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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 7th 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) in Unity State.

Mohammad Amin
Major General
Deputy Chairman, Joint Technical Committee



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JOINT TECHNICAL COMMITTEE (JTC)

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

(V037)

PRESENTED TO:

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

7th April 2015



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Executive Summary

On 23 and 24 March there were clashes between Government Forces and SPLM/A-IO Forces in the area to the south of Bentiu. On 23 March the fighting took place towards Guit and on 24 March between Bentiu and Nhialdiu.

Government authorities claimed that Government Forces took action following shelling attacks by SPLM/A-IO Forces. The MVT, however, was unable to find any evidence that such shelling took place, and indeed would have been able to hear any shelling had it happened as described.

It is the opinion of the JTC that Government Forces mounted offensive operations against SPLM/A-IO Forces on both 23 and 24 March 2015, and were therefore in clear violation of the Cessation of Hostilities Agreement (COHA).



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

1.0 Introduction

1.1 Background:

- Tension between the two Parties remains high in the Bentiu area, as evidenced by the recent ambush by SPLM/A-IO forces (V036) and other previous violations. Bentiu was designated a Special Arrangement Area at the COHA Implementation Workshop in November 2014.
- In the weeks preceding the incidents the MVT witnessed an increase in the number of Government Forces troops in Bentiu.

1.2 Incident: On 23 March there was fighting reported towards Guit, south east of Bentiu, and on the following day there was further fighting towards Nhialdiu to the south west of Bentiu.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incidents that took place in Unity State on 23 and 24 March 2015, and where possible apportion responsibility.

1.4 Methodology:

- Reports were received from the MVT based in the UNMISS Base near Rubkona on 23 March of fighting to the south east of Bentiu. On 24 March reports were received of further clashes south west of Bentiu.
- The MVT proceeded with an investigation, talking with local sources from both sides as well as military and civil representatives from both the Government and SPLM/A-IO. The MVT was also able to use its own observations and those of UNMISS MLO.
- The MVT submitted a report on 01 April when their investigations were complete. Some clarification was required by JTC before this report was prepared.

2.0 Violations of COHA UNITY STATE

2.1 23 March 2015:

- At about 10.00 Hrs the MVT was stopped by a Government Forces roadblock by the Bentiu-Rubkona bridge. They were told to go back to camp as there was an attack

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by the SPLM/A-IO in the 'magazine' area. However, the MVT could hear no sounds of fighting, although they could do so clearly when there had been previous clashes in the 'magazine' area (note: the 'magazine' area is only a few kilometres from the bridge). The MVT observed Government Forces (including a GAZ armoured vehicle) heading in the direction of Guit.

- The MVT spoke with the SPLM/A-IO Guit County Commissioner, who claimed that Government Forces had attacked their positions in Kuergueni Payam (which borders Rubkona County) at about 09.00 Hrs. The MVT then interviewed local sources who confirmed this, saying that Government Forces attacked carried out an attack in the area of Kaalbel Village, which is about 5 km from Government Forces defensive positions in the magazine area.
- Had there been an attack by the SPLM/A-IO against Government Forces positions in the Magazine area the MVT are certain they would have heard it. They heard no sound of any shelling or small-arms fire, and so any fighting must have taken place some distance from the bridge (and indeed the UNMISS camp) in what must have been areas under the control of the SPLM/A-IO.

2.2 24 March 2015:

- On 24 March the MVT, together with various UN agencies including the MLO, had a scheduled meeting with SPLM/A-IO representatives in Nhialdiu, south west of Bentiu. However, they were turned away because the SPLM/A-IO claimed they were "under attack" from Government Forces.
- The MVT returned to camp and then patrolled the Bentiu area, observing that there were few Government Forces troops, suggesting most of those from the garrison were out of town. Local sources in the Nhialdiu area confirmed that there was indeed an attack by Government Forces moving south west from Bentiu. There was no sounds of fighting in Bentiu, which suggests strongly that the clashes took place some distance from the town and therefore in areas controlled by the SPLM/A-IO.

2.3 There were suggestions that Government Forces operations on both these days were in response to shelling by SPLM/A-IO Forces. However, neither the MVT nor any independent sources heard any shelling at any time.

2.4 There were no reports of any civilian casualties during these incidents. There were reports of military casualties on both sides but numbers were unconfirmed. Government Forces claimed to have taken 7 prisoners.

2.5 The commander of 4th Division in Bentiu, Major General Tayib Gatluak was away in Juba at the time of the incidents, as was his deputy Major General Matthew Puljang (usually based in Mayom). The division was under command of the Deputy Commander (operations) Major Geneneral Mayiek.



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2.6 **Assessment:**

- It is the assessment of the JTC that Government Forces advanced into areas held by the SPLM/A-IO on both the 23 and 24 March 2015, thus initiating clashes which resulted in casualties.
- There is no evidence to suggest that there was any shelling by SPLM/A-IO Forces against Government Forces positions prior to the shelling

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 Unity State on 23 and 24 March 2015:

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

3.2 Recommendations:

- The situation in Unity State remains volatile and tense. It is the recommendation of the JTC that the Special Envoys make strong representations to both Parties to refrain from any offensive actions in Unity State.
- It is further recommended by the JTC that the Special Envoys do all in their power to encourage the Parties to abide by the agreement reached at the COHA Workshop of November 2014 and respect the provisions of Special Arrangement Areas.

