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TO: Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)
Maj. Gen. Jany Kaway Yoakhor (SSOA)
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FROM: Chairperson, CTSAMVM

DATE: 23 May 2022

CTSAMVM REPORT 2022/15 – RESTRICTION OF MOVEMENT, HARRASMENT, ASSAULT AND ARREST OF THE GOVERNMENT MINISTER FOR MINING MAJ GEN MARTIN GAMA ABUCHA IN EASTERN EQUATORIA STATE.

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS which took place in Nimule town, Eastern Equatoria State on 16 April 2022 at about 0730hrs.

Please accept the assurances of my highest consideration.


Lt Gen Asrat Denero Amad

Chairperson CTSAMVM



CTSAMVM REPORT 2022/15 – RESTRICTION OF MOVEMENT, HARRASMENT, ASSAULT AND ARREST OF THE GOVERNMENT MINISTER FOR MINING MAJ GEN MARTIN GAMA ABUCHA IN NIMULE

EXECUTIVE SUMMARY

The Government Minister for mining, Maj Gen Martin Gama Abucha was travelling from Juba to Uganda on 15 April 2022, to attend a funeral of a relative. Having left Juba a bit late at about 1500hrs, he spent a night at Ashwa Cantonment Site from where he started the journey to Uganda on 16 April early morning.

The SSPDF Tiger forces followed the Minister's convoy from Loa to Nimule border where the Minister was arrested and slapped twice by SSPDF soldiers, then he was brought back to Loa Barracks. While at Loa Barracks, the Minister was not told of any offence he had reportedly committed except that the forces at Loa Barracks stated that they were not informed of his travel to Uganda.

By these actions, the SSPDF are found to be in blatant violation of the ACoH and the R-ARCSS especially the prohibitive provisions.



RESTRICTION OF MOVEMENT, HARRASMENT, ASSAULT AND ARREST OF THE GOVERNMENT MINISTER FOR MINING IN NIMULE TOWN

Introduction

1. Background and allegation:

- a. On 16 April 2022, CTSAMVM received information about the alleged arrest of the Government Minister for Mining, Maj Gen Martin Gama Abucha at Nimule town.
 - b. It was alleged that on 16 April 2022 at 0730 hrs, SSPDF Soldiers from Loa Barracks followed up the National Minister for Mining and intercepted him at Nimule. They also allegedly roughed him up and slapped him two times at the scene of the event before they drove off with him to Loa Barracks under the command of Lt Col Mading Atem. Information indicated that the Minister was mistreated by SSPDF soldiers before he was then released.
2. Aim: The aim of this report is to provide the findings of the incident which took place on 16 April 2022 at Nimule Town and to attribute responsibility for violations of the ACoH and R-ARCSS where appropriate.
3. Methodology: This report draws upon the engagements made with the Loa Barracks Joint Operations Deputy Commander - Major William Santino, the NSS Officer Phillip Obang, the Inspector of Police Nimule Town–Maj Kasmiro, the Pageri Payam Administrator-Mr Richard Moses Nale—a civilian witness of the arrest. CTSAMVM further engaged with Brig Gen George Okenyan-Ashwa Cantonment Site Commander-, 2Lt Lagu James Wasara-the driver of the Minister, and Sgt/Major Dramani Stephen Benson-the body guard to the Minister.

