

W. J. Fisher, Secretary

PA-X coding team note:
This document has been redacted,
as it lists the names of individuals who are
alleged to have committed crimes. We are not
aware of due process in this case and have
thus removed the names of said individuals
from the text.

Inter Church Committee

Eastern Equatoria State TORIT

Final Report of the Inter Church Committee on Peace and Reconciliation Mission to Magwi County.

1. Background

In October and November this year 2011, violent clashes erupted in several localities of Magwi County, involving mostly Acholi and Madi. These clashes resulted in:

- Five (05) known deaths (one Acholi and four Madi).
- One (01) person missing and presumed dead.
- Several houses and property were destroyed from both sides.
- Displacement of significant sections of the population on both sides.
- A deepening feeling of mistrust, bigotry, bitter recriminations and deep-rooted animosities among the sisterly Acholi and Madi Communities in Magwi County and elsewhere.

The Sudan Council of Churches (SCC) toured the area soon after the conflict erupted to call for calm and restraint on the part of feuding populations. During the SCC's mission to the area, the population expressed a strong desire to see the Church take the lead in facilitating a peace and reconciliation process between the Acholi and Madi communities.

Consequently, consensus was reached between the SCC, the Government of Eastern Equatoria State and the Inter Church Committee in that the Inter Church Committee shall henceforth take the lead in facilitating peace, and reconciliation between the Acholi and the Madi. This consensus was strengthened by the belief that as a grassroots, faith-based, non political organization, the Inter Church Committee of Eastern Equatoria stood a better chance of leading a credible and sustainable peace and reconciliation process, given its proximity to the population and its knowledge and understanding of the conflict environment.



It is in this regard that the Inter Church Committee (henceforth simply referred to as ICC) convened a broad based consultative meeting on the 18th and 19th of November 2011 in the conference hall of the Catholic Diocese of Torit. This consultative meeting brought together the ICC and Acholi and Madi community leaders based in Torit. UNMIS, UNHCR and the NCA attended as observers. The meeting was opened and closed by representatives of the Governor of Eastern Equatoria State - EES. The government also gave its blessings to the Committee and provided it with material and financial support.

This important two day meeting; the first of its kind to bring Acholi and Madi together in the same room since the conflict erupted – resulted in three critical outcomes:

1. After intense brainstorming and deliberations, the meeting identified four (04) issues as being the triggers of the October/November 2011 clashes. The issues are:

- Border Demarcation.
- Demand for creation for new Local Government Units (Counties and Payams).
- The demarcation of Ame(c) Junction.
- Some Politicians and some elders from both communities Inciting Violence.

2. An ICC team was set up and charged with undertaking a Peace and Reconciliation Mission to Magwi County. This team was composed of:

- ICC members (clergy and laity of the Catholic Diocese of Torit, the Episcopal Church of the Sudan and the Africa Inland Church).
- Three (03) members each of the Acholi and Madi Communities.

UNMISS and UNHCR were co-opted into the team in an observer and advisory capacity. This team was given its terms of reference as follows:

- Undertake an intensive tour of Magwi County, especially the conflict flashpoints, meet with the population, conduct focus group discussions based on the four (04) core issues above, appeal for peace and calm and pave the way for reconciliation.
- Assess the general post conflict situation on the ground.
- Collect, collate and analyze as much data and information as possible related to the conflict, especially with regard to the four core issues mentioned in (1) above.
- Identify and interview civil servants and NGO staff who fled from the area and are seeking refuge in other places.



3. The participants of the meeting mandated the ICC to address a communique to the people of Magwi County appealing for calm and peace pending the resolution of the conflict.

In accordance with the above terms of reference the ICC team undertook an intensive tour of Magwi County from Monday November 28, 2011 to Saturday December 3, 2011. It held deliberations and focus group discussions in the localities of Magwi town, Owingkibul, Abara, Opari, Pageri, Nimule, Madi, and Ayii/Iyi. It also held informal discussions and made field observation at Mugalli and Amele Junction.

The findings of this team, together with some observations and recommendations on the way forward on how lasting peace and reconciliation between the Acholi and Madi can be achieved, constitute the substance of this report.

2. Summary of Findings

For ease of reference the findings are grouped thematically based on the four core issues identified during the 18th and 19th November Consultative meeting. The views of each community are summarized under each thematic heading.

2.1. On the issue of Border Demarcation

Both communities hold the view that a clear demarcation of their common border is critical in avoiding future disputes. However, both communities could not agree on how this can be done in a just and acceptable manner.

- The Acholi favor a demarcation based on the performance of their traditional rituals (Ciriba) by their elders/landlords as a means of proving the rightful ownership of the disputed areas.
- The Madi on their part favor the application of the 1st January 1956 administrative boundaries as the basis for demarcating their common boundary with the Acholi.

