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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: The Chairperson, CTSAMVM

Date: 26 July 2022

CTSAMVM REPORT 2022/17 – FINAL REPORT ON THE ARMED CLASHES AND VIOLATIONS AGAINST CIVILIANS IN KOCH AND LEER COUNTIES OF UNITY STATE

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS and ACoH which took place in Koch and Leer Counties of Unity State, from January to April 2022.

Please accept the assurances of my highest consideration.

Lt Gen Asrat Denero Amad
Chairperson CTSAMVM



CTSAMVM REPORT 2022/17

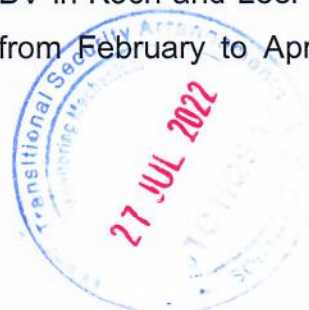
EXECUTIVE SUMMARY

Mir Mir Cantonment Site (CS) was a designated SPLM/A-IO Cantonment Site and Mir Mir Payam was SPLM/A-IO controlled area since the September 2018 when the Peace Agreement was signed. The Koch County Commissioner, Hon Gordon Koang Biel (ITGoNU), was reportedly not welcomed in Mir Mir which is one of the County Payams and as such there was constant disagreement between the Koch County Commissioner and SPLM/A-IO Mir Mir Cantonment Site Commander Maj Gen Gorge Gatbany.

Around August 2021, there were reports of some internal conflicts within Mir Mir Cantonment Site where some soldiers were alleged to have killed a woman and a man who were in detention at Mir Mir Cantonment Site cells. The soldiers alleged to have been involved in the killing led by Lt. Gatkhor Chuol and Lt. Kulang Mathiang, fled after the incident for fear of being arrested and went to hide around Koch town. There was fighting mainly between the combined forces of the SPLM/A-IO defectors together with the Koch armed youth against SPLM/A-IO forces in Mir Mir but later spread to Leer County. It was further alleged that the Koch County Commissioner (ITGoNU) allegedly took advantage of the situation and overran the CS on 11th Feb 22. After suffering defeat, the SPLM/A-IO forces moved southwards to parts of Leer County.

The Koch County Commissioner confirmed that there existed an administrative dispute between his administration and the Mir Mir Cantonment Commander where he said despite him being a County Commissioner and Mir Mir being one of his Payams, he was not allowed to visit Mir Mir payam and engage with the community ever since the time he was appointed. He stated that Mir Mir Payam was reporting and accountable to Mir Mir Cantonment Site Commander.

There is sufficient evidence that multiple forms of SGBV including massive gang rapes and physical torture of civilians took place. During the conflict the total number of girls and women who were subjected to SGBV in Koch and Leer Counties range between 79- 320 cases. During the clashes from February to April 2022, a total number of 134 people were reportedly killed.



CTSAMVM concluded that clashes in Koch and Leer Counties did take place between the armed youth under the command of Koch and Mayendit County Commissioners together with the SPLM/A-IO defectors against the SPLM/A-IO forces. These clashes were instigated by the two government County Commissioners of Koch and Mayendit in violation of the R-ARCSS and ACoH.



