



CTSAMM REPORT 2020/04

FIGHTING IN MAIWUT COUNTY 7 TO 11 APRIL 2020

EXECUTIVE SUMMARY

In December 2019 CTSAMVM there were reports of clashes between SSPDF forces under Maj Gen Ochan and SPLM/A-IO forces along the Sobat River. Following further reports of violence in early January 2020, JDB called the Parties together for a Peace and Reconciliation Conference in Juba which resulted in Resolutions signed on 11 February 2020.

CTSAMVM received allegations from the SPLM/A-IO about an alleged clash with the SSPDF on 17 March 2020, and then further allegations from both the SSPDF and the SPLM/A-IO accusing each other of hostile acts on 7, 10 and 11 April 2020.

CTSAMVM undertook an investigation from 21 to 27 April 2020, during which military and civil authorities from both the SSPDF and SPLM/A were interviewed, as well as civilian witnesses. CTSAMVM also visited the locations where the clashes took place.

Both the SSPDF and the SPLM/A-IO claimed that they had been attacked but then “pursued” their attackers having beaten them off. Although unable to determine which Party initiated the clashes, CTSAMVM concluded that by admitting offensive action both Parties acted in violation of the R-ARCSS.

There is evidence of the utilization of heavy weapons by the SSPDF forces which are contrary to spirit and the letter of the agreement and demonstrates that the activities

of collection of long and medium range heavy weapons have not been completed as prescribed by the R-ARCSS and therefore is a violation.

Both the SSPDF and the SPLM/A-IO remain deployed in civilian areas rather than being cantoned according to the provisions of the R-ARCSS.

Civilians were killed and injured during the clashes and houses burnt. Armed civilians were involved in the fighting, but unarmed civilians were caught in the crossfire. Both the SSPDF and the SPLM/A-IO failed to protect civilians, as they are obliged to do by the R-ARCSS.

Both Parties failed to implement the measures agreed in the 11 February 2020 Resolutions of the Peace and Reconciliation Conference.

FIGHTING IN MAIWUT COUNTY

Introduction

1. Background:

- a. The situation in the Maiwut area is complex. Fighting broke out in Maiwut between the Cie Waw sub-clan of the Gatijiak-Nuer and troops from SPLM/A-IO 5th Division from Turow Cantonment Site on 31 July 2019. The basis of the violence was an intra-tribal, inter-clan issue caused by the Cie Waw community refusing to accept the appointment of a County Commissioner in Maiwut from the Chiang Chany community. The Cie Waw are the largest ethnic group in the Maiwut area, and chose and installed an alternative Commissioner. Maj Gen Ochan, who had been deputy commander of the Division, subsequently changed allegiance from the SPLM/A-IO to the SSPDF in a statement published on 22 September 2019. Maj Gen Ochan is from the Cie Waw sub-clan. During the fighting, the SPLM/A-IO was pushed out from Maiwut town and Turow Cantonment Site and ended up at Jekau. On 19 December 2019, a Joint Field Visit led by the CTSAMVM Deputy Chairman was conducted to Jekau to assess the situation. These events were also covered in a CTSAMVM

report discussed at the 18th meeting of the CTSAMVM Technical Committee on 16-17 January 2020 and the at 14th CTSAMVM Board Meeting on 21 January 2020.

