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South Sudan

TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 9th April 2015

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report V038 (total 6 pages) on violations of the Cessation of Hostilities Agreement (23 January 2014) in Ayod County, Jonglei State.

Mohammad Amin Eltinay
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

(V038)

PRESENTED TO:

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

9th April 2015



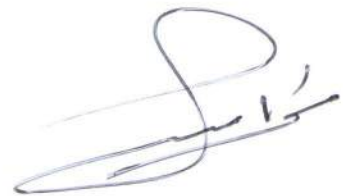
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Executive Summary

On the morning of 25 March 2015 the Government Forces position at Ayod was attacked. A fierce firefight ensued, and then the attackers withdrew, leaving over 50 dead behind them.

It is the opinion of the JTC that the SPLM/A-IO were responsible for attacking the Government Forces position at Ayod, and were therefore in clear violation of the Cessation of Hostilities Agreement (COHA).

The Government Forces position at Ayod was agreed to be a Special Arrangement Area (SAA) during the COHA Implementation Workshop of November 2014.



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN AYOD COUNTY, JONGLEI STATE

1.0 Introduction

1.1 Background:

- Ayod is a Government Forces Special Arrangement Area (SAA) as agreed during the COHA Implementation Workshop in Addis in November 2014. The last time there was a recorded violation in the area was on 15 August 2014 when the Government-held area south of the town was attacked by SPLM/A-IO Forces. This was the subject of JTC Report V011. The last visit to Ayod by the MVT was on 11 December 2014 when they had meetings with the civil and military authorities there.
- For some time there had been rumours about possible Government Forces military operations into Lou Nuer areas mounted from – amongst other places – Ayod. These rumours started in January 2015 when the MVT picked up several reports from local sources and through UNMISS MLO that the SPLM/A-IO expected to be attacked by Government Forces, and indeed on 30 January a spokesman for the SPLM/A-IO clearly indicated that this was what they believed, and there were further rumours – published on the internet – in mid-March.

1.2 Incident: On 25 March it was reported that in the early morning the Government Forces position by Ayod had been attacked, and that the attackers had been repulsed.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incidents that took place at Ayod in Jonglei State on 25 March 2015, and where possible apportion responsibility.

1.4 Methodology:

- The MVT in Bor issued a Flash Report on 25 March in response to reports of fighting at Ayod. The information the MVT team received suggested that Ayod had come under attack by SPLM/A-IO Forces. The JTC initiated an investigation, and the MVT did all it could to gather evidence about what happened from local sources and other international organisations.
- It was not possible for the MVT to visit Ayod until 8 April 2015. This was due to the lack of an FSA (Flight Safety Assurance) until that date.
- Having collected as much information and possible and visited the site of the incident the MVT submitted an Investigation and Verification report on the evening of 8 April.

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The MVT was able to interview and take statements from the Government Forces commander as well as the county commissioner, and to carry out a thorough inspection of the site. They were also able to see the bodies of those attackers killed in the fighting, which had been left in the bush by Government Forces rather than being buried.

2.0 Violations of COHA in Ayod, Jonglei State

2.1 Location:

- The incident took place at the Government Forces base at Ayod (N 08° 08' 11.87"; E 031° 24' 55.79"), which is about a kilometre to the east of the airstrip and the town of Ayod. The base consists of a mechanised unit estimated to be of brigade strength from 8th Division based in Bor, commanded by Colonel Malual Mading. The troops were observed to be in a defensive posture, with an outer perimeter which included trenches and wire.
- The base is surrounded by Nuer (Gawer), and reports suggest that local militia patrol to within 12 km of the site.

2.2 Incident:

- According to eyewitness accounts and the statement of the Government Forces commander, the attack started at 06.30 Hrs on 25 March. The attackers allegedly came from the north, and assembled at the airstrip before attacking the western, southern and north western sides of the base.
- A fierce firefight started and lasted about an hour and five minutes, after which the attackers withdrew to the north. Government forces reported they found 54 bodies of the attacking forces around the base. Some of the bodies were in blue police uniforms and others in military fatigues or other clothing, and according to Government Forces bore Nuer ceremonial markings. Government forces later claimed to have found a further 25 bodies in Ayod town, presumably of those wounded in the attack who subsequently died.
- Everything witnessed by the MVT was consistent with the statement made by the Government Forces commander. The bodies were still lying where they fell (100 to 200m from the perimeter), and the MVT was able to inspect them.
- Government Forces claimed to have lost 3 soldiers killed and 13 wounded during the incident. There were no civilians killed or injured either within the base (where about 175 live) or in the town. Government Forces recovered quantities of arms and ammunition from the attackers which the MVT was able to inspect.



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2.3 **Assessment:**

- The Government Forces base at Ayod is classified as an SAA, and as such is agreed by both Parties to be under the control of Government Forces.
- There is no doubt that there was a significant military engagement around the perimeter of the Government Forces base at Ayod on 25 March, and all the evidence suggests that there was an attack by SPLM/A-IO Forces as originally reported.

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 in Ayod County, Jonglei State on 25 March 2015:

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

3.2 Recommendations:

- The JTC recommends that the Special Envoys make strong representations to both Parties to respect COHA and refrain from all military actions.
- The JTC further recommends that Special Envoys do all in their power to encourage the Parties to implement all that was agreed at the COHA Implementation Workshop on November 2014, especially with regards to Special Arrangement Areas.



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