



# The Death of Kerbino

By Dauti Kahura



On 14 June 2020, a Sunday afternoon, a young South Sudanese entrepreneur-turned-insurgent died a macabre death in the Lakes region. By Monday morning, gruesome pictures of Kerbino Wol Agok had already circulated on social media, especially in the WhatsApp groups of South Sudanese all over the world and soon, from Adelaide in Australia to Boston in the United States, to Khartoum in Sudan and Nairobi, Kenya, speculation was rife about who had killed him. But outside South Sudan and South Sudanese circles, not many people had heard of Kerbino, a soldier-turned-businessman who had lived in the United States and had trained with the American Special Forces.

One gruesome picture was of Kerbino lying on the ground in the bush surrounded by men in military garb, with a man who seemed to be their leader taking a photo of the dead Kerbino with his smartphone as his colleagues looked on. Another was a close-up of Kerbino's face showing a bloodied hole in his left cheek, a jungle cap next to his balding head. A third picture was of Kerbino lying on the ground, dressed only in a sweatshirt and boxer shorts.

The official explanation by the South Sudan government is that Kerbino was an insurgent who had been killed in a skirmish with the government security forces. According to the army spokesman, "SSPDF [South Sudan People's Defence Force] had succeeded in containing a rebellion in its infancy".

But my interviews with South Sudanese nationals living in Nairobi and South Sudan paint a different

picture altogether. Examining the ghastly pictures with a South Sudanese medical doctor in Nairobi, the consultant physician said that the hole on his left cheek suggested Kerbino may have been shot by his captors at close range, the bullet entering the right side of the head and exiting through the left cheek.

Kerbino had the muscular body of one who took his exercise regime seriously. He was born in 1982, just before the rebellion broke out in southern Sudan in 1983, and would later join the “Red Army”, the child-soldiers who were used in the war against the dominance of the North.

In 2010, five years after the Comprehensive Peace Agreement (CPA) of 2005, Kerbino, went back to South Sudan and founded Kerbino Agok Security Services (KASS), headquartered in Juba and which by the time of his death had spread its operations to the Democratic Republic of Congo (DRC) and Nairobi. He had also started Kerbino Executive Conferences, as well as a philanthropic organisation, The Nile Foundation. In total, Kerbino’s organisations employed about 2,000 people.

Despite not being well-known outside the borders of South Sudan, Kerbino was a fast-rising star, at least, according to many South Sudanese who live inside and outside South Sudan. They may not have entirely agreed with his *modus operandi*, but many of the South Sudanese I interviewed agreed on this one thing: the 38-year-old man was destined for greater things.

Kerbino’s problems seem to have started when he was detained in April 2018, held incommunicado at the Chinese-built Blue House, the headquarters of the National Security Services (NSS) in Juba, the capital city of South Sudan.

In a recorded testimony, American academic Robert A. Portada, who had forged a lasting friendship with Kerbino, said that, “on April 27, 2018, Kerbino was arrested without charge and incarcerated inside the infamous and notorious Blue House. Despite getting closer to signing the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS), the summer of 2018 saw the arbitrary arrests, most prominently of the political activist Peter Biar Ajak in July”. Ajak was a PhD student at Cambridge University in the United Kingdom.

Ajak, who has been in Nairobi since his release alongside his friend Kerbino, told the BBC on 24 July 2020 that Kerbino was captured and executed by government security forces. He also said that the National Security Service (NSS) has been sending him threatening messages telling him that they will kidnap and send him back to Juba. That NSS officers roam the streets of Nairobi is an open secret. Two years ago, they kidnapped some South Sudanese youth from the streets of Nairobi and ferried them back to Juba, where it is believed they were imprisoned and tortured. Their crime? They had been posting criticism of President Kiir on their Facebook timelines.

Kerbino was among seven detainees at the Blue House who faced trial. In the “Testimony of Kerbino Wol”, Portada, an Associate Professor of political science at Kutztown University, wrote: “Since March 21, 2018 seven prisoners have sat for trial in Juba. From their cells in the Blue House, the headquarters of the NSS, they are escorted to and from the courtroom while closely guarded by the NSS officers. Among the seven is Kerbino Wol, the young South Sudan entrepreneur and philanthropist. Though the trial is being held in a civilian court, each day NSS soldiers surround the building, armed with automatic weapons. NSS officers are stationed at all entrances to the court, and roam the courtroom during the proceedings”.