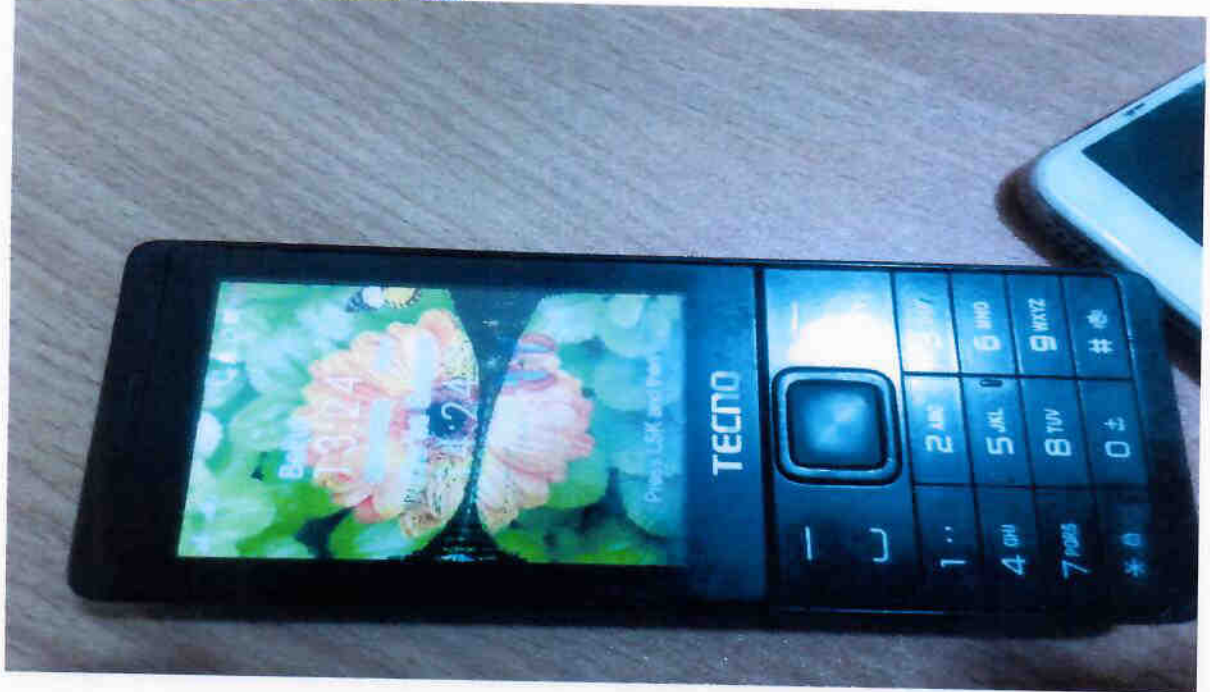


Incident

4. On 15 April 2022 at about 1500hrs, the Honourable Minister for Mining Maj Gen Martin Gama Abucha left Juba in a convoy of three (3) vehicles travelling to Uganda to attend the funeral of a relative. At around 1800 hrs, the Minister called the Ashwa Cantonment Site Commander, Brig Gen George Okeny informing him that he was going to spend the night at the Cantonment.
5. The Cantonment Site Commander told CTSAMVM that he received information saying that a land cruiser had been dispatched from Tiger Joint Operations Loa Barracks with soldiers and had driven to Ashwa junction and parked there for about 15 minutes. The land cruiser left back to Loa Barracks leaving behind the soldiers at the junction. When the Hon minister arrived at the junction and passed, the soldiers were still there. The soldiers did not do anything as the Minister passed them. The Minister arrived at the Cantonment Site at around 1900 hrs and spent the night there.
6. The Minister's convoy left the Cantonment Site the following morning on 16 April at around 0645hrs.
7. The Minister and his entourage arrived at Numule at 0730hrs and went to the house of his uncle Honourable Jerema Gama Suru to greet him and take tea with him.
8. After about 15 minutes, an SSPDF armed convoy of about four vehicles came to the house of Hon Jerema. On arrival, the occupants asked the driver of the Minister (who was parked outside) to tell them who he was driving. The driver informed them that he was with the Minister of Mining Hon Martin Gama Abucha, traveling to Uganda.
9. They asked for travel authorization document which the driver showed them. The SSPDF soldiers told the driver that they had no information about his travel and therefore the Minister should be taken back to Loa Barracks.

