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TO: Special Envoys to South Sudan

FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan

DATE: 17 January 2015

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellences,

Please find attached the Joint Technical Committee (JTC) report on violations of the Cessation of Hostilities Agreement (23 January 2014) in Nassir, Upper Nile State.



Major General (Retired) Negash Dagnev Ayele
Chairman, Joint Technical Committee



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JOINT TECHNICAL COMMITTEE (JTC)

**INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF
HOSTILITIES AGREEMENT IN NASSIR, UPPER NILE STATE
(V022)**

PRESENTED TO:

**THE SPECIAL ENVOYS TO THE REPUBLIC OF SOUTH SUDAN
INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)
ADDIS ABABA, ETHIOPIA**

17 January 2015



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Executive Summary

Between 29 December 2014 and 03 January 2015, there was a significant exchange of fire between Government Forces in Nassir SPLM/A-IO forces in the area near the eastern side of UNMISS County Support Base (CSB) and Kebeck Village Area. There were also exchanges of mortar fire over the Sobat River. This was preceded by provocations by Government Forces which consisted of aggressive patrolling near SPLM/A-IO areas and the burning of grass and tukuls.

As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that whilst the actions of Government Forces led to the incident and constituted violations of the Cessation of Hostilities Agreement (COHA), subsequent actions by SPLM/A-IO forces went beyond what could be considered justifiable defensive measures and therefore also constituted violations of the COHA.



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN NASSIR, UPPER NILE STATE

1.0 Introduction

1.1 Background:

- For some time there has been tension in the Nassir area. On 10 December 2014 there was an exchange of fire between the Government Forces in Nassir and local armed forces loyal to the SPLM/A-IO in the area of Kedbeck Village. This was reported as a violation of the COHA by Government Forces (V021 dated 13 December 2014).
- Government Forces continued to act in a provocative manner (burning grass and Tukuls, and patrolling in a confrontational manner). As a result of this provocation SPLM/A-IO forces regrouped in the area. At no time did anyone from authority in the SPLM/A-IO or the Government complain to the JTC/MVM or indeed to UNMISS about the situation in Nassir.
- Nassir is designated a Special Arrangement Area as a result of agreements reached at the Cessation of Hostilities Implementation Workshop of 15-16 November 2014, and as a result should be surrounded by a Separation Zone.

1.2 Incident: From 29 December 2014 to 31 December 2014 and resuming again on 01 January to 03 January 2015, heavy small-arms fire was exchanged between Government Forces and SPLM/A-IO forces. Rocket-Propelled Grenades (RPG's) and mortars were also employed. The incident started during a Government Forces patrol.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incident that took place in Nassir on 29 December 2014 to 03 January 2015, and apportion responsibility for violations of the COHA.

1.3 Methodology:

- Employing Monitoring and Verification Mechanism (MVM) Standard Operating Procedures, the JTC initiated the investigation / verification sequence on 29 December 2014 following reports of the incident from the MVT based in Nassir. Investigation and Verification Orders were immediately issued to the MVT by the Chairman.



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- The MVT conducted investigations in accordance with the orders, accessing as much information as possible from a variety of sources including UNMISS, the Commanding Officer of the Government Forces and local people in the area of the incident through the MVT Community Liaison Officer (CLO). The MVT was unable to get any comment from senior SPLM/A-IO officers. The MVT submitted an Investigation and Verification Report on the evening of 05 January 2015.

2.0 Violations of COHA – NASSIR

26 – 28 December 2014

- 2.1 Small Government Force patrols of platoon strength had been dominating the area around Nassir. As the rainy season ended and the ground dried they increased the strength of their patrols and continued to clear the area by burning grass. From 26 to 28 there was a lot of burning by Government Forces and some tukuls were destroyed by fire. They also started using APCs and Pick-up trucks for patrolling. This was seen as provocation by the local population, and during the same period the MVT and UNMISS MLO observed SPLM/A-IO forces regrouping in the Payams adjoining Nassir.

Monday 29 December 2014

- 2.2 At 1000hrs, Monday, 29 December the Commanding Officer of Government Forces in Nassir, Brigadier General Peter Yual arrived in the UNMISS Camp for a routine weekly meeting. One of his patrols, which normally spearheads his protection force, had moved past the UNMISS Camp to ensure the area was safe for the Brigadier. There was a lot of smoke from the burning grass, and as a result of the ongoing provocation by Government Forces SPLM/A-IO forces were in a defensive posture in the area of Kedbeck. The Government Forces patrol advanced further than usual towards Kedbeck and clashed with SPLM/A-IO forces. As soon as the firing started, Brigadier General Yual left the meeting at UNMISS.

