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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 01 April 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) near Rubkona, Unity State.

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



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JOINT TECHNICAL COMMITTEE (JTC)

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

(V036)

PRESENTED TO:

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

01 April 2015



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Executive Summary

On the morning of 17 March 2015 a Government Forces Land Cruiser was ambushed on the road between Rubkona and Kilo 30, about 1.3 Km north of the UNMISS camp and POC site. According to Government Forces 2 soldiers were killed and two wounded.

Government Forces responded, and firing continued into the afternoon, during which several civilians from the POC camp were wounded and two killed.

It is the opinion of the JTC that SPLM/A-IO Forces were responsible for the ambush of the Government Forces vehicle, and were therefore in clear violation of the COHA. It is the further opinion of the JTC that as the attack took place close to the POC camp and initiated a vigorous reaction from Government Forces, the SPLM/A-IO showed no consideration for the safety of the civilians in the POC camp.



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT NEAR RUBKONA, UNITY STATE

1.0 Introduction

1.1 Background:

- There has been and still is considerable tension between the Parties in the Bentiu area. Bentiu was designated a Special Arrangement Area at the COHA Implementation Workshop in November 2014.
- In February there were two violations reported in the area, both of which involved shelling. In one instance responsibility was attributed to the SPLM/A-IO, and in the other it was not possible to determine which party was responsible.

1.2 Incident: On 17 March a Government Forces vehicle – a Land Cruiser – was ambushed on the road between Rubkona and Kilo 30, about 1.3 Km north of the UNMISS base and POC camp. During the response by Government forces civilians from the POC camp were caught in the crossfire, and there were casualties.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incidents that took place north of the UNMISS base and POC camp near Rubkona, Upper Nile State on 17 March 2015, and where possible apportion responsibility.

1.4 Methodology:

- Reports were received from the MVT based in the UNMISS Base near Rubkona on 17 March of firing just north of the UNMISS Base/POC camp starting on the morning of 17 March 2015.
- The MVT proceeded with an investigation did in the days following the incident, getting reports from Government Forces, internationals – specifically UNMISS MLO – and INGO's - and local sources. The MVT visited the site of the incident on 20 March.
- The MVT submitted a report on 25 March when their investigations were complete. This was considered by the JTC and extra information acquired before this report was prepared.

2.0 Violations of COHA – NEAR RUBKONA, UNITY STATE

2.1 Ambush: On 17 March at about 09.20 Hrs a Government Forces Land Cruiser was ambushed about 1.3 Km north of the UNMISS camp and POC camp on the road going

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towards Kilo 30 and on to Mayom. Government forces use this road regularly as there are troops stationed at Kilo 30. According to Government Forces two soldiers were killed and two wounded.

2.2 Follow-up by Government Forces: Government Forces responded immediately to the incident with reinforcements from 4th Division. The MVT heard small-arms fire, heavy machine-gun fire and RPG's. This firing continued into the afternoon, and between 14.00 and 15.00 Hrs SPLA soldiers were observed close to the eastern perimeter of the POC camp. There is no evidence to suggest that the firing by Government Forces was returned.

2.3 Civilian casualties: When the fighting died down it became apparent that there had been civilian casualties. The MSF team confirmed that 9 people were injured, 3 with gunshot wounds, and two women were killed, apparently caught in crossfire when returning to the POC after collecting wood.

2.4 **Assessment:**

- It is the assessment of the JTC that Government Forces were ambushed by SPLM/A-IO forces. It is clear that the Government Forces vehicle was attacked on the road north of Rubkona.
- The incident took place only 1.3 Km from the POC camp. Any sort of fighting this close to the POC camp poses a significant danger to those in it.

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 violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 near Rubkona on 17 March 2015:

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

3.2 Recommendations:

- It is the recommendation of the JTC that the Special Envoys make strong representations to the SPLM/A-IO to refrain from any hostile acts in Unity State, and to also respect the agreed status of Special Arrangement Areas.
- The JTC further recommends that the Special Envoys impress on both Parties their duty to protect civilians, and to make every effort to ensure that civilians do not become victims of ill-directed crossfire or of incidents close to civilian areas.