- b. The Cie Waw is one of the sub-clans of the Gatjiak-Nuer. The other sub clans are aligned with the SPLM/A-IO. These are the Cie Chany, Cheng Nyajaana, Cheng Rany, Thiang Baar and Chay Bul.
- c. There were further reports of fighting between the SSPDF-aligned forces under the command of Maj Gen Ochan and the SPLM/A-IO along the Sobat River between 6 and 24 December 2019, with reports of further incidents on 3 and 5 January and 7 February 2020.
- d. In January 2020 the Parties to the conflict were called to Juba for a Peace and Reconciliation Conference which took place between 4 and 11 February 2020, with Resolutions being signed on 11 February 2020 in the presence of the Chairman of the JDB. The Resolutions established a comprehensive ceasefire, “reconciliation conferences of the people of Adar/Maiwut State”, and a commitment by all involved to comply with and implement the R-ARCSS. On 21 February 2020 CTSAMVM along with the JDB visited Maiwut and spoke with the civil and military authorities (SSPDF) who reported that the situation was calm following the signing of the agreement.
- e. Since then, CTSAMVM received the following information:
 - i. On 17 March 2020 CTSAMVM received as an allegation from the SPLM/A-IO that SSPDF forces ambushed soldiers from SPLM/A-IO 5th Division near Jekau on 16 March 2020, killing one of them.
 - ii. On 7 April 2020 CTSAMVM received information from Maj Gen Ochan (SSPDF) that there was an attempted cattle raid on the Cie Waw by members of two sub-clans of the Gatjook clan, the Chieng Yol and Chieng Lang from the Nassir area.

iii. On 10 April 2020, CTSAMVM received information about fighting involving the Cie Waw, SSPDF and SPLM/A-IO:

(1) Maj Gen Ochan and Brig Daniel Gatbel SSPDF, and the Maiwut County Commissioner said that fighting had broken out on 9 April in Wichgatluak Riek between the Cie Waw on one side, and the SPLM/A-IO Tiger Battalion, Chieng Chany sub-clan and SPLM/A-IO Division 5 soldiers on the other.

(2) The SPLM/A-IO Sector 4 Chief of Military Intelligence Brig Gen Mawich Wantaet Gatluak based in Jekau claimed that at 1618hrs on 9 April SSPDF forces commanded by Maj Gen Ochan had attacked SPLM/A-IO forces with vehicle-mounted machine guns at Nyinjok near the SPLM/A-IO barracks.

(3) Further information was received from SSPDF Brig Gen Daniel Gatbel claiming that SSPDF forces had repulsed SPLM/A-IO forces from Wichgatluak Riek to Lolguagoal and had withdrawn.

iv. On the evening of 11 April 2020 CTSAMVM received the following information by telephone:

(1) The SPLM/A-IO Sector 4 Military Intelligence Officer Brig Gen Mawich Wantaet Gatluak based in Jekau claimed that the SSPDF had attacked them in Jekau at around 1644hrs on 11 April (that same day). They had repulsed the attackers, pursued them and had no plan to attack them but informed CTSAMVM that they “will defend themselves against any attempted attacks”.

(2) CTSAMVM immediately crosschecked with Capt Bom Gatdet Gai, spokesman of the SSPDF forces commanded by Maj Gen Ochan, who claimed that the SPLM/A-IO forces attacked the Cie Waw at around 1200hrs that day and fighting erupted at about 1300hrs in Nyinjiok

grazing area where the SPLM/A-IO reportedly killed one woman and wounded six other people including two children. They then attacked herders, driving them to the areas of Nyongow, Nyoblew, and Wichgatluak Riek and looted 178 cattle from Cie Waw community in the process. This led the cattle owners - supported by SSPDF forces - to pursue their cattle to Jekau where they engaged in fighting until late evening.

2. **Aim:** The aim of this report is to summarise the armed clashes that took place in the Maiwut area between 7 and 11 April 2020, attribute responsibility for violations of the R-ARCSS where appropriate, and make recommendations to foster compliance with the R-ARCSS.

3. **Methodology:**

- a. CTSAMVM between 21 and 27 April 2020 visited the areas around Maiwut under the control of: (i) the SSPDF; (ii) the SPLM/A-IO and interviewed military commanders, civil authorities and civilians.
- b. On 21 April CTSAMVM visited Khormachar and met Brig Simon Lual Kueth, who commands the SSPDF forces under Maj Gen Ochan in the area. He is currently based at Zinki (Zinc). Other SSPDF officers present and who were interviewed were Lt Col Bang Tut Giel (Military Intelligence) and Brigs Yong Deng Riak and Deng Teny Deng.
- c. On 22 April CTSAMVM visited Zinki and interviewed the commander of SSPDF 19 Bn, and then visited Wichgatluak Riek village and met with the Executive Director of Jetome Payam and two traditional leaders. CTSAMVM afterwards visited Yuliet village, where they observed burnt houses, and Nyalonglong village where they interviewed two civilian women.
- d. On 23-24 April CTSAMVM visited the SPLM/A-IO- controlled area and met with SPLM/A-IO commanders at Jekau. CTSAMVM interviewed the commander of SPLM/A-IO 5th Division, Maj Gen David Dep Ruot, his Deputy Brig Nhial

