

**CTSAMVM CONFIDENTIAL**  
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**TO:** Maj. Gen. Rabi Mujung Emmanuel (ITGoNU)  
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)  
Maj. Gen. David Nyang Kueth (SSOA)  
Maj. Gen. Bior Leek Kuareng (Former Detainees)

**FROM:** The Chairperson, CTSAMVM

**DATE:** 27 April 2021

**SUBJECT: CTSAMVM REPORT 2021/ 005– DETENTION OF CIVILIANS  
MONGOYO, CENTRAL EQUATORIA**

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on incidents which took place in Central Equatoria in 2019. The initial incidents were reported to CTSAMVM in 2019 but full investigation could not be resumed until 2020.

Please accept the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Teshome Gemechu Aderie', written over a horizontal line.

Major General Teshome Gemechu Aderie

Chairperson

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



## CTSAMVM REPORT 2021/005

### EXECUTIVE SUMMARY

In September 2019 two SPLM/A-IO soldiers requested a lift on a civilian vehicle carrying logs in Panyume area. The vehicle was involved in an accident and two soldiers were killed and a third injured. The businessman involved in the logging operation was arrested by SPLM/A-IO and has been detained at Mongoyo military base since the arrest. The individual has been held while he has been required to pay compensation to the families of the soldiers. The civilian has not been subject to any legal process since his detention.

Subsequent investigation revealed that an additional 2 civilians had been arrested and then detained at Mongoyo following an incident in the Panyume area on 27 May 2019. The two civilians were arrested in May 2019 and are alleged to have killed an SPLM/A-IO soldier in the Panyume area. The civilians have not been subject to due legal process.

All three civilians have been detained illegally for more than 12 months. The individuals detained have not been subjected to physical abuse but they are traumatised by their experience.

By arresting and detaining three civilians at Mongoyo the SPLM/A-IO is in violation of Article 6 (c), (i), of Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access and R-ARCSS provisions 2.1.10.7.1. and 2.1.10.7.4.

## DETENTION OF CIVILIANS, MONGOYO, CENTRAL EQUATORIA

### Introduction

1. Background: On 22 Oct 20, MVT YEI visited South Sudan Law Society Office Yei Branch and met the officer in charge Mr Taban Oliver who reported that SPLM/A-IO were holding in detention a civilian for an alleged offence which took place in September 2019. The length of time of the detention was a cause for concern and CTSAMVM conducted follow up investigations.
2. Incidents and allegations
  - a. A lady called Vivian Semati who lives in Labat Yei alleged that her relative Arike David has been in the custody of SPLM/A.IO since September 2019. He was reportedly detained after soldiers of SPLA- IO of Panyume Cantonment requested and were given a lift on the truck of the said Arike David. The truck was carrying timber logs and was involved in an accident during which two of the soldiers were killed and a third soldier was injured. The Commander of the dead soldiers (Maj Gen John Mabiei SPLM/A-IO) of Panyume Cantonment site demanded that Arike David pay the funeral expenses amounting to 76 million Uganda Shillings. According to Vivian Semati the expenses were paid by Arike David but to date (Sep 2019) he remains in detention.
  - b. CTSAMVM received a second allegation on 25 November 2020 that an additional two civilians were detained in the same area by SPLM/A-IO and have been detained for more than 12 months.
  - c. CTSAMVM had received reports about the killing of an SPLM/A-IO soldier and a Ugandan civilian on 27 May 2019 in the Panyume area which are linked to the allegations of the detention of civilians.

### 3. Methodology:

- a. CTSAMVM conducted initial enquiries into the background of the incident on 25 November 2020 and subsequently conducted a patrol to Panyume on 25 November 2020 and Mongoyo between 23-25 March 2021. In addition, CTSAMVM investigated the killing of a Ugandan civilian and an SPLM/A-IO soldier during a visit to Panyume cantonment site on 22 August 2019 which is connected to the later investigations. All investigations were conducted with National Monitors.
- b. 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 humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.

### **Findings**

4. On 25 November 2021 at Panyume Brig Gen Isaac Lubari SPLM/A-IO acknowledged that Arike David and two other civilians had been detained for more than 12 months. CTSAMVM were referred to Maj Gen John Mabiei SPLM/A-IO at Mongoyo, the base for the SPLM/A-IO Mobile Force.
5. On 24 February 2021 Maj Gen John Mabiei confirmed by telephone that Mr Arike David and two other civilians were detained at the Mobile Force location. He alleged that the other two civilians had killed SPLM/A-IO soldiers on the same day that two soldiers were killed in the vehicle accident during September 2019.
6. On 23 March 2021 CTSAMVM visited Mongoyo Mobile Force camp which is 8 kms North of Panyume. The team was met by the Commander, Maj Gen John Mabiei , and his Chief Intelligence Officer Col Jeremiah Adok. The detention of David Alike was again confirmed as was the detention of the other two civilians who were

named as Lokisa Peter and Edward Taban. All three civilians were interviewed by CTSAMVM.

