

CTSAMVM CONFIDENTIAL
NOT TO BE ISSUED WITHOUT THE AUTHORITY OF THE CHAIRMAN



Ref: CM/2024/02/007

TO: Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)
Maj. Gen. Jany Kaway Yoakhor (SSOA)
Maj. Gen. Bior Leek Kuareng (Former Detainees)

FROM: The Chairperson, CTSAMVM

DATE: 2 February 2024

**SUBJECT: CTSAMVM REPORT 2024/03 KILLING OF TWO CIVILIANS BY
SSPDF SOLDIERS 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 August 2023.

Please accept the assurances of my highest consideration.

Major General Hailu Gonfa Edossa

Chairperson-CTSAMVM



CTSAMVM REPORT 2024/03

KILLING OF TWO CIVILIANS BY SSPDF SOLDIERS IN CENTRAL EQUATORIA STATE

EXECUTIVE SUMMARY

On the morning of 4 August 2023 two men left Udabi on a boda-boda. One was the owner and rider of the boda-boda, the other his passenger who wanted to be transported/taken to Esebi. They were both resident civilians in Udabi, and were unarmed.

They were stopped on the road by an SSPDF patrol led by a captain. The patrol had been ordered to “comb the area” following a recent incident in Udabi where the commander of the SSPDF contingent based there had been killed by an unknown armed group.

Both men were shot by the SSPDF patrol. The driver was forced to put on an SSPDF T-shirt before being shot dead; the passenger was taken to the hospital in Morobo, where he was able to make a statement to the Criminal Investigations Department (CID) before dying from his wounds.

The captain in charge of the patrol and a private soldier were arrested. They were sent to 1 Brigade SSPDF in Yei before being later taken to Giyarda military prison in Juba where they were detained awaiting trial; they were still there on 17 January 2024.

This incident is one of six recorded by CTSAMVM in the Equatorias (one of five in Central Equatoria) involving SSPDF soldiers shooting unarmed people in 2023.



KILLING OF TWO CIVILIANS BY SSPDF SOLDIERS IN CENTRAL EQUATORIA STATE

Reference:

- A. CTSAMVM Report 2023/10 Killing of two SSPDF soldiers and a Boma Chief in Central Equatoria State.
- B. CTSAMVM Report 2023/11 Killing of a boy in Central Equatoria State.
- C. CTSAMVM Report 2023/15 Extra-Judicial Killing in Eastern Equatoria State.
- D. CTSAMVM Report 2023/16 Killing of Civilians in Ombasi Boma, Central Equatoria State
- E. CTSAMVM Report 2023/14 Tension and violence in the Lobonok area Central Equatoria State.

INTRODUCTION

1. Background:

- a. SSPDF soldiers serving in areas where it is suspected NAS are operating have demonstrated a significant lack of discipline, and appear to have been deployed without rules of engagement or the necessary training.
- b. Not including the incident described in this report, in 2023 there were four reports of killings by the SSPDF (References A-D) and another where a civilian was shot and wounded (Reference E). Four out of these five incidents took place in Central Equatoria State.

- 2. Allegation: On 08 August 2023, CTSAMVM received an allegation by telephone from the Morobo County Paramount Chief, that a Boda Boda rider and two pillion passengers had been shot dead by SSPDF soldiers in Morobo County on the road to Udabbi – Esebi.