Gatchay and SPLM/A-IO Sect 4 Chief of Military Intelligence Brig Mawich Wantet Gatluak.

- e. On 27 April 2020 CTSAMVM visited the villages of Lolguagoal, Nyaang, Palel and Nyinjok because at these locations the SPLM/A-IO claimed that they had been attacked by the SSPDF.
- f. The evidence in this report is extracted from a report submitted by MVT Malakal following its investigation. The investigation report was signed by International Observers and National Monitors and discussed with Senior National Liaison Officers.
- g. The standard of proof used by the CTSAMVM to determine whether there is sufficient evidence to verify that a Party-Signatory 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 humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.
- h. Maps showing the places visited by CTSAMVM during the investigation:



CTSAMVM REPORT 2020/04
CONFLICT IN THE MAIWUT AREA, APRIL 2020
Map 1



CTSAMVM REPORT 2020/04
CONFLICT IN THE MAIWUT AREA, APRIL 2020
Map 2



Location of villages and area in which the conflict took place:

The conflict took place in MAIWUT County which is one of the counties of Upper Nile State in SOUTH SUDAN. Its capital is Maiwut town; Jekau (or Jekow) is also a key town with both towns located near the South-Sudan and Ethiopia border. During the investigation the CTSAMVM visited several areas along the Sobat River in the Maiwut County where the conflict took place.

The areas include:

- a. Khormachar village
- b. Zinki (Zinc) village
- c. Wichgatluak Riek
- d. Nyalonglong
- e. Jekau
- f. Lolguagoal
- g. Nyaang'
- h. Palel
- i. Maiwut
- j. Yuliet.

Palel, Lolguagoal, Nyaang are located around 1 km from south of Jekau and within walking distance between to each other. Yuliet village is located at south-west and around 6km from Jekau.

Yuliet and Khormachar are respectively about 1.5 km and 3 km from Zinki and both are situated in south west of Jekau.

Wichgatluak Riek Village is located in the south west of Maiwut.

Findings

4. CTSAMVM found that the parties made the following respective claims:

a. SSPDF claims:

- i. Brig Simon Lual Kueth, SSPDF Commander of the area in which the clashes took place had witnessed the signing of the Resolutions of the Peace and Reconciliation Conference referred to above and claimed he

had disseminated its contents to the Cie Waw. According to him and his officers:

- (1) On 7 April there was an attempted cattle raid by “White Army” (local armed civilians) from Nassir against the villages of Torbar and Filual, resulting in the death of several civilians and the theft of cattle. On the same day the SPLM/A-IO attacked Wichgatluak Riek village, killing one man, a civilian.
 - (2) On 9 April the Cie Chany sub-clan backed by the SPLM/A-IO attacked the Cie Waw in Wichgatluak Riek but were repulsed.
 - (3) On 11 April the Cie Chany sub-clan backed by the SPLM/A-IO attacked again, stole cattle and drove them across the Sobat River into Ethiopia. On the same day angry civilians from the Cie Waw burnt villages along the route taken by the raiders.
 - (4) During the fighting on 11 April SSPDF soldiers joined with armed Cie Waw civilians pursuing the cattle raiders and followed them to Jekau.
 - (5) During the fighting on 7, 9 and 11 April a total of 5 people were killed and 8 injured, including civilian non-combatants caught in the crossfire.
- ii. The SSPDF claimed that the SPLM/A-IO had used heavy weapons including ‘Dushka’ 12.7mm machine guns and 82mm mortars. Note: CTSAMVM asked to see evidence of these weapons (mortar craters, etc.) but the SSPDF was unable to show them anything.
 - iii. The SSPDF officers interviewed claimed that the fighting was caused by the SPLM/A-IO Deputy Commander (and former commander of SPLM/A-IO 5th Division) Maj Gen Khor Chuol who has been mobilising forces on both sides of the border in order to further his own ends.