Portada also wrote that, “adding to the repressive environment in which the seven prisoners are being tried, the United Nations released a report on April 30 stating that it is highly probable that Dong Samuel Luak, a prominent South Sudanese lawyer and human rights activist, and Aggrey Ezbon Idri, a member of the opposition SPLM-IO [Sudan People’s Liberation Movement-In-

Opposition], were abducted and killed by the NSS in 2017. It is no secret that the NSS has committed atrocities with impunity in South Sudan. But now, Kerbino Wol and his fellow prisoners must sit for trial in the full presence of a national security agency revealed to have executed and disappeared nonviolent activists”.

South Sudanese sources that cannot be named because of the sensitivity of the information they shared and to protect their identities, alleged that Kerbino was executed by NSS officers. “Kuol Fidel, head of NSS, which also acts as the internal security bureau, and one his officers known as Akol Khor, did not get along with Kerbino. They had always been thinking of how to neuter him. So, when news came through that he had been found dead and considering the circumstances that had led to his confrontation with the NSS, many South Sudanese couldn’t fail to immediately connect Kerbino’s death with NSS”. Why would Kerbino pick a quarrel with top ranking NSS officers? Kerbino, Kuol and Akol are all Dinkas who come from Tonj, which is north of Lakes region.

“Kerbino as a civilian was rising all too fast. It was suspected he had political ambitions in his home region of Lakes. Kuol, too is believed to harbour political ambitions, if the peace agreement between Salva Kiir Mayardit and Riek Machar holds, there could be a general election in 2023”. With his rising star, popularity, youth, access to big money and international connections, Kerbino posed a threat to certain individuals were he to choose to contest the governorship of Lakes region, for example.

One of the first things that Kuol and Akol are alleged to have done, as they continually harassed Kerbino, was to close his businesses before throwing him into detention. Portada’s testimony says that “Kerbino Wol’s businesses and bank accounts were shut down by NSS”. In justification, the NSS alleged that Kerbino was supplying arms to Riek Machar. “But this is a spurious allegation”, said a South Sudanese source in Nairobi. “All this time Kerbino is alleged to have been sending arms to Riek, he was holed up in South Africa. It is evident and obvious that there are some people in the NSS who were hell-bent on nailing Kerbino”.

“On September 27, 2018”, wrote Portada, “the President of the Republic, H.E. Salva Kiir Mayardit, issued Republican Order Number 17, ordering that all political prisoners be released with immediate effect under the supervision of the International Committee of the Red Cross. Nevertheless, detainees including Kerbino and Peter were locked in the Blue House”. The next time the world would hear of these cases and of Kerbino in particular was during the prison break incident that took place on 7 October 2018 “to call attention to their illegal detentions”, said Kerbino during his trial.

“The Blue House already had earned a notorious reputation as one of the several sites where NSS authorities had arbitrarily arrested, detained, tortured, and ill-treated people to the point of death according to a report released by Amnesty International”, explained Portada’s testimony. “On October 7, for the first time, prisoners in the Blue House were able to communicate with the international media and testify to these conditions themselves”.

What happened at the Blue House on 7 October 2018? Some South Sudanese who knew Kerbino’s character well said Kerbino had become increasingly incensed with his continued detention and harassment by some of the NSS officers, and had demanded that they either release him or charge him so that he could defend himself in a court of law. “On this day, a fracas ensued at the Blue House and Kerbino is believed to have staged a kind of a Rambo-style prison break in which he led a group of fellow prisoners into storming the warehouse which also acted as an armoury”.

In his notes, Portada says that, “though the state security responded by encircling the Blue House and repeatedly firing on the compound, the nonviolent prisoners negotiated a peaceful end to the

standoff". It is after the "prison break" that the state now decided to take Kerbino to court and charge him with the criminal offence of causing a skirmish within the NSS precincts", explained my South Sudanese interlocutor. That now became his main charge. "Kerbino was taken to court in April 2019 and charged with causing mayhem on 7 October 2018".

