamed the County Commissioners from Koch and Mayendit for stirring up trouble in the area, but in this instance CTSAMVM found no evidence of their involvement.





## ASSESSMENT

10. Both incidents – the arrests in Koch and the clash in Kaigai – are covered by the same report because they are related, in that they both result from the “defection” of Lieutenant General Simon Maguak and the tensions that ensued.
11. Article 2.1.4 of the R-ARCSS clearly states that:” The Permanent Ceasefire shall apply to all forces of the warring parties and all other forces or militias allied to either Party.....”
  - a. When Lieutenant General Simon Maguak “defected” from the SPLM/A-IO he was welcomed by the SPLM Party Secretary General Peter Lam Both at a ceremony at the Unity State coordination office in Juba on 7 October 2024, which was also attended by the by Unity State Governor the state SPLM Chairperson. At this meeting he declared his allegiance to the SPLM and his forces therefore became allied to the SSPDF prior to integration. Both the Leer and Koch County Commissioners accommodated these forces, who openly described themselves as being “SSPDF”. It is the clear assessment of CTSAMVM that the SSPDF and the County Commissioners retain responsibility under the R-ARCSS for the actions of any forces which defect from other Parties and which they accept.
  - b. The armed youth from Koch fall under the category of “other armed groups and militias”. They are controlled by the Koch County Commissioner, and the Koch County Commissioner is responsible for their actions.
12. In both cases the problems were between ex-SPLM/A-IO forces loyal to Lieutenant General Simon Maguak who “defected” to the SPLM/SSPDF, and SPLM/A-IO who remained loyal to Dr Riek Machar.
13. The armed youth interviewed by CTSAMVM in Koch on 23 November 2023 clearly indicated they had been directed to attack SPLM/A-IO positions.



14. It is the assessment of CTSAMVM that:

a. Arrest of SPLM/A-IO soldiers and some civilians in Koch:

- i. Colonel Joseph Koang Machar defected from the SPLM/A-IO together with Lieutenant General Simon Maguek, and with the support of the Koch County Commissioner he established a military base at Bhang near Koch. The movement of soldiers and the establishment of a new military base is a clear contravention of the R-ARCSS. He then proceeded to arrest SPLM/A-IO members who refused to defect and join Lieutenant General Simon Maguek.
- ii. The Koch County Commissioner, Gordon Koang Biel, did nothing to stop the arrests and was indeed complicit: this is evidenced by the involvement of the commander of his personal guards who took part in at least one arrest. It is inconceivable that the Commissioner knew nothing about the arrests.
- iii. There is no evidence to suggest that 4 Division SSPDF were in any way involved in the arrests, but Colonel Joseph Koang Machar was speaking and acting in the name of the SSPDF. Further, CTSAMVM found no evidence to the effect that the SSPDF took any action to curtail the activities of Colonel Joseph Koang Machar.

b. Koch armed youth:

- i. From the information given to CTSAMVM by the Koch armed youth, it is the assessment of CTSAMVM that if they had not been told to pull back by "CDF" they would have probably attacked SPLM/A-IO positions. These youth are under the control of the Koch County Commissioner, who was – according to the armed youth – told by the Governor that he would be "held to account if any attacks went ahead".





- ii. It is the assessment of CTSAMVM that the Koch County Commissioner, Gordon Koang Biel, was at least complicit in (and probably directed) planned attacks against SPLM/A-IO positions.
- c. Denial of access: The Koch County Commissioner, Gordon Koang Biel, refused to meet the CTSAMVM team who were in Koch for 9 days and made numerous attempts to visit him in his office. It is the assessment of CTSAMVM that by doing this he failed to honour both the spirit and the word of the R-ARCSS which guarantees freedom of movement and access to CTSAMM.
- d. Clash at Kaigai:
  - i. The clash at Kaigai was the result of forces of Lieutenant General Simon Maguek moving towards those of the SPLM/A-IO, whether these forces intended to attack or not. At a time when tensions were high following the “defection” of Lieutenant General Simon Maguek, by “patrolling” towards SPLM/A-IO positions in the early hours of the morning his forces were acting in a provocative manner. Claims by Lieutenant General Simon Maguek that his forces were ambushed by the SPLM/A-IO are not credible, especially given the disparity between his casualties and those of the SPLM/A-IO.
  - ii. There is no evidence to suggest the involvement of the SSPDF from 12 Brigade based in and around Leer. However, whilst the SSPDF helped bring the incident to an end by persuading the SPLM/A-IO to withdraw, it is evident the SSPDF did little or nothing to prevent the incident from happening in the first place. Over 20 armed men were able to move around Leer without the SSPDF (or indeed any of the security services or civil authorities) intervening.



