

**Civilian Protection Monitoring Team
Khartoum, Sudan**

June 30, 2004

**Ministry of Foreign Affairs
The Republic of Sudan
Khartoum Sudan**

**Sudan People's Liberation
Movement
Nairobi, Kenya**

**REPORT OF INVESTIGATION No 45: Killings and wounding of civilians along the
Leer-Adok Oil Road**

Executive Summary

Allegation:

On April 6, 2004, elements of the Sudan People's Liberation Army (SPLA) attacked a Sudan Pile Company vehicle traveling the Leer-Adok Oil Road. Two civilians were killed and one was wounded.

Conduct of Investigation:

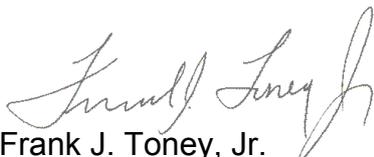
The Civilian Protection Monitoring Team (CPMT) investigation consisted of on-site interviews conducted from April 18, 2004 to June 13, 2004. During this period, CPMT deployed to the areas of Khartoum, Rubkona, Duar and Nimne to interview eyewitnesses, Government of Sudan (GoS) military/militia officers, GoS Military Intelligence representatives and SPLA Commanders.

Results of Investigation:

The investigation concluded that on April 6, 2004, elements of the Sudan People's Liberation Army (SPLA) attacked a Sudan Pile Company vehicle traveling the Leer-Adok Oil Road. Two civilians were killed and one was wounded

The allegation is **substantiated**

A formal report was prepared and submitted to the parties.



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REPORT OF INVESTIGATION No 45: Killing and wounding of civilians along the Leer-Adok Oil Road

1. Introduction:

Civilian Protection Monitoring Team (CPMT), received this allegation from the Ministry of Foreign Affairs, Government of Sudan (GoS).

2. Allegation:

On April 6, 2004, elements of Sudan Peoples Liberation Army (SPLA) attacked a Sudan Pile Company vehicle traveling the Leer-Adok Oil Road. Two civilians were killed and another wounded.

3. Background:

The Leer-Adok Oil Road was built over the last five years by Lundin Oil Company, now Petronas Oil Company, for oil equipment transportation. GoS Garrisons are situated along this stretch of road to provide security for oil personnel and equipment.

4. Consideration of the evidence:

A. Interview: Major Khahab Ali, GoS Military Intelligence (MI), Rubkona, April 18, 2004: Major Khahab Ali stated that on April 6, 2004 at 5:00 p.m., rebel forces attacked a Sudan Pile Company vehicle along the Leer-Adok road. The attack occurred approximately 23 kilometers south of Rubkona. Engineers Mohamed Abdullah and Omar Ramadan were shot and killed at the location. Driver Eljily Abedallah Saad was shot and wounded. The bullet entered his lower left back and exited through his abdomen. All three victims were transported to the Rubkona hospital via GoS military vehicle. The following day, June 7, 2004, all three victims were transported to Khartoum. Military Intelligence had the victims vehicle transported to Rubkona and made it available for inspection by CPMT. (Photo # 1).



Photo # 1

B. Interview: Dr (Lieutenant) Abdallah M. Abdallah, Rubkona Military Hospital, April 23, 2004: Dr. Abdallah stated that the two deceased men arrived at the military hospital with fatal injuries to the head and neck. The doctor stated that the driver, Mr. Eljily Abedallah Saad received an injury to his lower torso caused by a bullet. Dr Abdallah stated that Mr. Saad was transported to the hospital in Khartoum the day following the incident and was subsequently release to recuperate at home.

C. Interview: Peter Mow, GoS MI Civilian employee, Rubkona, April 29, 2004: Peter Mow stated he was at the scene of the shooting immediately after the victims were transported to the hospital in Rubkona. He stated that the vehicle the three victims were in was facing north, on the left side of the road, slightly leaning over the left side of the road. Mr. Mow noticed that there were bullet holes in the windshield, passenger front side door and passenger rear side door.

D. Interview: 1st Lt. Salah Mohammed Yagoob, GoS Military Intelligence, Rubkona, April 29, 2004: 1st Lt Yagoob stated that at the time of the incident, elements of the SPLA were located approximately 20-25 kilometers south of Rubkona in the village of Duar, located just southwest of the oil road.

E. Interview: Victim Eljily Abedallah Saad, Employee of Sudan Pile Company, Khartoum, May 4, 2004:

Eljily Abedallah Saad stated Sudan Pile Company is a Khartoum based business which specializes in road and bridge construction. The company had a contract to work on roads in Tharjath. Tharjath is located approximately 70 kilometers south of Rubkona. Mr. Saad stated that since his arrival in Tharjath in November 2003 he had, on many occasions, traveled the all-weather oil road from Rubkona to Tharjath without incident.

