

Civilian Protection Monitoring Team
Grand Holiday Villa Hotel
Suite 242
Khartoum, Sudan

March 11, 2004

Ministry of Foreign Affairs
The Republic of Sudan
Khartoum, Sudan

Sudan People's Liberation
Movement
Nairobi, Kenya

REPORT OF INVESTIGATION No. 35: Civilian Abductions in Bentiu

Executive Summary

Allegation:

It was alleged that South Sudan Independence Movement (SSIM) soldiers arrested eight civilians from the Bentiu area. The civilians were suspected of having links with the Sudan People's Liberation Movement/Army (SPLM/A). The civilians were detained, held incommunicado, and beaten while in the custody of the SSIM forces.

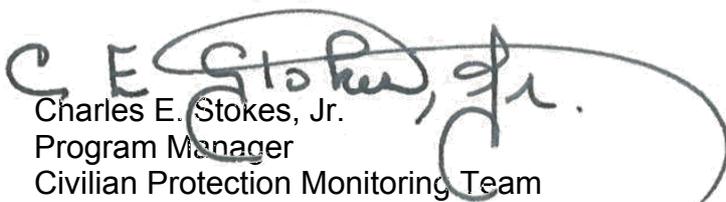
Conduct of Investigation:

Upon receipt of the allegation, Civilian Protection Monitoring Team (CPMT) Monitors deployed to the area of Bentiu and conducted on-site interviews. CPMT interviewed the detainees and Government of Sudan (GoS) and SSIM military officials.

Results of the Investigation:

CPMT investigation concluded that SSIM soldiers arrested eight civilians from the Bentiu area. The civilians were suspected of having links with the SPLM/A. The civilians were detained, held incommunicado, and beaten while in the custody of the SSIM forces. Therefore, the allegation is **substantiated**.

A formal report was prepared and submitted to the parties.


Charles E. Stokes, Jr.
Program Manager
Civilian Protection Monitoring Team

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1. Introduction:

While conducting an investigation of the January 17 and January 23, 2004 fighting that took place near the villages of Thoan and Guey, CPMT monitors received information that South Sudan Independence Movement (SSIM) forces were holding approximately eight civilians. The civilians allegedly had been detained as some type of collective punishment for the recent defection of Brigadier General James Liah to the SPLM/A. Through additional investigation, CPMT acquired the names of these detainees.

2. Allegation:

It was alleged that South Sudan Independence Movement (SSIM) soldiers arrested eight civilians from the Bentiu area. The civilians were suspected of having links with the Sudan People's Liberation Movement/Army (SPLM/A). The civilians were detained, held incommunicado, and beaten while in the custody of the SSIM forces.

3. Background:

Current fighting in the Western Upper Nile between SSIM and SPLM/A is linked to parallel fighting that broke out in December 2003 in the Shilluk country. The Shilluk area is defined as those areas immediately south and southeast of Malakal. Fighting in the region was triggered when Dr. Lam Akol, Leader of the Sudan People Liberation Movement-United (SPLM-United), defected to the SPLM/A. Dr. Akol's defection took place following a meeting he had with SPLM/A leadership in late October 2003, in Nairobi Kenya. Following Dr. Akol's defection, fighting broke out within his own forces between those who defected with him to the SPLM/A and those who remained loyal to their alliance with the Government of Sudan (GoS).

In the Western Upper Nile, SSIM leaders Tito Biel and James Liah defected to the SPLM/A in early January 2004, after they met with senior SPLM/A leadership in Kenya. When James Liah returned to the Bentiu area, fighting broke out and has continued between factions of his SSIM forces who wish to join the SPLM/A with him, and those who remain loyal to the GoS.

4. Consideration of the Evidence:

- A. On February 16, 2004, CPMT met eight civilian detainees held by SSIM forces. They were interviewed in a tukul adjacent to the prison in Bentiu where they were being held. Each of the detainees reported that he was regularly beaten. All of the detainees showed CPMT Monitors their wounds that were consistent with their claims of abuse. The detainees all affirmed that they were indeed civilians. They each stated they were being held because they were part of the Jikany clan from which James Liah, the defector to the SPLM/A, came. They all denied they were SPLM/A sympathizers, the official reason they were being held.
- B. On February 16, 2004, CPMT interviewed SSIM Cdr Peter Gadet, who was the detainee's jailer, and Cdr. Gordon Macher. (**Investigative Note: SSIM Cdr Gadet is not related to SSIM Leader Peter Gadet**). Both Cdr Gadet and Cdr Marcher confirmed the detainees were being held as suspected SPLM/A sympathizers. They stated there was no process to legitimately judge whether the detainees were in fact SPLA sympathizers. They further admitted they were unsure whether being an SPLM/A sympathizer was grounds for detaining anyone. They reported the detainees' families were able to bring them food, but not talk to them. Both Commanders admitted that the detainees had been beaten but Cdr. Peter Gadet, stated that the beatings had been stopped four days earlier.
- C. In a successive interview, the detainees confirmed that the beatings had stopped four days earlier.
- D. On February 16, 2004, after interviewing the detained civilians, CPMT requested immediate medical attention for them. NGO medical personnel travelled to the prison and provided the necessary medical services. SSIM officials fully cooperated with the NGO staff that provided the detainees with medical care.
- E. On February 23, 2003, CPMT learned that the NGO doctor had been regularly meeting and treating the detainees without any interference from SSIM. CPMT has not determined what the fate of these detainees might be and whether they would indeed be released.