b. SPLM/A-IO claims:

- i. According to Maj Gen David Dep Ruot, commander of 5th Division SPLM/A-IO and his officers, the sequence of events was as follows:
 - (1) On 7 April the area of Majak Payam was attacked by SSPDF forces. One SPLM/A-IO soldier was killed, and 3 civilians wounded.
 - (2) On 9 April fighting broke out in the same area again, but there were no SPLM/A-IO casualties.
 - (3) On 11 April the SSPDF attacked the HQ of SPLM/A-IO Sector 4 in Lolguagoal, killed an SPLM/A-IO soldier and burnt 45 houses and 2 churches in the SPLM/A-IO barracks. Note: CTSAMVM was taken to the site and observed the burnt houses, as well as the 82mm mortar craters, mortar fragments and 12.7mm cartridge cases. (Photographs 1-3 in Annex A).
 - (4) The SSPDF attacked with 3 companies and the SPLM/A-IO retaliated with 4 companies. The SSPDF did not use heavy weapons on the first day but on April 11 they deployed mortars and heavy machine guns.
 - (5) The SPLM/A-IO had advanced warning of the attack and deployed reconnaissance troops forward to give warning.
 - (6) Only military personnel were involved in the fighting on the SPLM/A-IO side.
- ii. Maj Gen David Dep Ruot stated that he had not ordered any attacks, but said that following attacks by the SSPDF his soldiers pursued the attackers to Wichgatluak Riek, Yuliet, Bar and Kuei (near Zinki).
- iii. Apart from the usual small-arms, according to Maj Gen David Dep Ruot, the attackers used 82mm mortars and 12.7mm 'Dushka' vehicle-mounted

machine guns. The SPLM/A-IO said they have no heavy weapons, and the only mortars they have are two 60 mm mortars with limited range.

- iv. Maj Gen David Dep Ruot said he was not aware of Maj Gen Khor Chuol mobilising any forces to launch attacks in the area. He claimed that the allegations made by Brig Simon Lual Kueth of SSPDF about Maj Gen Khor Chuol were to further his own ends.
- v. Maj Gen David Dep Ruot stated that the areas occupied by the SSPDF in Khormachar, Zinki, and Wichgatluak Riek along the Sobat River are farming areas. He claimed that the SPLM/A-IO had vacated these areas and moved to Jekau and Lolguagoal in order to allow civilians to cultivate freely, but that the SSPDF had ignored an order from SSPDF CDF to move into cantonment barracks at Pagak. He said that if the SSPDF did this he would move his forces to Turow Cantonment Site immediately. He said the reason for the attacks was for the SSPDF to take control of the whole area.

5. Civilian witnesses:

- a. Jetome Payam. CTSAMVM met with the Executive Director of Jetome Payam, together with the chief of the Yuliet area and the chief of the Bar area, all of which are under the control of the SSPDF.
 - i. They admitted to civilian involvement in the fighting along with SSPDF, saying that they did this in an attempt to recover the cattle allegedly stolen by the cattle raiders and taken over the Sobat River.
 - ii. They said that during the fighting 3 houses were burnt (Photograph 4 in Annex A), one person killed and 3 wounded. Note: CTSAMVM observed the burnt houses and were shown the grave they were told was of the man (please see paragraph 4.a.i (1) above) who was killed.
 - iii. They stated they did not know the reason for the attack.