## CONCLUSIONS

15. It is the conclusion of CTSAMVM that:

- a. The Koch County Commissioner, Gordon Koang Biel, an appointed government official, was at least complicit if not instrumental in allowing armed youth from Koch to move towards and plan to attack SPLM/A-IO positions in Leer County, and was also at least complicit in the illegal arrest and detention of a number of SPLM/A-IO personnel and civilians in Koch in violation of the R-ARCSS specifically Article 2.1.10.7.2.
- b. The Koch County Commissioner, Hon. Gordon Koang Biel, and the Leer County Commissioner, Hon. Taker Riek Dong, acted in violation of the R-ARCSS by accommodating the forces of Lieutenant General Simon Maguek (in effect creating new military bases), specifically Article 2.1.10.4 (redeployment and movement of forces).
- c. By refusing to meet CTSAMVM the Koch County Commissioner, Gordon Koang Biel, denied CTSAMVM free access and therefore acted in violation of the R-ARCSS, specifically Article 2.1.10.6.
- d. SSPDF Division 4 failed to exert any sort of control of the forces under command of Colonel Joseph Koang Machar, who had changed allegiance from the SPLM/A-IO to the SSPDF and was (in his own words) acting in the name of the SSPDF in Koch. Colonel Joseph Koang Machar acted in clear violation of the R-ARCSS, specifically Article 2.1.10.4.
- e. Lieutenant General Simon Maguek was responsible for the fighting at Kaigai on 28 November 2023. The forces under his command attacked SPLM/A-IO positions in clear violation of the R-ARCSS, specifically Articles 2.1.10.4 and 2.1.10.7.





- f. Both the County Commissioner and the SSPDF in Leer were negligent, in that they failed to control an affiliated armed group within an area under their direct control from committing a ceasefire violation. In this they failed in their obligations under the R-ARCSS, specifically Article 2.1.10.7.2.

## **OBSERVATIONS AND RECOMMENDATIONS**

16. The situation in Unity State is confused. A complex and often tense situation was exacerbated by the defection of Lieutenant General Simon Maguek, who was not only a senior SPLM/A-IO commander but is also a prominent local personage. Change of allegiance at this point in time when the agreement is in the final stages of implementation and elections are not far off is bound to increase mistrust and tension.
17. The SSPDF are to be commended, together with the Governor of Unity State, for preventing potential attacks against the SPLM/A-IO by armed youth from Koch. The SSPDF is also to be commended for (through its mediation) ending the fighting at Kaigai. However, the SSPDF must take steps to exert control over any opposition forces which change allegiance and act in its name.
18. CTSAMVM recommends:
- a. Steps are taken at the political level to ensure that the Koch County Commissioner complies with the R-ARCSS, and does nothing more to initiate or provoke any acts of violence.
  - b. The military base at Bhang be closed immediately, and any troops there professing allegiance to the SSPDF be moved to an SSPDF Cantonment barracks under the full control of the SSPDF.



- c. All those forces who changed allegiance with Lieutenant General Simon Maguek be taken under the full control of the SSPDF and cantoned prior to a decision being made about their future.
- d. An enquiry is established at the political level to address allegations that officials who refused to change allegiance after the defection of Lieutenant General Simon Maguek were unjustly and summarily dismissed.
- e. All Parties concerned engage in local initiatives to discuss and address whatever local issues are contributing to bad-feeling and tension in the area.