FINAL REPORT ON THE ARMED CLASHES AND VIOLATIONS AGAINST CIVILIANS IN KOCH AND LEER COUNTIES OF UNITY STATE

Introduction

1. Background:

- a. Mir Mir Cantonment Site (CS) was a designated SPLM/A-IO Cantonment Site and Mir Mir Payam was SPLM/A-IO controlled area since the September 2018 when the Peace Agreement was signed. The Koch County Commissioner, Hon Gordon Koang Biel (ITGoNU), was reportedly not welcomed in Mir Mir which is one of the County Payams and as such he was in constant disagreements with the SPLM/A-IO Mir Mir Cantonment Site Commander Maj Gen Gorge Gatbany. The Chief and Payam Administrator for Mir Mir who were appointed by the Koch County Commissioner were reportedly denied access to stay and/or work in their Mir Mir offices. This was because the SPLM/A-IO believed that their choices for the posts of Chief and Payam Administrator in Mir Mir were not considered and the Commissioner opted to appoint people of his own choice. Since then, there was clear mistrust between the Cantonment Commanders and Koch County Commissioner.
- b. Around August 2021, there were reports of some internal conflicts within Mir Mir Cantonment Site where some soldiers were alleged to have killed a woman and a man who were in detention at Mir Mir Cantonment Site cells. The soldiers alleged to have been involved in the killing led by Lt. Gatkhor Chuol and Lt. Kulang Mathiang, fled after the incident and went to hide around Koch town. However, on 08 Jan 22, they allegedly came back to attack the Cantonment Site together with a large group of armed youth from Koch but were repulsed by the Cantonment soldiers.
- c. On 23 Jan 2022, the SPLM/A-IO defectors of Mir Mir supported by armed youth from Koch again attacked Mir Mir CS where one person was allegedly

killed and three others wounded in the Cantonment. On 27 Jan 22, the Koch armed youth and the SPLM/A-IO defectors attacked SPLM/A-IO forces position in Wath-Thiey Port near Mir Mir which was under SPLM/A-IO control. Wath-Thiey is the only port in Koch County. Since then, the Koch County Commissioner allegedly took advantage of the situation and fully participated in the conflict until when the combined forces of the Koch County Commissioner armed youth and the SPLM/A-IO defectors overran the CS on 11th February 2022. After suffering defeat, the SPLM/A-IO forces moved southwards to parts of Leer County.

2. Allegations:

- a. There were reports of armed clashes in southern parts of Unity State in areas of Mir Mir in Koch County and parts of Leer County. The fighting was mainly between Koch armed youth against SPLM/A-IO forces in Mir Mir but later spread to Leer County. During these clashes various violations of rape, arson, as well as loss of property and human lives reportedly took place.
 - b. It was further alleged that the Koch County Commissioner (ITGoNU) allegedly took advantage of the situation and fully participated in the conflict until his forces combined with armed youth and the SPLM/A-IO defectors of Mir Mir overran the Cantonment Site on 11th February 2022.
 - c. It was also alleged that after the successful captured of Mir Mir, the Mayendit youth under their County Commissioner formed an alliance with Koch armed youth as one group and managed to push SPLM/A-IO forces further southwards towards Leer County and the conflict spread drastically to almost all SPLM/A-IO controlled villages in Leer County till the capture of Adok port (in Leer) by the combined armed Youth of Mayendit and Koch County Commissioners on 8th April 2022.
3. Aim: The aim of this report is to provide the findings of CTSAMVM investigations into the allegations, attribute responsibility for breaches of the agreements where applicable and to make recommendations.

4. Methodology:

- a. CTSAMVM conducted investigations on the clashes in Koch and Leer Counties and the effects of the conflict on the community especially on the alleged cases of killing people, burning of the elderly in their homes and SGBV in parts of Leer County. CTSAMVM MVT Bentiu conducted interviews and discussions with the relevant witnesses, victims, security organs, humanitarian workers and administrative and security leaders of Koch and Leer Counties to gather evidences within Leer and Koch Counties from January to May 2022.
- b. CTSAMVM interviewed a wide range of people including; Hon Tor Tungwar-Deputy Governor Unity State (SPLM/A-IO State leader), Hon James Madut-Minister for Peace building Unity state, Koch County Commissioner and his Deputy (at Koch and Mir Mir), Leer County Commissioner- Stephen Taker Riak and his Deputy-Hon Paul Kuong (at Leer town), Hon Dr. Gatluak Nyang - Mayendit County Commissioner (at Rubkuay), Mir Mir CS Commander (at Mir Mir (before Cantonment was overran), Leadership of 6 (Six) Organizations in Leer County, OC GHANBAT (at Leer UNMISS Camp), (16 Rape victims (at Leer town), SSPDF Division 4 Commander - Maj Gen John Maluit Wic Gatyang (at Rubkona County), SSPDF Bde 12 Commander- Brig Gen Gatluak Kai (at Leer County), Hon. Nhial Kam Both – Chairperson for HIV/AIDS commission at Unity State (SPLM/A-IO), UNMISS Security focal person (Leer), Mir Mir CS Commander (at Adok Port-after the Cantonment was overrun), Mr James Bichiok Gattluak - Adok Payam Administrator(at Adok), Gabriel Kot Baliew, Head Chief of Adok Payam (at Adok).
- c. 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 practices for monitoring mechanisms and

humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.

