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TO: Special Envoys to South Sudan

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

DATE: 14<sup>th</sup> February 2015

**SUBJECT: Report on Violations of the Cessation of Hostilities Agreement**

Your Excellencies,

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 Dagne 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**

**(V029)**

**PRESENTED TO:**

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

**14<sup>th</sup> February 2015**



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### Executive Summary

This report concerns yet more violations of the COHA in Nassir, Upper Nile State between 8 and 12 February 2013. The incidents described can be seen as a continuation of previous incidents, specifically JTC Reports V021,22, 25 and 25, all in the last two months. These incidents are a reflection of the tense and unstable situation in Nassir.

There was an exchange of indirect fire (with some heavy machine gun fire from the Government Side) between the Government Forces in Nassir and SPLM/A-IO forces from across the Sobat River on the morning of Sunday 8 February 2015. There were further incidents involving firing and the burning of buildings and tukuls on 11 February when a Government re-supply flight arrived, and was engaged with an RPG.

Having studied all reports concerning the incidents, it is the opinion of the JTC that both parties were in violation of various articles of the COHA during the incidents.



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

#### 1.0 Introduction

- 1.1 Background: As stated in JTC Report V025 there are ongoing issues between Government Forces and SPLM/A-IO forces in the area of Nassir which has led to a series of COHA violations. The area had been calm since the last incident (30 January), although there were reports of SPLM/A-IO forces south of the Sobat River moving closer to the Government Forces camp. The Government Forces had remained in camp conducting occasional patrols east of the UNMISS camp to the Kedbeck Village area.
- 1.2 Incidents: An exchange of fire involving Government Forces in their camp and SPLM/A-IO forces across the Sobat River on 8 February. On 10 February there was a Government re-supply flight using an AN74 aeroplane. On the following day there was further resupply flight and two RPG rockets were fired at the aeroplane when it landed. Government Forces responded then burned down some buildings.
- 1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incidents that took place in Nassir on 8 – 11 February 2015, and where possible apportion responsibility for violations of the COHA.
- 1.4 Methodology:
- Reports were received from the MVT at Nassir on the morning of 8 February to the effect that there was an exchange of fire between the Government Forces in Nassir and SPLM/A-IO forces across the Sobat River, and that they would institute an immediate investigation. An investigation reports was submitted by the MVT on 10 February, and then further investigations took place as more incidents occurred on 11 February with another report being submitted on the evening of 12 February.
  - The MVT physically observed much of what happened from the watchtowers at the UNMISS camp. They interviewed witnesses from UNMISS. They also spoke with one of the CLO's who was able to contribute some local insight, although not from across the Sobat River. The MVT was not, for logistic and security reasons, able to visit the SPLM/A-IO positions across the Sobat or get any comment from the SPLM/A-IO forces.



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### 2.0 Violations of COHA – NASSIR

#### 2.1 8 February:

- At 07.30 to 09.00 Hrs on 8 February 2015 there was an exchange of mortar fire between Government Forces in their camp in Nassir, and SPLM/A-IO forces across the Sobat River. The SPLM/A-IO employed mortars (possibly 82mm or even some smaller 60 mm although this cannot be confirmed), and Government Forces used mortars (probably 82mm and 120 mm) and heavy machine-gun fire.
- As soon as the firing started the MVT rushed to the watchtowers and observed the exchange. The UNMISS personnel in the watchtowers said that it was the SPLM/A-IO from across the Sobat River who fired first and initiated the exchange. Once the exchange was over, Government Forces mounted a patrol to Kedbeck village, then returned to their camp at about 11.30. The patrol was without incident. The MVT tried to contact the commander of the Government Forces but were unable to do so. However, they spoke to one of his officers who claimed that the SPLM/A-IO initiated the engagement.
- There are no civilians in Nassir itself, and few in the immediate area of the town. The MVT spoke to one of their Community Liaison Officers who was unable to cross the Sobat River and visit the SPLM/A-IO firing point, but he was of the opinion that the Government Forces could have fired first at armed cattle-herders of people moving towards Ulang they might have mistaken for SPLM/A-IO forces. However, the MVT had no means of corroborating this opinion.

#### 2.2 11 February:

- At 10.00 Hrs about 70-100 Government Forces soldiers supported by 1 APC and a Land Cruiser patrolled eastwards along the Sobat River in what looked initially like a routine patrol. However, at Kedbeck they fired 3 RPG across the river and burnt a number of Tukuls in Kedbeck and the neighboring Koat village. They returned to the area of the airstrip at 11.10 Hrs. There was no response from the SPLM/A-IO.
- At 13.40 Hrs a Government Forces AN74 aircraft landed at the airstrip. As soon as it landed it was engaged by the SPLM/A-IO with 2 RPGs from the south of the river. They both missed, but one Government Forces soldier was injured.
- The Government Forces who were waiting for the aircraft immediately fired south across the river towards the firing point, and having reinforced continued to fire until after the aircraft took off at 14.30 Hrs having unloaded a Land Cruiser and various supplies.



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- Government Forces troops positioned east of the airstrip set fire to the hospital buildings east of the UNMISS base and the nearby WFP store. The MVT was able to photograph this. Firing eventually stopped at 14.40 Hrs and the Government Forces returned to barracks. The MVT observed about 10 SPLM/A-IO soldiers on the south bank of the Sobat.

### 2.3 Assessment:

- It is not possible to state clearly which of the Parties started the shelling on 8 February, as there is no corroborative evidence and the MVT did not witness the start of the engagement.
- The firing of two RPGs by SPLM/A-IO forces at the aircraft on 12 February is a clear violation of the COHA.
- The deliberate burning of the hospital and WFP store by Government Forces was a clear violation of the COHA.
- It is the assessment of the JTC that in this latest series of incidents in Nassir both parties have been responsible for violating articles of the COHA.

### 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 8 to 12 February 2015:

- 1.2.b refrain from taking any actions that could lead to military confrontations
- 3.1 refrain from attacks on the civilian population and commit to the protection of Human Rights, life and property

SPLM/A-IO Forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Nassir 11 February 2015:

- 1.1 The Parties hereby agree to cease all military actions aimed at each other

- 3.2 Recommendations: It is recommended that the IGAD Special Envoys make strong and urgent representations to both Parties to respect the COHA and refrain from provocative acts in the Nassir area, in order to avoid further violations.