- iv. They all raised the concern that the contents of the various peace agreements had not been disseminated. They had not made any attempts to meet civilian leaders from their adversaries to try and resolve their differences.
- b. Nyalonglong village. CTSAMVM met with two civilian women and a sub-chief. Nyalonglong is within the area controlled by the SSPDF.
- i. The women said that the attackers came from three directions with “the intention of annihilating the Cie Waw clan” and that since the attacks began, they have been living in fear and were unable to travel to Maiwut.
 - ii. The women said that the attackers were a mixture of SPLM/A-IO and civilians; the sub-chief said there were approximately 300 in number and they were all SPLM/A-IO. The sub-chief said he knew they were SPLM/A-IO because he was familiar with them and they were all in uniform. He said that civilians fought back using their rifles. No atrocities were committed against women or children.
 - iii. They all stated that they “knew the attacks had been organised by Maj Gen Khor Chuol and the acting SPLM/A-IO Governor Kong Ruot”.
- c. Jekau. CTSAMVM met with the SPLM/A-IO caretaker commissioner of Jekau. He said the attacks happened on the 3 days already described, leaving 2 people dead and 3 others wounded. One hundred (100) tukuls were burnt resulting in the displacement of a number of families including his own, but no atrocities were committed against women and children by the attackers.

Assessment

6. Since August 2019, there has been inter-clan rivalry in the area around Maiwut, characterised by disputes and cattle raiding. Apart from Pagak, the area was under control of the SPLM/A-IO until Maj Gen Ochan changed allegiance to the SSPDF and claimed the area for the Government in August 2019. The involvement of the

Armies of the Party-Signatories brings the situation under the mandate of CTSAMVM.

7. The provisions of the 11 February Resolutions of the Maiwut Peace and Reconciliation Conference have been neither successfully promulgated nor implemented in the area.
8. Both the SSPDF and SPLM/A-IO give conflicting accounts of what happened. The SSPDF claim they followed attackers to the SPLM/A-IO areas, and the SPLM/A-IO say they followed those who attacked them to the SSPDF-controlled areas. The evidence of civilian witnesses supports the statements of the Parties in whose area they reside.
9. The relationship between the clans and sub-clans in the area is complex and extends into neighbouring Ethiopia. It is most likely that the fighting of 7, 9 and 11 April 2020 resulted from inter-clan rivalries and issues. However, there is no doubt that troops from both the SSPDF and SPLM/A-IO were involved in violations of the R-ARCSS.
10. It is not possible for CTSAMVM to determine which Party initiated the fighting. However, it is evident is that:
 - a. The forces under the command of Maj Gen Ochan, having changed allegiance to the SSPDF, remain deployed in civilian areas rather than being in cantonment sites or barracks as per the R-ARCSS.
 - b. SPLM/A-IO forces also remain deployed outside Cantonment Sites, although this is partly because SPLM/A-IO 5th Division was ejected from their nominated site at Turow in August 2019.
 - c. It is apparent that the Parties (both military and civil authorities) have failed to successfully disseminate and implement the Resolutions of the Maiwut Peace and Reconciliation Conference (11 February 2020).

- d. The civilian population suffers as a result of the presence of military forces from both Parties.
 - e. During the fighting there are some indications that SSPDF forces supported the armed Cie-Waw civilians.
11. Through their armed aggression manifested by a series of attacks and counter-attacks against one another over a period of several days in areas in very close proximity to and within civilian-populated areas, both the SSPDF and the SPLM/A-IO are responsible for violating provisions of the ACOH and R-ARCSS that require from them as Party-Signatories the following:
- a. To be cantoned in areas not in close proximity to civilian habitations.
 - b. To freeze their forces.
 - c. To not move any forces except for administrative or logistical purposes upon Advance Notification to CTSAMVM.
 - d. To cease all fighting, aggression, and military activities that could result in a breach of the cessation of hostilities.
 - e. To protect civilians.
12. CTSAMVM witnessed the evidence of the utilization of heavy weapons such as the 82mm mortar by the SSPDF forces in Lolguagoal which according to the SPLM/A-IO is their Sector 4 Headquarters. In addition to utilisation of those weapons which are contrary to spirit and letter of the agreement, this demonstrates that the activities of collection of long and medium range heavy weapons was not fully completed as prescribed by the Art 2.2.3.2 (Disengagement, separation of forces and collection of long and medium range heavy weapons) and Art. 2.3.3 (During the Transitional Period, all collected heavy and medium range weapons and ammunitions shall be disposed of as shall be determined by the JDB) of the R-

ARCSS. It is the responsibility of the Warring Parties to ensure robust and follow up action on the issue of collection of long and medium range heavy weapons.