On April 6, 2003, he was driving north from Tharjath to Rubkona with Engineer Mohammed Abedallah in the front passenger seat and Supervisor Omer Ramadan in the back seat of the company owned, quad cab, Hilux pick-up truck. The vehicle was traveling at a speed of approximately 80-85 kph. When the vehicle reached a point approximately 23 kilometers south of Rubkona, he observed three men on the east side of the road walking towards the oil road. When he first observed the men they were approximately 20 meters east of the oil road and were in a line parallel to the road with about 10 meters separation between the men. As they approached, the first man opened fire on the vehicle with an AK47, shooting the windshield. The remaining two men concentrated their field of fire on the vehicle engine and front tires. As the vehicle passed the first man, the shooter continued to fire into the vehicle from the rear. Mr. Saad was struck by a round in the left rear small of his back and the bullet exited his abdomen. The vehicle engine was disabled by the bullets and the front tires were flattened. The vehicle went off the road on the west side of the oil road and came to rest parallel to the oil road. All three of the passengers jumped out of the vehicle. Mr. Saad from the left driver's door and the two passengers departed the vehicle from the right side doors. The three attackers continued firing as Mr. Saad ran approximately 50 meters into the bush to the west of the oil road. Mr. Saad stated the firing continued for a period of time between 5 and 7 minutes. He walked north and after approximately half an hour returned to the oil road. Within minutes, a large truck came down the oil road. He flagged the vehicle down and it stopped and picked him up. The truck dropped him off at the MI Hospital in Rubkona. Mr. Saad was kept at the hospital overnight and air evacuated to Khartoum the next day, April 7. While at the hospital, MI officers brought the bodies of the engineer and supervisor into the hospital. Mr. Saad described the attackers as Nuer. He stated they were wearing khaki military uniforms with no insignia. He believed the attackers to be SPLA soldiers. Mr. Saad further stated the company vehicle contained no cargo and he had no warning prior to the attack. Mr. Saad could not explain why they might have been attacked.

Investigative Note: A visible check by CPMT of the incident area determined that there was no place for the shooters to hide, and that they must have been standing in the open waiting for the vehicle to approach.

F. Interview: SPLA Commander James Rudheal Tut, Duar, May 13, 2004:

Commander (Cdr) Tut stated that the location of the incident is very far from Duar, approximately a six hour walk. Cdr Tut also stated that he had received no information that SPLA patrols were operating in the area of Kilo 20 on or about April 6, 2004. Cdr Tut stated that the GoS and the SPLA are in peace negotiations and that neither he nor his troops would do anything to upset the peace process. Cdr Tut mentioned that the GoS militia was operating in the area of Kilo 20 on April 6, 2004. He further stated

that a GoS garrison is located at Kilo 7, under the command of Cdr Peter Dor Manjur and Cdr James Gai.

G. Interview: Commander Steven Nial, GoS Militia, Kilo 7, June 3, 2004: Cdr Nial stated that there were no patrols on or near Kilo 23 on April 6, 2004, and that Kilo 23 is too far to travel. Cdr Nial also stated that Kilo 7 was the last garrison on the Leer-Adok road on April 6, 200. However, since the incident, additional garrisons have been installed to protect oil company employees and their equipment.

H. Interview: William Galuang GoS militia soldier, Kilo 7, June 3, 2004: William Galuang stated he defected from the SPLA to the GoS militia the last week of May 2004. Galuang stated that on April 6, 2004, while a member of the SPLA, he and seven other SPLA soldiers were ordered by SPLA Commander James Liah to patrol the Leer-Adok road in the area of Kilo 20. Galuang stated that he was an eye witness to the shooting at Kilo 23 on April 6, 2004. Soldier Galuang stated that three soldiers named, Mywal Gur, Juma, and Godwich did in fact stop two trucks, but when the white pick-up truck belonging to the Sudan Pile Company did not stop at their direction, the truck was fired upon by the three soldiers. Soldier Galuang also stated that he was ordered by the commander of the SPLA, to shoot at any civilians crossing the road. Soldier Galuang said that when the pick-up truck did stop, the two passengers exited the truck, and were shot again while on the ground, but the driver ran away.

I. Interview: Commander Joseph Matian, GoS militia, June 3, 2004: Cdr Matian stated that his soldiers are ordered not to shoot at any vehicles along the oil road as they are doing business with the government of Sudan.

J. Interview: SPLA Commander James Liah, Nimne, June 13, 2004: Cdr Liah stated that on April 6, 2004, there were no SPLA military elements on the Leer-Adok Oil Road. Cdr Liah also stated that the area where the incident occurred was in control of the GoS militia. It should also be noted that it was stated that no SPLA soldiers have defected to the GoS in the recent months leading up to this attack.

6. Conclusions:

The CPMT investigation concluded that on April 6, 2004, elements of the Sudan People's Liberation Army (SPLA) attacked a Sudan Pile Company vehicle traveling the Leer-Adok Oil Road. Two civilians were killed and one was wounded

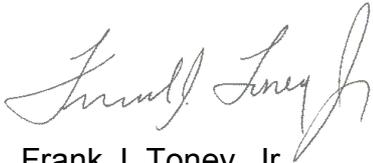
Therefore, the allegation is **substantiated**

7. Recommendations:

A. The SPLA and GoS should "refrain from targeting or intentionally attacking non-combatant 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. The commanders in the area of Kilo 20 and along the Leer-Adok Oil Road must implement rigorous legal and command measures to restore control and discipline within its military forces. CPMT reminds the Commanders that they are accountable for intentional attacks, physical injury to civilians, and all their property and possessions in the areas of conflict.

C. CPMT further recommends that both parties enforce a code of military justice that holds commanders and soldiers responsible for their actions, so as to punish the guilty and to discourage future criminal behavior.



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