7. Detention of Arike David.

- a. Col Jeremiah Adok informed the team that Arike David is a businessman operating between South Sudan and Uganda and the chairperson of the business community in the area. On an unspecified date in May 2019, Arike David hired a truck with unknown Ugandan number plate from Uganda to ferry logs from Kajo Keji area to Uganda. Three SPLM/A-IO soldiers from Panyume requested a lift which was granted by the driver (who could not be identified by name) and within the area of Ajo the truck was involved in an accident where its side doors opened and the logs rolled off the truck and fell on soldiers, instantly killing two and injuring one on the leg. The driver was arrested, and the truck detained by police officers at Panyume. However, Arike David bribed the police and released the driver. The truck was released after Col Jeremiah contacted on phone the owner, a Ugandan, who is a UPDF Colonel and is not allowed to travel across the border **unless on official duty as per his Country's regulation governing military officers' movement.**
- b. Arike David was directed to compensate the deceased families as demanded by customary law when the family of the deceased met with a Judge sent from Juba. He was given an opportunity to remain free without being detained by the authority because he is known to all within the area. However, when he failed to compensate the family on time, he was arrested on 09 Sep 19 and put under custody at Panyume Police Station before he was transferred to Mongoyo mobile force camp .
- c. The team asked for the details of the customary law court proceedings that sanctioned Arike David to compensate the families of deceased soldiers as well as the date of the court, attendance and other supporting information. Col Jeremiah Adok was unable to provide any information and stated only that the judge was a Brig Gen sent from Juba who he was unable to identify by name.

- d. The team interviewed Arike David, he is a businessmen who deals in logs, buying in South Sudan and selling in Uganda. He confirmed that he had hired a truck from Uganda and that the accident took place. He was not present at the time or place of the accident and was subsequently informed of the time and place of the accident by SPLM/A-IO soldiers from Div IIIB. He maintains that the driver of the vehicle was released on bail and not by bribing the police at Panyume. He confirms that he was ordered to pay for the funeral expenses of the deceased soldiers and to transfer the soldier injured in the accident from Uganda to Juba. He stated that he was arrested at Panyume on 9 September 2021 and placed in custody at Panyume police station. On 28 Sep 2021 he was transferred to Mongoyo camp where he has since remained.
- e. Arike David stated that he was required to appear before Maj Gen Mabiei , Brig Gen Peter Wal (Commander Moroto TC) and other officers on a date he could not specify. At that meeting he was informed that the families of the deceased had demanded compensation amounting to 84 Million Ugandan Shillings. Of this sum Arike David had already provided 19 Million Uganda Shillings. During the interview with the team on 23 March 2021 Maj Gen John Mabiei confirmed that Arike David had provided the amount and that it had been handed over to the families of the soldiers killed in the accident.
- f. Arike David stated that he has not met the families he is being required to compensate. He also stated that he has not been subject to any form of trial for the alleged offense.
8. Detention of Lokisa Peter and Edward Taban
- a. When interviewed on 23 March 2021 Colonel Jeremiah Adok SPLM/A-IO stated that Lokisa Peter and Edward Taban killed an SPLM/A-IO soldier in May 2019 after which they were arrested and detained at Mongoyo camp. He explained that further details would be provided by the detainees when they were interviewed.

