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INTERGOVERNMENTAL AUTHORITY  
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TO: Special Envoys to South Sudan

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

DATE: 6 March 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 Upper Nile State.

Major General (Retired) Negash Dagneb 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**

**(V031)**

**PRESENTED TO:**

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

**6 March 2015**



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### Executive Summary

In mid-February 2015 several reports appeared about the forcible conscription of child soldiers by forces under control of the Government in the Malakal area in Upper Nile State. UNICEF specifically highlighted this problem in a report that suggested 89 children had been conscripted from a school in Wau-Shilluk Payam.

Whilst it is not clear exactly how many children were forcibly conscripted, there is no doubt that such conscription did take place and some of those conscripted were children in clear violation of the COHA and International Law.

It is the opinion of the JTC that child soldiers have been recruited by forces under control of the Government in Upper Nile State, and that this constitutes a clear violation of the COHA by Government Forces.



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

#### 1.0 Introduction

- 1.1 Background: The recruitment and deployment of child soldiers has been an issue throughout the present conflict in South Sudan. A specific violation concerning the employment of child soldiers by Government Forces was raised by JTC last year (V014 – 24 September 2014). This issue was raised again in February in Malakal County where reports emerged suggesting there had been forcible conscription of child soldiers.
- 1.2 Incident: The specific incident covered by this report took place on 15 February 2015 in Wau-Shilluk Payam, Malakal County, where it was alleged that Shilluk militia under the command of Major General Johnson Olony (affiliated to Government Forces) forcibly conscripted local youths including school children aged 11-16.
- 1.3 Aim: The aim of this report is to describe the incident and attribute responsibility for violations of the COHA as appropriate.
- 1.4 Methodology:
- The MVT based in Malakal was originally made aware of the alleged conscription in Wau-Shilluk Payam by their Community Liaison Officer (CLO). Reports by UNICEF and other agencies followed. An initial report was submitted, and this was then followed up by further investigations as directed by JTC which included visits to the site of the alleged conscription and interviews with witnesses on 3 March 2015. A final report was submitted by the MVT on 5 March 2015.
  - Many of the local people were reluctant to speak out for fear of reprisals, but the MVT were able to get statements from community leaders who represented those whose families had been affected. The MVT also met with the director of the school where the conscriptions was alleged have taken place, and the local authorities.
  - The MVT also interviewed the UNMISS Human Rights officer and the UNICEF Child Protection Officer who had conducted their own investigations and were able to corroborate the information gained by the MVT.

#### 2.0 Violations of COHA

- 2.1 Wau-Shilluk Payam is in Malakal county on the banks of the Nile. Since the beginning of the conflict it has been under the control of the Shilluk militia which is affiliated to



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Government Forces and under the command of Major General Johnson Olony.

- 2.2 On 15 February 2015 there was forced conscription by Major General Johnson Olony's militia of the youth in Wau-Shilluk Payam. The conscription included a house-to-house search and then took place by the Wau West Elementary School compound. Exact numbers of those conscripted is unconfirmed (the figure of 1,000 has been suggested by the UN), but the conscription did include a number children under military age, with credible evidence to suggest some were as young as 11 and certainly younger than 16. Local community representatives asked the MVT to intervene in order that the children be released to go back to school.
- 2.3 Some of those conscripted were later released. These people included NGO workers, teachers and others with valid ID's. The authorities claimed that all school students were also released, but the director of the school stated that some students were still being held (although he gave no information about their age). Local representatives said that children between 11 and 16 years had been taken. It is evident that initially those of 16 years and over were targeted, but as the conscription progressed and it became apparent that there were not enough conscripts younger children were included.
- 2.4 The authorities (the local civil, military and police authorities) never denied that there was conscription, but stated that only "youths of 16 and over" were conscripted and said that it was only the jobless who were retained after screening.
- 2.5 The age of majority in South Sudan is 18. SPLA regulations state that 18 is the minimum age for soldiers. Article 1 of the United Nations Convention on the Rights of the Child (UNCRC) states a child is defined as *any human being below the age of 18, unless under the law applicable to the child majority is attained earlier*. Article 38 of the Convention (Armed Conflict) forbids the recruitment of any child of less than 15 years.
- 2.6 **Assessment:** There is no doubt that the militia commanded by Major General Johnson Olony and affiliated to Government Forces did undertake conscription of youths in the Wau-Shilluck Payam area on 15 February, and that some of those conscripted were children under military age.

### 3.0 Conclusion

- 3.1 As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that forces allied to GRSS violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Malakal County, Upper Nile State:

1.2.c – ensure that all forces or armed groups under their influence, control or/and command shall observe this Agreement.

3.4 - The Parties shall cease acts of violence including .....recruitment of child soldiers or any other acts as prohibited by applicable national, continental or



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international law.

### 3.2 Recommendations:

- The employment of child soldiers constitutes a serious violation not only of the COHA, but also of international law. The JTC recommends that the Special Envoys demand the release of those children conscripted in Malakal County on 15 February.
- There is evidence to suggest that SPLM/A-IO forces have also conscripted or recruited child soldiers, but as MVM has limited access into areas controlled by the SPLM/A-IO it is not able to verify this. JTC further recommends that the Special Envoys remind both Parties of their obligations to protect children and not use them as soldiers.

