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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 23 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
(V024)**

PRESENTED TO:

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

23 January 2015



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Executive Summary

There have been ongoing problems in Nassir resulting in two recent violations (V021 and V022). In both these incidents the actions of the Government Forces were judged to be provocative.

On 19 January 2015 Government Forces deliberately burnt down a mosque near the airstrip. When returning to barracks from the airstrip they set fire to several buildings in the market. Another building was burnt on 21 January. This issue of Government Forces burning tukuls and other buildings has been going on since the start of the dry season.

The destruction of civilian property in this way is considered by the JTC to be a clear violation of the COHA ararticle 3 'Protection of Civilians' particularly article 3.1 "...commit to the protection of human rights, life and property.."



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

1.0 Introduction

1.1 Background:

- Government Forces have been involved in burning grass around Nassir since the start of the dry season on November 2014, resulting in the burning of tukuls which have been ignited by the burning grass.
- The Government Forces commander, Brigadier General Peter Yuwal, has never denied the burning of grass. Government Forces claim that the burning of grass is a defensive measure so they can see any approaching SPLM/A-IO forces, and that any tukuls that get burnt are ignited by accident. Brigadier Yual has, however, admitted that some tukuls have been burnt by errant soldiers against his instructions.
- At a routine meeting with Brigadier Yuwal on 14 January 2015 the issue of the burning of tukuls was raised. The Government Forces Military Intelligence (MI) officer Lt Paul Mabior said that tukuls were burnt because the SPLM/A-IO used them as hideouts. He also expressed a lot of bitterness about the SPLM/A-IO who he claimed “were attacking them”.
- The tukuls burnt belong to local Nuer people, who moved from Nassir as a result of the fighting which started in December 2013. Since the incidents of 29 December 2014 to 3 January 2015 (V022) local people and SPLM/A-IO forces have moved further away from Nassir and Government Forces have continued to burn grass (and tukuls).

1.2 Incident: On 19 January 2015 Government Forces carrying out maintenance work at the Nassir airstrip set light to a mosque. When returning to their barracks, they also set fire to several buildings in the area of the market and on 21 January burnt another building in the market place.

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 19 and 21 January 2015, and apportion responsibility for violations of the COHA.



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1.4 Methodology:

- Following initial reports received on 19 January 2015 from the MVT based at the UNMISS camp at Nassir and employing Monitoring and Verification Mechanism (MVM) Standard Operating Procedures, the JTC initiated the investigation / verification sequence on by issuing an investigation order to the MVT on 20 January 2015.
- The MVT conducted investigations in accordance with the orders. They visited and re-visited the sites of the burning and accessed information from a variety of sources, especially the UNMISS MLO. They also discussed the issue with the Government Forces commander. An Investigation and Verification report was submitted on the evening of 22 January 2015.

2.0 Violations of COHA – NASSIR

19 January 2015

- 2.1 On 19 January 2015 at about 10.00 Hrs the Nassir MVT was involved with a joint patrol of the Nassir area with UNMISS MLO. They visited the airstrip where they found about two companies of Government Forces maintaining the airstrip. They found the Government Forces Commander, Brigadier General Peter Yuwal, and his MI officer at the site supervising the soldiers and took the opportunity to meet them.
- 2.2 The MVT left the airstrip at about 10.30 Hrs and proceeded with their patrol. After about 45 minutes they saw smoke rising from a building 10m away from where the Government Forces soldiers were working at the airstrip. They moved towards the smoke as the Government Forces were leaving. They found that the building that was on fire was a mosque; it was a substantial brick building with the roof and all combustible parts of it on fire. They took photographs of it. At this point the Government Forces were passing through the market place on their way back to their camp.
- 2.3 When the MVT returned to the UNMISS camp they climbed a watchtower and observed a lot of smoke that appeared to be coming from buildings in the market place.

21 January 2015

- 2.4 On 21 January at 10.00 Hrs the MVT patrolled Nassir and the airstrip area in order to further investigate the issue of the burning buildings. What they found was as follows:
- In the market place (N 08° 35' 51.38" E 33° 03' 36.16'):
 - Two buildings – both shops – had been burned to the ground. The ash was fresh, and the buildings were certainly those that the team had witnessed burning



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on 19 January. The exact location of the two buildings is:

- A further building – which also looked like a shop – was on fire near a group of Government Forces soldiers. There were several groups of soldiers in the town collecting firewood and pumpkins and also burning grass, protected by a cordon of small patrols stationed outside the town itself. The team took photographs.
- At the mosque (N 08° 37' 05.86" E 33° 03' 55.38'): The MVT re-visited the site of the mosque and took more photographs.
- Conversation with the Government Forces commander: The MVT telephoned Brigadier General Peter Yuwal and asked him about the burning of the mosque and shops. He said that this was done without his orders and he would punish those responsible.

2.5 Assessment

- Although Nassir town and its environs are under the control of Government Forces, all the buildings and tukuls belong to members of the local Nuer community who support the SPLM/A-IO.
- There is no doubt that Government Forces were responsible for deliberately burning the mosque by the airstrip. This was witnessed by the MVT. It was a substantial brick-built building that would need to have been set alight rather than caught fire accidentally. Also, had it been set alight by accident the Government Forces responsible should have tried to extinguish the fire.
- It is beyond any reasonable doubt that the two shops burnt in the market place on 19 January were set alight by Government Forces. It is also beyond reasonable doubt that the building witnessed by the MVT burning on 21 January was also set alight by Government Forces, who were in the area and made no attempt to save it.
- Despite previous assurances by the Government Forces commander that buildings were only burnt by accident and against his orders, it is apparent that deliberate arson continues. As already stated in V021 and V022 the burning of buildings is provocative behavior that can only increase tensions in the area.



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3.0 Conclusion

3.1 As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that Government Forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Nassir on 19 and 21 January 2015:

- 3.1 The parties shall refrain from attacks on the civilian population and commit to the protection of human rights, life and property as provided by various national, continental and international instruments.

3.2 Recommendations: It is recommended that the IGAD Special Envoys take the appropriate action in response to these violations of the COHA.