2.2. On the issue of demands for creation of new local government units

This issue is closely linked to border demarcation. Both communities recognize the need to create additional local government units in both Acholi and Madi



land and none of the two communities are opposed to any of them demanding new counties and Payams. However:

- The Acholi at the moment are not demanding for a county and are not opposed to Madi demanding for their own provided that any future county for the Madi does not encroach into any part of Acholi land
- The Madi are demanding for the creation of their own county on the basis of the jurisdiction of the former Local Government center number one. They do not object to any non-Madi ethnic groups sharing the county with them.

It is worth noting that on the issue of border demarcation and creation of local government units, the Acholi objected to any arrangement that will entail giving up even an inch of their land. But two or more Acholi moderates conceded that if in the event of the creation of a separate county for the Madi, such encroachments may be considered as long as the Madi recognize the Acholi as the true owner/landlords of the areas infringed onto.

2.3. On the Issue of the Demarcation of Amel(e) Junction

With regard to the demarcation of Amel(e) junction the IOC team found the following:

- That one of the root causes of the October/November 2011 clashes was Government's decision to relocate the Check Point from Pagari to Amel(e) Junction and subsequent attempts by the Government and some individuals or group of individuals to demarcate land to accommodate the new Check Point without prior consultations with the local stakeholder communities.
- That this lack of consultation created mistrust and suspicion between the Acholi and Madi communities especially as they viewed the demarcation as a ploy by the Acholi to appropriate their land.
- As a result of this mistrust and suspicion violence broke out resulting in the beating, burning of houses and the looting of the property (including goats) by Acholi youth belonging to a Madi community elder, Remigio Lado Apollo; the blocking of the Juba-Nimule highway in Mol Tukuru by Madi youths; the intervention of the SPLA and the subsequent shooting and killing of two (2) civilians and wounding of one another.



2.4 On the issue of Politicians inciting violence among both communities

The team found the following:

- There is a pervasive feeling within both communities that some unscrupulous politicians, elders and military officers are inciting hatred, divisions and problems among and between their communities. In both the Acholi and Madi area, specific names of such persons were cited. A written list of some of the names had earlier been handed over to SOC team that visited the area in the first week of November 2011.
- Special mention was made of the case of one [REDACTED] This gentleman was allegedly found in possession of a firearm in the locality of Opari, apprehended by the community and then handed over to the police in Pageri. He is alleged to have "confessed" that the firearm found in his possession was given to him by a well known senior army officer of Acholi extraction. Soon after the alleged confession, [REDACTED] was forcefully removed from police custody by the former [REDACTED] and taken to Torit, where he was subsequently released. The same [REDACTED] is said to be behind the wave of killing of Madi people that followed his release. The Nadi point to the circumstances surrounding the release of [REDACTED] as further proof of the involvement in the conflict of highly placed and powerful people.
- Based on these scenarios both communities called for the immediate apprehension and prosecution of the perpetrators of the violent acts (murder, arson, destruction, physical assault, looting etc) that were perpetrated during the October/November 2011 clashes.

3 Other Related Issues

While on the ground the ICC Team was presented with other issues not within the four (4) core issues but relevant to both its terms of reference and the conflict in general. These were:

3.1 The case of Civil servants and NGO staff who fled the conflict areas

After conducting interviews with some of the civil servants and NGO staff members who were based in Magwi County Headquarters during the crises;



and after visiting some of their destroyed houses, the team was able to establish the following:

- * A good number of over 400 civilian officials and UNM staff working in the Magak County Headquarters effectively fled the locality because of personal safety and security concerns. They had been the targets of intimidation, harassment and in some cases physical assault. The team was able to establish the hunting and looting of these houses of over 400 civilian officials and UNM staff.
- * The Civil servants and UNM staff that the team interviewed in Turi and Nimule vehemently reiterated their stand not to return to Magak town or to any other part of Acholiland until the perpetrators of the violent crimes against them have been brought to justice. This position was also strongly supported by the community leaders of the Mach.
- * 4.2 Power of IDPs in Nimule

The conflict between Dinka IDPs and Mach local community was raised in Pagar, Magak and Nimule. The Mach community claimed that the presence of Dinka IDPs on Mach land was prejudicial to peace and reconciliation among Acholi and Mach. The team however, noted that since this issue did not fall within the RCT terms of reference and considering that it was already being handled by other trustees, the RCT will refrain itself from going into the merits.

