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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 25 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 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

(V035)

PRESENTED TO:

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

25 March 2015



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Executive Summary

On 12 March the commander of Government Forces in Nassir, Brigadier General Peter Oyual Khor, invited the IGAD MVT and representatives from UNMISS to a meeting. This was considered to be a positive step by the MVT who had not had an opportunity to meet with Government Forces for some time.

At the meeting the Brigadier introduced two new battalion commanders, who, together with a captain were particularly critical of UNMISS suggesting that “rebels” were harboured in the UNMISS camp and suggested that Government Forces had bullets into the camp last week and would do so again if “rebels’ continued to enter the camp.

One of the battalion commanders, Lieutenant Colonel Mayong Deng Deng stated clearly that Government Forces had deployed anti-personnel mines in the Nassir area. Whilst the actual deployment of the mines has not been verified (indeed the statement could have been made to dissuade MVT and UNMISS teams from patrolling), this frank admission of their use without any retraction from the senior officer present is a serious development.

It is the clear opinion of the JTC that the claimed deployment of anti-personnel mines by Government Forces in Nassir represents a serious violation of the COHA, and goes against various international conventions including the Deed of Commitment for Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action signed by the SPLM/A in 2001.

It is also the opinion of the JTC that the accusations made by Government Forces officers that members of the SPLM/A-IO are harboured in the UNMISS base, and their threat to fire into the base as a result also constitutes a clear violation 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: Tensions remain high in Nassir, with numerous violations of the COHA by both Parties. On 7 March there was a clash between the Government Forces and SPLM/IO Forces which advanced towards Government Forces positions (see V032).
- 1.2 Incidents: At a meeting called by the senior Government Forces officer in Nassir, a Government Forces Officer stated clearly that **anti-personnel mines** had been deployed in the area around Nassir. Government Forces officers also suggested that SPLM/A-IO soldiers were harboured in the UNMISS camp which had resulted in bullets being fired in it by Government Forces soldiers.
- 1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of what was said by Government Forces officers on 12 March 2015 in Nassir, and where possible apportion responsibility for violations of the COHA.
- 1.4 Methodology:
- The MVT based at the UNMISS CSB in Nassir reported on 12 March that at a meeting that day Government Forces had claimed they had deployed anti-personnel mines. There was correspondence between the MVT and JTC about this issue. The MVT were tasked with providing a more detailed report having compared notes with UNMISS personnel also at the meeting.
 - The MVT was specifically asked to find out whether UNMISS Nassir had reported the Government Force claim to have used anti-personnel mines up their chain of command, and confirmed that this was the case. The MVT were given a copy of the UNMISS report and submitted an initial report to JTC on 13 March and a full report on 21 March.
 - JTC wrote to the Chief of the General Staff of Government Forces on 18 March in order to seek clarification on the use of anti-personnel mines in Nassir prior to the submission of a violation report to the Special Envoys, but at time of writing no answer has been received.

2.0 Violations of COHA – NASSIR 12 March 2015

- 2.1 On 12 March 2015 the Commanding Officer of Government Force in Nassir, **Brigadier General Peter Oyual Khor**, invited MVT Nassir and UNMISS Nassir to a meeting at his camp on the Sobat River. Two UNMISS MLO officers and two members of the MVT

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Nassir participated in the meeting, as did the Commanding Officer of the UNMISS Nassir Indian Battalion. Several Government Force Nassir officers participated in the meeting, including members of the Brigadier's staff and two battalion commanders who, the Brigadier announced, had only recently arrived in Nassir. They were **Lieutenant Colonel Mayong Deng Deng** and **Lieutenant Colonel James Yuma Urman** (sic).

2.2 Lieutenant Colonel Mayong Deng spoke first and made several points:

- He said that the “rebels” always come to the UNMISS compound, which was why bullets were fired last week and would continue to be fired if UNMISS continued to harbour “rebels” in its facility.
- He then said clearly that: “we have our soldiers here [and we have laid] **anti-personnel mines**.” He then stated that they knew UNMISS would ask them to remove the mines, but they would not do so “unless the peace comes”. He explained the mines were laid “because the rebels come”.

2.3 There were further accusations from the two new Lieutenant Colonels and a captain who was also present that “rebels” were using the UNMISS camp, and even that UNMISS personnel were warning “rebels” with whistles on the approach of Government Forces. They went on to say that the reason bullets had been fired into the UNMISS Base was because “rebels” were in or near it. (Note: INDBATT have an internal signal system whereby they blow whistles at the approach of any forces, Government of SPLM/A-IO). Despite what was said by the Government Forces officers, there was no evidence to suggest that any bullets had been fired into the UNMISS compound. JTC had written to both Parties on 11 March 2015 reminding them to respect the status of the UNMISS compound, and that it was not permissible to use it as a ‘shield’ or to fire at or into it.

2.4 **Assessment:**

- It is possible that in recent clashes some rounds fired by Government Forces went in or near the UNMISS camp, although there were no reports of any impacts at the time. It is unacceptable for officers from either Party to admit to having fired at the UNMISS base, or to threaten to do so and this constitutes a clear violation of the COHA.
- The key point is the clear statement by Lieutenant Colonel Mayong Deng Deng that **anti-personnel mines** had been deployed in the Nassir area as a defensive measure against the SPLM/A-IO. Whilst the actual use of these mines has not been verified, the claim that they have been deployed is in itself a serious development. It is the clear opinion of the JTC that this is a significant issue for two reasons: firstly it shows a complete disregard by Government Forces for not only the COHA but also various international conventions, and secondly it illustrates the indifference by Government Forces in Nassir to the presence and opinion of the

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IGAD MVT and UNMISS. The Commanding Officer of Government Forces in Nassir, **Brigadier General Peter Oyual Khor**, is responsible for this claim about anti-personnel mines, and therefor accountable for the consequences.

- Anti-personnel mines are indiscriminate, and whilst there is no information as to where they have been deployed (if they have actually been deployed as claimed), non-combatants could easily fall victim to them. There has been and continues to be a huge effort in South Sudan to clear mines of all sorts, and their use in the present conflict would be a retrograde step with far-reaching consequences.
- Relations between both the IGAD MVT and UNMISS in Nassir and Government Forces are not good, and indeed both suffer restrictions to freedom of movement.
- It is the clear opinion of the JTC that the claim to have deployed anti-personnel mines in Nassir constitutes a violation 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 on 12 March 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....
- 7.2. The MVT shall also:
 - a. ...enjoy the full protection of the Parties.
 - B. enjoy complete freedom of movement and unhindered access

3.2 Recommendations:

- It is recommended that the Special Envoys take urgent and robust action about the claim that anti-personnel mines have been deployed in Nassir. This could include a demand that Government Forces remove the mines from the Nassir area and take the appropriate action against the officers involved.
- The Special Envoys remind Government Forces about the status of the UNMISS camp, and their duty under the COHA and SOMA to guarantee the security of the MVT in Nassir and support them in their tasks.
- It is further recommended that the Special Envoys issue a strong statement against the use of any sort of mines by the Parties in the present conflict.