- Firing of small arms, machine guns, mortars and RPGs was heard mainly from the Government Force patrols beyond the UNMISS camp. Government Force reinforcement troops were observed moving past the UNMISS Camp on foot, 2APCs and 2 Pick-up trucks (one mounted with a multi barreled launcher).
 - The total number of Government troops that moved in to reinforce were estimated at over 200.
- 2.3 Shortly thereafter, the MVT immediately interviewed the UNMISS MLOs and troops in the eastern watch tower (closest to the firing) in order to establish which side initiated the firing, and got substantial evidence to suggest that SPLM/A-IO fired the first bullet.
- 2.4 At 1810hrs the Government Forces withdrew to their camp and SPLM/A-IO forces returned to the Kedbeck area and a heavy exchange of mortar shells and machine gun



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firing started. The exchange was between the Government Force camp and some SPLM/A-IO positions to the South across the Sobat River. The exchange was intensive and lasted up to 1900hrs. The SPLM/A-IO initiated the shelling.

- 2.5 According to information received the following day from the MVT Community Liaison Officer who visited the area two civilians (one woman and one man) were injured in the fighting, and numerous fires were started as a result of it. Local people also claimed that large numbers of SPLM/A-IO youth redeployed to the area in order to defend it against what they saw as Government Forces aggression. The Commanding Officer of the Government Forces claimed that the firing started when his patrol was shot at by SPLM/A-IO youths. He further claimed that 36 mortar bombs landed in his camp during the evening shelling, slightly injuring one of his soldiers.

Tuesday 30 December 2014

- 2.6 At 1745hrs on Tuesday 30 December there was a heavy exchange of mortar shells and machine gun fire. The exchange was between the Government Force HQ and SPLM/A-IO position to the South across the SOBAT River. The exchange lasted up to 2150 hrs. The MVT was unable to determine who initiated the shelling.

Thursday 1 and Friday 2 January 2015

- 2.7 At 1010hrs on Thursday 1 January SPLM/A-IO forces patrolled from Kedbeck area up to Nassir town and were intercepted by Government Forces who came out from their camp on foot, with one APC and two pick-up trucks and cleared the area starting from Nassir town. The SPLM/A-IO who were at the airstrip withdrew back in contact (firing RPGs and small arms as they withdrew).
- When SPLM/A-IO reached Kedbeck, the Government Force started withdrawing back but after passing the UNMISS Camp and before reaching Nassir town, SPLM/A-IO forces emerged from Kedbeck pursuing them. Two 60mm Mortar shells fired by SPLM/A-IO forces landed at the UNMISS fence on the eastern part.
 - Government Forces succeeded in pushing them to Kedbeck by 1140 and then they withdrew back to their HQ.
- 2.8 On Friday 2 January there was an exchange of mortar fire between SPLM/A-IO forces from south of the Sobat river and Government Forces between 1500 Hrs and 1900 Hrs. The exchange was initiated by the SPLM/A-IO. According to the Commanding Officer of Government Forces 1 soldier had so far been killed and several wounded by SPLM/A-IO shelling.

Saturday 3 January 2015



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2.8 At 1000hrs Saturday 3 January, the Government Forces moved out of their HQ at on foot and with two APCs and three pick-up trucks (one mounted with a rocket launcher and one for ops logs). They started firing immediately on passing the UNMISS Camp. They concentrated firepower from small arms, machine guns, mortars and RPGs.

- SPLM/A-IO elements in the Hospital area (about 5 people) fired and then withdrew to join a larger group in the area of Kedbeck.
- Government Forces moved closer to Kedbeck while maintaining contact. They fell short of reaching Kedbeck and diverted northwards and set Tukuls on fire in Guange and Pout- Pout, villages next to Kedbeck. They withdrew back to their HQ at 1240 hrs.
- SPLM/A-IO forces resumed patrols immediately in the same area (near the UNMISS base), and later there was an exchange of mortar shells which the MVT assessed as being initiated by the SPLM/A-IO

2.9 Assessment

- There is no doubt that Government Forces acted in a provocative manner in the days leading up to the incident, especially by burning grass and some tukuls in a move that was bound to upset the local population and provoke the SPLM/A-IO. This provocation, the confrontational patrol of 29 December and then the attack by Government Forces on 3 January constitute clear violations of the COHA. Further violations of the COHA were perpetrated by Government Forces when they engaged areas where civilians were present (resulting in at least two civilian casualties), and deliberately burnt tukuls.
- However, SPLM/A-IO were also in violation of the COHA. It was SPLMA/IO forces who initiated mortar fire from across the Sobat River on 2 and 3 January, and the patrolling by SPLM/A-IO forces on 1 January was provocative, as was their pursuit of retreating Government Forces.
- At no time did the SPLM/A-IO or Government Forces complain to either the MVM of UNMISS about the situation, thus allowing for the possibility of settling matters peaceably.

3.0 Conclusion

3.1 As a result of investigations, and the weight of evidence collated it is the opinion of the



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JTC that Government Forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Nassir on 29 December 2014 to 03 January 2015.

- 1.2.b refrain from taking any actions that could lead to military confrontations.
 - 3.1 refrain from attacks on the civilian population.
- 3.2 As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that SPLM/A-IO forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Nassir on 29 December 2014 to 03 January 2015.
- 1.2.b refrain from taking any actions that could lead to military confrontations.
- 3.3 Recommendations: It is recommended that the IGAD Special Envoys take the appropriate action in response to these violations of the COHA.