4. Preliminary Observations:

After the six day long mission and after closely studying the different positions and points of views put forward by both communities, the RCT team makes the following preliminary observations:

1. Both communities demonstrated a strong desire and willingness to work together to achieve peace and reconciliation. This desire and willingness are base of their common history and shared cultural values.
2. The above notwithstanding, both communities expressed different views on how this peace and reconciliation should be pursued. The Mach insists there can be no peace and reconciliation without justice. In other words, they want to see those responsible for hunting them



arrested and made to answer for their crimes before any peace and reconciliation can begin. They also insist on the recovery and proper burial of their missing dead. On the Acholi side, the emphasis was on the recognition of wrong doing and call for justice from both sides as a sign of the beginning of the healing and reconciliation process.

3. The Acholi and Madi communities were in favor of a peace and reconciliation conference as long as it is held outside Magwi County.
4. Some sections of the Madi community want to know the guarantee of the current ICC led peace and reconciliation initiative that it may be violated like the 2005 Episcopal Church of the Sudan (ECS) led initiative to resolve once and for all the conflicts between Acholi and Madi. The outcome of that initiative was the signing of the Acholi and Madi Peace and Reconciliation Agreement (AMPRA) in which both communities promised not to spill each other's blood.
5. Both communities strongly hold the view that; any future conflict between them can be avoided only if proper steps are taken to clearly demarcate their common boundary.
6. The conflict between Acholi and Madi took the dimension it did because of negative undue external influences from elites especially via phone calls and the internet.
7. The conflict has deep-rooted political motivations borne of the desire of politicians to try to widen their influence/space through the creation of electoral constituencies.
8. There is the imperative need for the EES Government to systematize procedures for the creation of new administrative/local government units and to clarify the status of some. A case in point is that of Iwire Payam.
9. The people of Moli alleged that there was an influx of people to the Amel(e) Junction area and that new houses/structures were being constructed. When the ICC team visited the area it found the allegation to be unfounded. However, the team noted the construction of a couple of houses by people who were already resident in the area before the conflict broke out.

5. Recommendations



In the light of the above findings and observations, the following recommendations are made as the way forward towards finding durable peace and reconciliation between the Acholi and Madi:

5.1. Recommendations to the Government of the Republic of South Sudan

Considering that community land disputes and dispute over community boundaries, poses a serious threat to peace, stability and the Government's vision of promoting peaceful coexistence between the peoples of South Sudan;

Noting that the SPLA has been cited as being involved in the shooting to death of two civilians and the wounding of another during the October disturbances in Moli Tukuro;

The ICC recommends the following:

1. That the Government of the Republic of South Sudan takes urgent measures to resolve all pending community land disputes including the long standing dispute between the Acholi and the Madi. In this regard the Government is urged to speed up the revision of the Land Act and cause its immediate implementation.
2. That the Minister of Defense and the SPLA General Headquarters speed up the investigation into the circumstances that led to the fatal shooting of two civilians and the wounding of another during the October incidents at Moli Tukuro with the view to bring the perpetrators to justice through due process of the law.

5.2. Recommendations to the EES Government

5.2.1: On the Issue of Restorative Justice:

Affirming that no genuine peace, healing and reconciliation is possible without restorative justice;

Recognizing that true justice can only be possible through due process and the rule of law;

The ICC as a church group associates itself with the cry for justice coming from the afflicted communities. To this effect the ICC recommends:

1. The Government of Eastern Equatoria State set up a Joint Investigative Task Force comprising of a Legal Administration, South Sudan Police



Services (SSPS) Detectives, United Nations Police (UNPOL) and UNMISS Human Rights Officers to carry out a thorough investigation of the criminal acts (murder, arson, looting, assault, intimidation and harassment, disturbance of the public peace, depredation by band etc) committed during the violent incidents of October and November 2011 in Magwi County. Based on the results of these investigations, all those suspected of having committed or abetted the commission of violent crimes should be brought to justice. This Investigation may be carried out without prejudice to any ongoing peace and reconciliation initiatives undertaken by the ICC or any other group.

2. While justice is being pursued it is highly recommended that the EES Government considers the possibility of assisting those who lost dear ones in the conflict, especially the children they have left behind. Humanitarian aid should also be extended to the displaced persons with specific attention being paid to the mother who gave birth in the bush.
3. Displaced families should be granted free access and, where possible, escorted to their gardens to harvest their crops.

5.2.2: On the Issue of Border Demarcation and Creation of New Local Government units

Noting that the issue of border demarcation is inextricably linked to the demand for new local government administrative units;

Mindful of the fact that both communities have divergent views on how their common border and the borders of any future county for the Acholi and Madi area should be demarcated;

Considering that neither 1st January 1956 nor traditional rituals are viable and mutually acceptable mechanisms for resolving the border dispute;

Recalling the observations of the Fact Finding Committee set up by the Governor of EES to look into the Acholi and Madi Border Dispute of September/October 2010 with regard to the creation of Iwire Payam;

The ICC recommends the following:

1. The Acholi and Madi border dispute should be referred to the statutory organs of land/border dispute provided for in the existing legislation. Any



ruling from the statutory organ henceforth be binding on both parties, and shall remain in force.