Findings

5. The conflict in Mir Mir initially started between the SPLM/A-IO defectors of Mir Mir who turned against SPLM/A-IO, but changed when Koch County Commissioner (ITGoNU) took advantage of the situation and actively got involved until when Mir Mir Cantonment Site was attacked and overrun by the Commissioner's forces on 11 February 2022.
6. The SPLM/A-IO defectors were assimilated as part of the forces used by Koch County Commissioner and later Mayendit Youth under their County Commissioner joined the conflict. Both Commissioners are key political appointees of Revitalized Transitional Government of National Unity (RTGoNU) and they belong to the ITGoNU.
7. The Koch County Commissioner confirmed that there existed an administrative dispute between his administration and the Mir Mir Cantonment Commander where he said despite him being a County Commissioner and Mir Mir being one of his Payams, he was not allowed to visit Mir Mir payam and engage with the community ever since the time he was appointed. He stated that Mir Mir Payam was reporting and accountable to Mir Mir Cantonment Site Commander.
8. SPLM/A-IO defectors who initially fought the Cantonment Site were led by Lt Gatkhor Chuol from Mir Mir Cantonment Site. Lt Gatkhor Chuol defected with other three soldiers and elevated himself to the rank of Major General after reportedly defeating the SPLM/A-IO forces in the Cantonment site on 11 Feb 22. However, he was reportedly killed in action in Bieh village when SPLM/A- IO forces under the command of Gen Ruot Chuol, the SPLM/A-IO Sector commander of Unity State, attacked them on 5th April 2022 in a counter attack.
9. Several people including the First Vice President Dr. Riek Machar reportedly contacted the SPLM/A-IO Sector Commander and other SPLM/A-IO Division

Commanders within Unity State asking them not to counter attack Mir Mir. However, on 5th April 2022, SPLM/A-IO forces went to Bieh Village and proceeded to attack Mir Mir and took control for some hours before they were dislodged again in the evening by the armed youth under the Koch County Commissioner and the SPLM/A-IO defectors. General Ruot Chuol SPLM/A-IO Sector Unity State Commander was blamed for the renewed clashes of April 2022 whereby, during the fighting destruction of humanitarian facilities were witnessed especially destruction of health centres, vandalism and looting of civilian foods and WFP stores.

10. The SPLM/A-IO forces were dislodged from Mir Mir Cantonment Site by the armed youth under the command of Koch County Commissioner and elements of SPLM/A-IO defectors on 11 February 2022.
11. There is evidence that multiple forms of SGBV including massive gang rapes and physical torture of civilians took place. During the conflict the total number of girls and women who were subjected to SGBV in Koch and Leer Counties range between 79-320 cases.
12. During the clashes from February to April 2022, a total number of 134 people were reportedly killed.
13. There was reported burning of the elderly people in their tukuls and properties by the armed youth of Koch and Mayendit together with the SPLM/A-IO defectors.
14. The Deputy Governor of Unity State (SPLM/A-IO) Hon Tor Tungwar stated that, **“it is on record, that there was evidence and facts that points to serious violations by Koch County Commissioner when he clearly stated he would wipe out SPLM/A-IO Party and its soldiers from entire Koch County.”** He also said that he **“was happy to report that there was no SSPDF involvement in the clashes and appreciated their professionalism in regards to the way they avoided to be used by politicians during the clashes.”** He further stated that **“SPLM/A-IO would avoid revenge attacks in Mir Mir but would discuss**

the issue with Governor and other IG leaders both at National and State levels to find ways to solve it”.