In his testimony, Portada says, however, that "following the October 7 incident the Pan-African Lawyers Union (PALU), working with friends and associates of Kerbino Wol, immediately brought his case before the East Africa Court of Justice (EACJ), seeking justice for his unlawful arrest and illegal detention. In suing the Government of South Sudan, PALU asked the EACJ to order GoSS to produce Kerbino Wol before a competent and impartial court, and to restore to him his properties and stop attacks and seizure of Kerbino's businesses. Though GoSS acknowledged the authority of EACJ by sending a representative to a hearing on March 25, 2019, they have not produced Kerbino before the regional court nor accounted for the circumstances of his incarceration or seizure of his property".

Instead, what the court in Juba did was to begin the prosecution's case on the same day the EACJ asked that Kerbino be presented before it. On 25 March the South Sudan government representative said the Juba trial removed the necessity for adjudication in the EACJ.

"Called to the witness stand by the defence at the Juba court, Kerbino spoke in both Arabic and English as he delivered his testimony", said Portada. On 11 May, after two weeks of imprisonment, NSS officers accused Kerbino his security company to conspire against the state. The NSS placed Kerbino in solitary confinement with the threat that, "we have other means of getting the truth". But in a surprising twist of events, President Kiir offered a presidential amnesty to Kerbino.

Kerbino went home, but something had been implanted in his mind, said a South Sudanese who knew Kerbino personally. "Kerbino started toying with the idea of forming a movement that would agitate for political change. He called his movement 7th October". Friends and foes have faulted Kerbino for seemingly acting in a rush. A South Sudanese who knew Kerbino told me that "Monydiar Maker, the youth leader of the ethnic group called Rup, duped Kerbino that he could mobilise young men for him to form a ragtag army and it seems Kerbino, in his unprocessed anger against what he considered to be inhuman treatment from the state, believed he could orchestrate change by forming a guerilla army in present day South Sudan".

Monydiar was killed four days before Kerbino's sudden death, possibly by the same people who killed Kerbino.

Trapped in the bush and possibly realising his folly that forming a guerilla army is not the same as starting a security company, Kerbino contacted one of his friends for help. "It is believed that Kerbino reached out to a friend, one Omar Isaak, and asked him to hire a helicopter to airlift him to Khartoum", said my South Sudanese source. "Kerbino could have given Omar upward of \$200,000 for the job". Many South Sudanese believe Omar betrayed Kerbino and that is why he was captured.

The circumstances leading to Kerbino's death reflect those of the death of George Athol Deng. Deng was a Dinka from Jonglei state. Short of stature but a lethal soldier, he was a favourite fighter of John Garang's Sudan People's Liberation Army (SPLA).. In 2010 Deng, who was in his 50s, ran for the Jonglei governor's seat. When he lost the election he returned to the bush, but is believed to have been captured by government forces and summarily executed.

Despite the return of Riek Machar, leader of the SPLM-IO, to his old job as Vice President - which has however been split into five positions - South Sudan is a country still very much ill at ease with itself. "As we are talking, the country is on fire", said a South Sudanese in Nairobi "Militia gangs are

roaming South Sudan with abandon, because Kiir is a lame duck president. He does not have the control of the country beyond Juba”.

My friend said South Sudan is currently on fire: “There could be at least 10 – 15 internecine wars going on in South Sudan. The greater Dinka of Gumuruk and Pibor is at war with Murle. The Murle, who are viewed as a war-like ethnic community in South Sudan hence, always seen as an aggressor community is at war with a coalition of Dinka and Lou Nuer”. The South Sudanese also said the internecine wars have not spared intra-community’s wars.

“The Dinka sub-clans of Apuk and Aguok that come from the President’s home county of Gogrial are at war with each other. The intra-communal war among the Agar people has been going on for nearly 20 years. The Nuer of Bentiu are busy fighting the Dinka Twic Mayardit”. The Nuers, observed my friend, just like the Dinka have been fighting among themselves. “The Nuers from Bentiu have been warring with the Nuers from Warrap state. So, if the ethnic communities are not fighting between themselves, they are fighting among themselves. These inter-state fights and unrests, have made South Sudan seem ungovernable”.

Said the South Sudan national: “As if the internecine wars inside South Sudan are not enough, there has been unrest between Sudan and South Sudan. “The Malual Dinka have been quarrelling with the Missinya Arabs of Sudan. The picture coming from South Sudan is not good at all. It is from this backdrop that Kerbino met his untimely death”.

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