2. The creation of new local government units purely along tribal/ethnic lines is strongly discouraged; as this will further fractionalize and fragilize the young nation. With the same breath, the ICC cautions against the creation of new local government units without proper consultations with stakeholder communities; and without respect for the procedure spelt out by the law.
3. The exact status of Iwore needs further clarification from the EBS Government, given the fact that its "approval" on 30/04/2010 was in violation of the provisions of Presidential Order No. 006/2010 of March 2, 2010 giving guidelines for caretaker GOSS Ministers and State Governors/Ministers. Section 3.2 (i) of the aforementioned decree expressly forbade Caretaker Governors from changing administrative boundaries, names or locations of the seat for local government councils. Iwore Payam "approval" was during the period covered by this decree.

S.2.3: On the Issue of the Demarcation of Ame(e) Junction

The ICC welcomes the decision of the government to deploy police at Ame(e) Junction to guarantee peace and security of the citizens in the area. The ICC urges the government to order a mandatory halt to all construction of houses and/or structures until such a time the status of the area would have been clarified. However, the ICC strongly recommends that any future demarcations should be carried out only after proper consultations with stakeholder communities and in an open and transparent manner.

S.3: Recommendations to the leaders of the Acholi and Madi Communities

Recalling that the recent Acholi and Madi conflict was exacerbated by the negative influence of the external elite;

Noting that some of the root causes of the conflict are politically-driven;

The ICC:

- Calls on elders, politicians, and opinion leaders of the Acholi and Madi people to refrain from inciting their populations to violence;



- Cautions these leaders against using violence as a means of achieving political goals;
- Encourages the leaders to work with the government and other interested agencies to intensify civic education for their respective populations, especially the youth.
- Recommends the creation, under the auspices of the ICC, of a **Joint Acholi and Madi Standing Committee of Elders** based on previous experiences and practices. This Standing Committee shall regularly meet to discuss issues of mutual interest to their communities and defuse tensions before they escalate.

5.4. Recommendations to the General Acholi and Madi Communities.

Considering the strong historical and cultural bonds that bind the two communities;

Recalling that both communities have deep-rooted blood and kinship ties forged after decades of coexistence, mingling and intermarriage;

Noting that not even the creation of separate counties for the Acholi and Madi areas can break these ties;

Recognizing that no peace and reconciliation effort is possible without the commitment of the population:

The ICC:

- Extends its sincere gratitude to the people of Magwi Town, Owinylebul, Abara, Opari, Pageri, Mugali, Nimule, Molii, Ayu/Iyi and Amse(e) junction for welcoming the ICC team and accepting to engage in frank and open dialogue;
- Urges the population of Magwi County to continue to work with the ICC and other organizations to find a lasting solution to their problems;
- Admonishes the youths to denounce and reject any politicians, leaders and elders inciting them to violence;
- Reiterates its call for peace, calm and reconciliation made to the people of Magwi County as per its communiqué of 19th November 2011.



6.0 Planned Actions for ICC Team

Aware of the demands of the Magwi County communities to see peace and reconciliation actions taken very soon; the ICC team after touring and listening to Acholi and Madi communities on their ways forward to finding durable and lasting peace adopted the recommendations on ways forwards by the Acholi and the Madi communities on 15th December 2011 in Torit; Eastern Equatoria State.

The ICC Team then set up three action teams to further work on enlightening the two communities on the need to hold a peace and reconciliation conference soon before they call on the Consultative Conference to final discussions on Peace and Reconciliation in Magwi County based on their report detailing the ways forward recommended by the two communities for finding a durable and lasting peace and reconciliation between them. The actions and teams are:

1. Juba Delegation

This delegation leaves for Juba on 20th December 2011 and returns to Torit on 22nd December 2011. The delegation comprises of the Episcopal Church of the Sudan (ECS) Bishop, the Assistant Bishop of the Africa Inland Church (AIC); and one member each of Acholi and Madi communities of the ICC. In Juba the delegation will brief members of the Acholi and the Madi communities there on the work of the ICC peace and reconciliation team to Magwi County to establish their suggestions on ways forward to those obtained from the two communities in Magwi Count itself. In addition they will seek and obtain all documents pertaining to facts findings and peace from the other groups involved in peace and reconciliation in Magwi County.

2. The Enlighten teams to both Acholi and Madi communities

There will be two delegations one for the Acholi community and one for the Madi community. Each delegation will comprise of a clergy and two members of the respective communities to go to their community to enlighten them on the suggested ways forward for finding durable and lasting peace and reconciliation, with the view to finding some compromises on the preconditions they put before peace and reconciliation conference can be held to end the conflicts between them to find a durable and lasting peace and reconciliation.



Done in Torit this day of the 15th December 2011

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