INVESTIGATION

3. Investigations were undertaken with the full participation of National Monitors.
4. Due to operational reasons and challenges, CTSAMVM was unable to visit Morobo and conduct a full investigation into the allegations until January 2024. However, prior to deploying a patrol from 10-12 January 2024 CTSAMVM maintained contact with the authorities in Morobo
5. During the course of the investigation CTSAMVM interviewed a wide range of witnesses including:
 - a. SSPDF:
 - i. The Commander of 1st Brigade SSPDF based in Yei.
 - ii. The Commander of 1st Battalion SSPDF based in Morobo.
 - b. Police: The Morobo County CID Officer.
 - c. NSS: Deputy Director of National Security Services (NSS) in Morobo Town.
 - d. Local Authorities: The County Executive Director and Deputy Executive Director.
 - e. Civilian witnesses: The brother of the Boda-Boda driver and the brother of the other pillion passenger who had been killed.
 - f. Health authorities: two members of staff at Morobo Hospital.
6. 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. Two people were killed in the incident, not three as stated in the original allegation. The incident happened on the Udabi-Esebi road on 4th August 2023. Both of the men who were killed were from Udabi, and were unarmed civilians.
8. Prior to the shooting on 4 August there had been an incident in Udabi Payam where an unknown armed group had (according to the SSPDF Battalion Commander) attacked and arrested some civilians. During this incident the commander of the SSPDF detachment in Udabi was killed. Following this incident, the SSPDF Battalion Commander sent a detachment under a captain to “comb the area”.
9. The SSPDF patrol stopped a boda-boda rider on the Esebi road. They made the rider put on an SSPDF T-shirt then shot him dead. The passenger was also shot and fatally wounded and taken to the hospital in Morobo, where he was able to make a short statement to the CID officer before he died of his wounds. The CID officer showed CTSAMVM pictures of the body of the rider dressed in the SSPDF T-shirt.
10. The Captain who was commanding the patrol was arrested, together with a private soldier who was also involved in the shooting. The families of the two men who were killed registered cases of murder against the SSPDF. CTSAMVM asked the SSPDF Battalion Commander whether he met with the families of the deceased men in order to apologise, but he said he did not do so because the case was being handled by the police.
11. The two arrested soldiers were transferred to 1 Brigade SSPDF in Yei and then to Giyarda Military Prison in Juba. CTSAMVM spoke with the Commander of 1 Brigade SSPDF in Yei on 17 January 2024 to ask what had happened to them. The case is still ongoing: the Brigade Commander said he has requested the Commissioner and the Paramount Chief of Yei River County to write to the Chief of Defence Forces asking for the two suspects to be brought to Yei for trial. This process is apparently underway.



ASSESSMENT

12. It is the finding of CTSAMVM that SSPDF soldiers shot and killed the two unarmed civilians. This was not a spur-of-the-moment shooting of people running away from a patrol like several of the other incidents which occurred in Central Equatoria in 2023, but the cold-blooded killing of two men, one of whom was forced to wear an SSPDF T-shirt before being killed.
13. If the SSPDF had any suspicions that the victims were members of an armed group or were involved in any criminal activity, they should have been arrested and dealt with in accordance with the law. One of the SSPDF personnel involved was an officer of the rank Captain, and it is an indictment of the SSPDF that someone of this rank would not only allow but be actively involved in such an incident.

CONCLUSIONS

14. It is the conclusion of CTSAMVM that the killing of two unarmed civilians by the SSPDF on 4 August 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. There have been six shootings of unarmed people recorded by CTSAMVM in the Equatorias in 2023, resulting in the deaths of three children and five adults, and the wounding of two adults. Four of the adults killed were shot in cold blood whilst in the custody of or under the control of the SSPDF; in two of these incidents – including the one described in this report – officers were involved in the shooting.
16. It is evident that some SSPDF units deployed in areas where NAS and other armed groups might be operating lack the discipline and training to be able to operate within the R-ARCSS and recognised international and national law.



17. CTSAMVM recommends:

- a. That the SSPDF holds senior officers to account for the failings of their subordinate officers and soldiers. It is a command responsibility to ensure that soldiers are deployed with the training and orders necessary to operate within the legal order.
- b. That the SSPDF ensures that all officers and soldiers are given clear and unambiguous Rules of Engagement, and that these Rules of Engagement are rigorously enforced.
- c. That both the civil and military authorities work together to expedite the trial of the two perpetrators. The brother of one of the victims told CTSAMVM that he “prays that justice be done for his brother”.