Conclusion

13. Both the SSPDF and SPLM/A-IO admitted to pursuing their attackers. By doing this and becoming involved in the fighting, both the SSPDF and SPLM/A-IO acted in violation of Articles 2.1.9 and 2.1.10.7.2 of the R-ARCSS.
14. By failing to canton their forces, the SSPDF failed to comply with Article 2.2.2 of the R-ARCSS.
15. Civilians were killed and wounded in the fighting. Although some of these might have been involved in the fighting, the SSPDF clearly stated civilians were caught in crossfire and that one woman was killed and children injured. Houses were burnt and civilians displaced. Both the SSPDF and the SPLM/A-IO failed in their commitment to protect civilians as specified in Article 2.1.10.7.4 of the R-ARCSS.
16. The SSPDF and the SPLM/A-IO failed to disseminate and implement the Resolutions of the Maiwut Peace and Reconciliation Conference (11 February 2020), which makes clear reference to the R-ARCSS.

Observations and Recommendations

17. Conflict in the Maiwut area started at the end of July 2019, with Maj Gen Ochan changing allegiance from the SPLM/A-IO to the SSPDF in August 2019. However, it was not until January 2020, six months later that intervention was taken by the JDB, the security mechanisms and the protagonists when they were called to Juba for a Peace and Reconciliation Conference in February in order to reduce tensions and ensure compliance by the Parties with the R-ARCSS. CTSAMVM recommends that the IGAD Council of Ministers and R-JMEC put pressure on JDB and the security mechanisms to take quicker and more robust action and to follow up to ensure that the Conference Resolutions and the provisions of the R-ARCSS are fully implemented.

18. It is unacceptable that SSPDF and SPLM/A-IO formations remain deployed in the field amongst civilian settlements rather than in Cantonment Sites or Barracks. CTSAMVM recommends that urgent action is taken by JDB and the Security Mechanisms:
- a. To resolve the issues that are preventing the SPLM/A-IO forces presently in Jekau and Lolguagoal from occupying an official Cantonment Site.
 - b. To ensure that SSPDF forces move to a Cantonment Barracks.
19. In relation to the medium and heavy range weapons that are still in the possession of the SSPDF forces and continue to be used, CTSAMVM urges and recommends that urgent action should be taken by the JDB and the Security Mechanisms to collect those long and medium range heavy weapons for disposal as prescribed by Art 2.2.3.2 and Art. 2.3.3 of the R-ARCSS.
20. The Resolutions of the Maiwut Peace and Reconciliation Conference (11 February 2020) – which make specific reference to the R-ARCSS - be properly and thoroughly disseminated by JDB, as stipulated in the agreement itself.

ANNEX A to CTSAMVM
Report 2020/04
Dated 30 May 2020

PHOTOGRAPHS

Photograph 1:



Photograph showing seriously damaged civilian property. Burnt church at Lolguagoal claimed by SPLM/A-IO to be burnt by SSPDF on 11 April. Photograph taken by MVT Malakal on 27 April 2020.

Photograph 2:



Photograph of 82mm Mortar impact and shrapnel scars at Palel in the SPLM/A-IO-controlled area. Photograph taken by MVT Malakal on 27 April 2020.

Photograph 3:



Photograph of mortar fragments and 12.7mm cartridge case recovered in the SPLM/A-IO area of Lolguagoal. Photograph taken by MVT Malakal on 27 April 2020.

Photograph 4:



Photograph of burnt houses at Yuliet claimed by the Executive Director of Jetome Payam, Chief of Yuliet area, and Chief of Bar area (all under control of SSPDF) to be burnt during the fighting. Photograph taken by MVT Malakal on 22 April 2020.