10. When the driver informed the Minister of the need to go back to Loa Barracks, the Minister called the convoy leader and asked him his names and rank. The convoy leader replied that there was no need for him to tell the Minister his names.
11. When the Minister asked him what was happening, the convoy leader replied that they had received information from Military intelligence in Juba that a Minister was traveling to Uganda and that they had been instructed not to let the Minister pass. The leader of the convoy insisted that they should go back to Loa Barracks.
12. The Minister introduced himself to the convoy leader as the Government Minister of Mining and that his travel was legal and if there was anything to sort out they sort it at Nimule instead of going back to Loa Barracks.
13. The convoy leader got angry and called in his soldiers. According to the eye witness, the soldiers came in the house with their guns, grabbed the Minister by the neck and both hands and slapped him twice. They attempted to bundle him into a pick-up vehicle but his bodyguards and driver insisted that the Minister will not enter the pick-up rather he follows them in his official vehicle. At this point, the Minister together with the five (5) other people who included his security guard and driver were taken by the SSPDF soldiers to Loa Barracks.
14. During the scuffle, the mobile phones of the Minister's Body guard were broken. Arriving at Loa, the Minister was separated from his Body guard and driver and collected their mobile phones, which were returned after about 15 minutes.
15. While at Loa Barracks, the Minister requested to speak with the Commander who took responsibility of his arrest, he was informed that he had left. It was later established that Lt Col Atem Mading was in charge at the time because the Commander was not present.

DRIVER'S BROKEN PHONES:



Assessment

16. It is not clear whether the Minister was stopped at Loa Junction by Joint Operations Forces and refused to stop as claimed by the SSPDF Deputy Joint Operations Commander.
17. Even though Maj Santino and his Joint Operations Tiger Forces may not have been aware of the identity of the people in the Minister's convoy when it arrived at the Loa check point on 15 April, it is apparently clear that they became fully aware that it was the Hon Minister's convoy when it turned at the Ashwa Junction and went into Ashwa Cantonment Site.
18. When Maj Santino ordered his forces to pursue the Minister's convoy on the morning of 16 April, he was aware that the convoy belonged to the Minister and specifically tasked them to look for the Minister, arrest him and bring him back to Loa Barracks.
19. The arrest of the Minister was conducted in a violent manner that was disrespectful to the person of the Minister.
20. The operation to arrest the Minister was coordinated from a higher office in Juba because both the convoy Commander who arrested the Minister from Nimule and the Deputy Commander of the Loa Joint Operations along Juba – Nimule road and Maj William Santino, during their engagements with CTSAMVM kept referring to orders from Juba. Maj William Santino initially stated that, "I am not willing to speak to CTSAMVM team until I receive instructions from my headquarters in Juba".
21. There could have been a deliberate intention to humiliate the Hon Minister in front of his own people.
22. The arrest, detention and assaulting the Minister was a serious provocation that could lead to a fire-fight. The Ashwa Cantonment Site Commander, Brig Gen

Okeny told CTSAMVM categorically that "had the Hon Minister been detained for more than six (6) hours then I would have launched a major attack on the Loa Barracks and the situation could have deteriorated severely".

Conclusions

23. CTSAMVM concludes that the SSPDF violated the following provisions of the R-ARCSS: Articles 2.1.10.4, 2.1.10.5 and Article 2.1.10.8.
24. CTSAMVM concludes that the SSPDF violated the following provisions of the ACoH: Articles 3(i), 3. (3).

Recommendations

25. It is recommended that SSPDF takes urgent action to ensure free and safe movement of all citizens irrespective of their social status.
26. CTSAMVM recommends that RJMEC and JDB establish "from Juba" who issued the order to arrest the Minister so that necessary action is taken to avoid such incidents from repeating.
27. It is recommended that the SSPDF holds Major William Santino and Lt Col Atem Mading accountable for their actions on 16 April subject them to pertinent judicial and/or administrative disciplinary processes, as required pursuant to ACoH Articles 3.5 ("The Parties shall prevent, and ensure accountability for breaches of this Agreement.") and 13 ("Parties shall prevent, investigate and ensure accountability for breaches of this Agreement.") AND as required by R-ARCSS Article 2.1.10.7.3 (Party-signatories are reminded they are obligated for "ensuring accountability for breaches of this Agreement.").
28. It is recommended that the Government/SSPDF operationalise its obligation under Article 2.1 of the ACOH (ensuring all forces "at all times observe the Agreement) AND under Article 2.1.3 of the R-ARCSS (ensuring compliance with

the provisions of the Agreement by all of its forces) by establishing training programmes on the provisions of the ACOH and R-ARCSS for its forces.

29. It is further recommended that all Parties to the Agreements, make use of any available support to ensure all their personnel receive sufficient training in this respect.