- b. The two detainees were interviewed by CTSAMVM. The two were in tattered clothes but did not report any ill treatment whilst they were detained. The two reside in Panyume and their occupation is cattle keeping. Lokisa Peter stated that on the night of 22 May 2019 he heard people moving in his cattle compound. He alerted Edward Taban and both men took their weapons and departed their house. On leaving the house they saw armed men in the compound and were ordered to drop their weapons and run. They ran into the bush and heard gunshots after they left the compound. They went into the bush where they spent the night. On 23 May 2019 they reported to Panyume police station and explained what had happened. While at the station they learned that an SPLM/A-IO soldier was killed in their compound the previous night. They later established that SPLM/A-IO soldiers went to their compound, looted cattle and burnt the house as well as killing their Ugandan neighbour. The two were accused of murdering the SPLM/A-IO soldier who was reportedly killed on the night of 22 May 2021 and were arrested and detained at Panyume police station. On 30 May 2019 the two were transferred to Mongoyo camp and SPLM/A-IO custody. The two had been in detention since May 2019 and now trial has been held.
- c. When CTSAMVM visited Panyume cantonment site on 22 August 2019 to investigate the killing of an SPLM/A-IO soldier and a Ugandan civilian the names of the victims were not confirmed. However, the details provided by the Morobo County Commission (Hon Asio Moses John) indicate that the killings took place during the same incident described by Lokisa Peter and Edward Taban and Colonel Jeremiah Adok on 23 March 2021 to CTSAMVM. At the time that CTSAMVM investigated the killings the SPLM/A-IO leadership at Panyume denied any knowledge of such an incident. However, the Morobo County Commissioner gave a detailed account during which he related that on the night of the incident SPLM/A-IO were conducting patrols around Panyume and that there was gunfire. He acknowledged the death of a Ugandan civilian and an SPLM/A-IO soldier. He stated the identity of the person or persons who killed the SPLM/A-IO soldier was not known. He confirmed that two civilians were arrested and taken to Panyume and were suspected to be the owners of a weapon which was found at the scene of the killing.

- d. Colonel Jeremiah Adok acknowledged the details stated by Lokisa Peter and Edwards Taban but maintains that they killed the soldier in the cattle compound. He confirmed that the two were not subjected to any trial because the family of the deceased soldier had not reached out to the SPLM/A-IO Commanders to discuss the case. Colonel Jeremiah Adok stated that all three detainees will be held until either their families are compensated, or the family is compensated by the SPLM/A-IO Commander in Chief and their release ordered.

#### 9. Legal Process.

- a. The three civilians detained in Mongoyo have not been subject to any form of legal process, no charges have been made. The detentions were authorised by Maj Gen John Mabiei and Colonel Jeremiah Adok and have been declared guilty. There is no evidence of a detailed investigation carried out by SPLM/A-IO of the incidents which led to the detentions. The civilians detained provided detailed accounts of the events and circumstances of their detentions but the SPLM/A-IO accounts were extremely limited. Key witnesses to the vehicle accident which killed two SPLM/A-IO soldiers in May 2019 were released on bail and have most likely returned to Uganda.
  - b. The civilians were initially detained at Panyume police station but were subsequently transferred to Mongoyo SPLM/A-IO base. At the time of the transfer the Panyume police station was still operational but it has since closed. The leadership in Mongoyo do not appear to have made any attempt to have the detainees transferred into police custody at Morobo or Yei.
10. Compensation. Arike David faces a demand for compensation amounting to 84 Million Ugandan Shillings and has remitted 19 Million Ugandan Shillings to Maj Gen John Mabiei. This was confirmed when CTSAMVM conducted interviews on 23 March 2021 but there was no evidence presented that the money paid had been given to families of the three deceased soldiers. No demands for compensation have so far been made on Lokisa Peter and Edward Taban yet Colonel Jeremiah stated that the civilians will be detained until compensation is offered.



11. Condition of the Detainees. The detainees were observed to be wearing tattered clothing, Arike David was described as emaciated. None of the detainees reports any physical mistreatment. All the detainees are psychologically traumatised by the experience of being arrested and detained for such a long period of time without trial or expectation of release.

### **Assessment**

12. It is assessed that Arike David is being illegally detained by SPLM/A-IO at Mongoyo. He has not been subject to any judicial process and the crimes which he is alleged to have committed have not been investigated by appropriate authorities. He has paid 18 Million Uganda Shillings in compensation to SPLM/A-IO but it is not clear why he is required to provide such. He was neither the driver or owner of the vehicle, the soldiers willingly boarded the vehicle after requesting a lift and while the deaths of two soldiers is a tragic loss the journey was undertaken at their own risk.

13. It is assessed that Lokisa Peter and Edward Taban are being illegally detained by SPLM/A-IO at Mongoyo. They have not been subject to any legal process and the crimes which they are alleged to have committed have not been investigated by appropriate authorities.

14. It is assessed that all three civilian detainees have suffered psychological hardship and trauma during their incarceration made worse by the fact that they have no reason to believe they will be released.

15. It is assessed that SPLM/A-IO conducted very limited investigations at the time of the arrest of all three civilians and that any new investigations will be severely hampered by the lack of witnesses and the passage of time. The long-term detention of civilians exceeds the authority of military commanders and undermines confidence in the ability of the SPLM/A-IO to provide security.