5. Hindrances

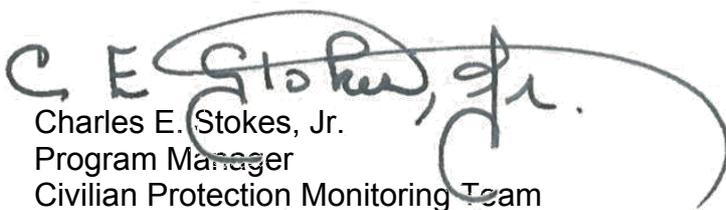
- A. On February 16, 2004, Rubkona Military Intelligence (MI) and National Security officials informed CPMT monitors in Rubkona that they could no longer travel, even within the town, without an MI officer in the CPMT vehicle.
- B. On February 23, 2004, Rubkona MI informed CPMT that all contact with the SSIM could only be accomplished with the approval of, and with representation from, MI in Rubkona. Furthermore, MI ordered CPMT to cease all contact with SSIM officials other than with Peter Bor, SSIM Commander-in-Charge.

6. Conclusion:

CPMT investigation concluded that SSIM soldiers arrested eight civilians from the Bentiu area. The civilians were suspected of having links with the SPLM/A. The civilians were detained, held incommunicado, and beaten while in the custody of the SSIM forces. Therefore, the allegation is **substantiated**.

7. Recommendations:

- A. That the GoS and the SPLM/A and their allies should refrain from targeting or intentionally attacking non-combatants civilians. [Furthermore] they should take all precautions feasible to avoid the incidental loss of civilian life, injury to civilians, and danger to civilian objects”, as per the Agreement Between the Government of the Republic of Sudan and the Sudan People’s Liberation Movement to Protect Non-Combatant Civilians and Civilian Facilities From Military Attack.
- B. That the GoS and the SPLM/A should remove all procedural, administrative, and political hindrances, such as the GoS MI’s “new administrative procedures” in Bentiu, in accordance with the parties’ agreement of March 2002 to ensure the CPMT conducts a timely, and balanced investigation.
- C. The GoS and its agency in the field, Military Intelligence, inform officials of all armed groups over which it has responsibility, such as SSIM, that they are responsible for civilians under their care and must abide by international conventions and the Protection of Civilians Agreement between the GoS and the SPLM/A. Provisions of those agreements include providing prompt medical attention to detainees, ensuring that they are adequately fed, and that their cases are handled judiciously.


Charles E. Stokes, Jr.
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Civilian Protection Monitoring Team

The Republic of the Sudan
Ministry of Foreign Affairs
Department of Peace &
Humanitarian Affairs
Ref.:Heading Paper



جمهورية السودان
وزارة الخارجية
إدارة السلام والشئون الإنسانية

Ref./MFA/PHD/23/1/35

Date/ 14 March 2004

The Ministry of Foreign Affairs of the Republic of the Sudan presents its compliments to the Program Manager of the Civilian Protection Monitoring Team CPMT and with reference to the latter's request dated March 11. 2004 entitled "Report of Investigation No. 35 Civilian Abductions in Bentiu" would like to convey the following comments:-

- 1- The individuals mentioned in the report had maintained true links with the SPLA, they had moreover legally confessed having collaborating with the SPLA.
- 2- The arrest of the mentioned individuals was done under the knowledge of all competent officials & legal authorities.
- 3- The arrested persons had been released immediately after having provided written commitment not to reengage in such violations in the future.
- 4- So the result provided by the report 35 of the CPMT is lacking accuracy.

The Ministry of Foreign Affairs of the Republic of the Sudan avails itself of this opportunity to renew to the Civilian Protection Monitoring Team CPMT the assurances of its highest consideration.

To : The Civilian Protection Monitoring Team CPMT / Khartoum.

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