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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 10th February 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 Unity State.



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



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JOINT TECHNICAL COMMITTEE (JTC)

**INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF
HOSTILITIES AGREEMENT IN BENTIU, UNITY STATE**

(V027)

PRESENTED TO:

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

10th February 2015



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Executive Summary

On 31st January and 1st February there were a series of alleged incidents in Bentiu, Unity State, involving clashes between the parties. These incidents resulted in the deaths of two civilians from rocket fire directed at the town by SPLM/A-IO forces.

Whilst some of the incidents were unable to be confirmed, there is no doubt that SPLM/A-IO forces were responsible for firing rockets into Bentiu town which caused two civilian fatalities, one of whom was a woman.



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN BENTIU, UNITY STATE

1.0 Introduction

1.1 Background: In late January tensions in Unity State had been high, following a number of alleged incidents and persistent rumours of planned SPLM/A-IO attacks.

1.2 Incident: Several mortar shells or rockets allegedly impacted in Bentiu town on 31 January 2015. Reports indicated that there was a clash between SPLM/A-IO Forces and Government Forces on the outskirts of Bentiu on the afternoon of 1 February, and later than evening up to 6 rockets landed in Bentiu which caused several civilian casualties.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incidents that took place in Bentiu, Unity State on 31 January and 1 February 2015, and apportion responsibility for violations of the COHA.

1.4 Methodology:

- Following initial reports from the MVT based at the UNMISS camp in Bentiu of shelling on 31 January the JTC ordered the MVT to follow the situation, investigate and report accordingly.
- The MVT conducted investigations in accordance with the instructions given. They were able to meet with first-hand witnesses from the local population. They also met with Government Forces (4th Division head of MI Colonel Savino) and civilian authorities including the Deputy Governor, and were able to speak by telephone with the local SPLM/A-IO Commander Brigadier General Simon Maguek. The MVT also obtained information from UNMISS, specifically the MLO's.
- The MVT carried out investigations starting on 2 February 2015 and submitted a report on 10 February.

2.0 Violations of COHA

2.1 Alleged shelling 31 January: According to Government Forces, the SPLM/A-IO fired 3-4 rounds into Bentiu. There were no casualties. The MVT were unable to obtain any independent verification of this incident.



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2.2 Alleged attack by SPLM/A-IO Forces 1 February: Government Forces claimed that at about 1500 Hrs on 1 February SPLM/IO forces mounted an attack on Bentiu from the south-south west but were driven off after a two-hour 'battle'. The MVT was unable to get any independent confirmation of this.

2.3 Shelling 1 February 2015:

- At about 20.30 hours on 1 February about 6 rounds impacted in the Bentiu area. 2 people were killed (one male and one female) and one man injured. On 2 February the MVT started an investigation. They saw the remains of the munitions, which were assessed as being 107mm rockets. The MVT visited the site of one of the impacts and were able to carry out 'crater analyses' from which it was apparent that the rockets came from the South-South-West, from the direction of areas controlled by the SPLM/A-IO.
- One of the rockets landed by a hut and killed the woman inside. The MVT interviewed a civilian witness, and were shown photographs of the female fatality, which indicated she had been close to the point of impact of one of the rockets. The MVT visited the site where another rocket had landed killing one man and injuring another. The MVT was able to get photographic evidence.
- The MVT spoke on the telephone to Brigadier General Simon Maguek, the commander of the SPLM/A-IO forces, and he confirmed that the SPLM/A-IO had indeed fired rockets at Bentiu.

2.4 **Assessment:** The MVM was unable to confirm the alleged indirect fire attack of 31 January or the alleged attack by the SPLM/A-IO on the afternoon of 1 February, however, there is no doubt that the SPLM/A-IO fired rockets at Bentiu on 1 February, and that these rockets caused two civilian fatalities.

3.0 Conclusion

3.1 As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that SPLM/A-IO forces under the command of Brigadier General Simon Maguek violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Bentiu on 1 February 2015:

- 1.1 The Parties hereby agree to cease all military actions aimed at each other
- 3.1 The Parties shall refrain from attacks on the civilian population

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