15. The Koch County Commissioner was still occupying Mir Mir Cantonment Site as of 20 May 22. Since 13 February 2022 he had never returned to Koch County HQs.
16. There was large scale of forced displacement of civilians by the armed clashes and armed violence, as such an influx of IDPs was witnessed by CTSAMVM in Leer town. Over 6,497 new IDPs had reported to Leer town as result of the conflict.
17. Freedom of Movement and activities by Humanitarian Organisations had been greatly affected as of 09 April 2022 as all the teams had closed their activities and evacuated to safety at UNMISS GHANBATT due to the volatile situation.
18. There is evidence that women were used as forced labourers to carry looted properties for long distances by armed youth under Koch and Mayendit County Commissioners.
19. The three Ports of Wath-Thiey (in Koch), Adok Port (in Leer) and Pak Port (in Mayendit) which were SPLM/A-IO controlled ports were captured by Koch and Mayendit armed youth and were under their control for some days. Adok and Pak ports have since reverted under the control of the SPLM/A-IO. The three ports are of economic value to the three counties of Koch, Leer and Mayendit.
20. The Deputy Governor Unity State (SPLM/A- IO) and Leer County Commissioner (ITGoNU) are the only political leaders who have condemned the conflict in Southern part of Unity State.
21. Little and/or nothing tangible has so far been done by the Unity State Security Committee Chaired by the Governor to address the problem.

22. At the time of writing this report, there is still unchecked tension with more displacement of the community expected in Koch and Leer Counties and some parts of Mayendit.

Assessment

23. In addition to fighting for space to control Koch and particularly Mir Mir, there could be other ulterior motives and reasons that are economic. The capture and occupation of mainly port areas cannot be a mere coincidence.

24. The Koch County Commissioner mobilised the youth and eventually fought the SPLM/A-IO in reaction to the former being denied access to exercise his authority in Mir Mir Payam by the latter.

25. General Ruot Chuol the SPLM/A-IO Sector Unity State Commander is responsible for the April clashes in Koch due to his actions of mobilising forces at Bouth village and proceeded to make a revenge attack at Mir Mir.

26. The conflict may not end soon unless there is intervention from National and State political level leadership to allow SPLM/A-IO occupy their Cantonment Site of Mir Mir.

27. The conflict requires a joint political approach by all the Parties to the R-ARCSS. The resolution of the conflict in Tambura may be a good model for resolution.

Conclusion

28. It is the conclusion of CTSAMVM that clashes in Koch and Leer Counties did take place between the armed youth under the command of Koch and Mayendit County Commissioners together with the SPLM/A-IO defectors against the SPLM/A-IO forces. These clashes were instigated by the two government County Commissioners of Koch and Mayendit in violation of the R-ARCSS and ACoH.

Observation

29. CTSAMVM observes that the RTGoNU constituted a team to go to Unity State to investigate the violent clashes. However, at the time of writing this report the team had not yet moved to Unity State. CTSAMVM urges the JDB and RJMEC to ask RTGoNU to go to Unity State and resolve the tensions.

Recommendations

30. There is urgent need for Unity State Security Committee to facilitate dialogue between the aggressing and aggressed communities/parties.

31. The RTGoNU leadership to ensure accountability for violations committed by the senior government leaders, in respect to individual and command responsibility, under Articles 2.1.4, 2.1.10.7.3 of the R-ARCSS and Article 13 of the ACoH.

32. The Koch and Mayendit County Commissioners should be held liable for the loss of lives and properties since there is evidence that the youth were mobilised and commanded to attack, overrun and occupy Mir Mir Cantonment Site, Adok port. The armed youth raped civilians, looted both civilian and humanitarian properties, vandalised humanitarian facilities, caused forceful displacement of civilians, burned civilian houses, assaulted civilians, killed several civilians, and used civilians as forced labour in violation of the R-ARCSS Articles, 2.1.10.2, 2.1.10.4, 2.1.10.5, 2.1.10.7.1, 2.1.10.7.4 and 2.1.10.7. 5 and ACoH Articles 3.2 (a) (d), (g) Article 6 (a), (b), (c), (e), (i) and Article 7 .1).

33. It is recommended that the two County Commissioners of Koch and Mayendit and SPLM/A-IO Sector Commander, Gen Ruot Chuol be held accountable for conflicts.

34. Need to fast track processes for building the Necessary Unified Forces to address such conflicts.