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TO: Special Envoys to South Sudan

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

DATE: 25 April 2014

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on the violations of the Cessation of Hostilities Agreement (23 January 2014) committed in Unity State, South Sudan over the period 13-17 April 2014 (V001).

Mohammad Amin
Major General
For the Chairman, Joint Technical Committee

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JOINT TECHNICAL COMMITTEE (JTC)

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

13-17 APRIL 2014

PRESENTED TO:

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

25 APRIL 2014



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Executive Summary

- Following the receipt of flash reports from the Monitoring and Verification Team (MVT) based in Bentiu, which implied the likelihood of a violation of the Cessation of Hostilities Agreement (COHA) in Unity State over the period 13-17 April 2014, the JTC initiated a formal investigation and verification process. The results of the investigation and verification process are contained in this report.
- Reports indicate that hostilities between Government Forces and forces loyal to Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) began in Unity State on 13 April, resulting in SPLM/A-IO capturing the state capital, Bentiu, on 15 April. Government forces subsequently withdrew to the south towards Koch/Leer Counties, Unity State.
- Reports indicate that SPLM/A IO advanced towards Bentiu from the north and east, with confirmed fighting in the Northern Unity Oilfields and also northwest of Rubkona/Bentiu in the vicinity of the east-west road to Mayom. There were several reported injuries amongst oil refinery construction workers approximately 28km north of Bentiu.
- Fighting in Rubkona/Bentiu resulted in the displacement of thousands of civilians, with many Government Force as well as civilian deaths and injuries. Reports indicate that members of the Darfur business community and other Muslims were deliberately targeted, and killed or injured, during the fighting, by both SPLM/A IO and local civilians. Officials loyal to the Government of South Sudan were also targeted for attack, as well as civilians who were attacked by indirect fire while sheltering in the United Nations Mission in South Sudan (UNMISS) compound.
- The commander of the SPLM-IO in Bentiu is reported as Major General James Koang Chuol with unconfirmed reports that his deputies include Brigadiers Makal Kuol Deng and Peter Tuor Nyuel. Uncorroborated reports also indicate that Major General Peter Gadet Yak was commanding the SPLM/A IO that attacked from the east of Bentiu. The commander of the government forces, who is thought to remain somewhere in Unity State, is Major General Matthew Puljang.
- As a result of investigations and the weight of evidence collated in the last seven days (including the first-hand accounts from the MVT based in Rubkona/Bentiu), it is the opinion of the JTC that SPLM/A-IO violated the following articles of the Cessation of Hostilities Agreement, 23 January 2014, over the period 13-17 April 2014:
 - 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
 - 3.1, 3.3 and 3.4 *Protection of Civilians*As a result of the hostilities between both parties, United Nations Humanitarian Air Services (UNHAS) flights were suspended on 14 and 15 April, thus violating:
 - 4.1, 4.4 and 4.6 *Humanitarian Access*



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN UNITY STATE (13-17 APRIL 2014)

1.0 Introduction

1.1 Significant hostilities began in Unity State on 13 April 2014. Hostilities resulted in the SPLM/A-IO capturing the Northern Unity Oilfields, areas in Rubkona, Mayom and Guit counties, and the Unity State capital, Bentiu, by 15 April. Further hostilities were reported on 17 April when the UNMISS Protection of Civilians (POC) site was attacked by indirect fire. Therefore, the scope of this report covers hostilities that took place in Unity State, and particularly Bentiu town, over the period 13-17 April.

1.2 The aim of this report is to provide IGAD Special Envoys with an analysis of the events surrounding the hostilities in Unity State over the period 13-17 April 2015. And, where relevant, apportion responsibilities for violations of the COHA to either of the parties.

1.3 This report outlines the investigation and verification methodology, citing key documents in the process. It summarizes the main events surrounding the potential violations and makes an assessment of possible violations of the COHA, based on evidence gathered. It concludes with the JTC's opinion on the attribution of responsibilities for the violations.

2.0 Investigation / Verification Methodology

2.1 Employing Monitoring and Verification Mechanism (MVM) Standard Operating Procedures, the MVT based in UNMISS camp in Rubkona initiated the investigation / verification sequence with a Flash Report at 1400hrs on 14 April 2014. Subsequent to further Daily Situation Reports and Flash Reports on 14,15 and 16 April, the JTC formally issued an Investigation and Verification Order at 0900hrs on 17 April, following the approval of the JTC Deputy Chairman.

2.2 MVT Bentiu conducted initial investigations in accordance with the order, in order to augment the information already provided and corroborate reports received from other sources. The result of initial investigations was an MVT Investigations and Verification Report on 17 April 2014. This report is based on the combined analysis of all reports and evidence received by the JTC up until 0900hrs on 18 April 2014. All relevant MVT reports are referenced in this document and available for additional scrutiny, if required.

3.0 Main Events

3.1 MVT reporting suggests that government representatives in Bentiu were increasingly aware of the potential for SPLM/A-IO attacks within Unity State on 12 April. There were also increasing tensions among local communities as Government Force readiness was intensified and movement in and out of Rubona/Bentiu towns restricted. MVT reporting suggests that potential SPLM/A-IO targets included the Northern Unity State Oilfields and the state capital,



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Bentiu.¹

3.2 Reports suggest that fighting took place at a refinery (under construction) approximately 28km north of Rubkona at 0400hrs on 14 April resulting in the injury of international civilians.² There were also uncorroborated reports of fighting between armed factions on the Mayom to Bentiu road in the areas of Tor Abior, Tomor and Tharwangyiela, possibly from late 13 April through the morning of 14 April. Government Forces were reported deploying reinforcements north of Rubkona/Bentiu at 0800hrs on 14 April, but returned following indications that SPLM/A-IO were approximately 3-5km from Rubkona/Bentiu to the northwest, north, east and south of the towns.³

3.3 At approximately 0400hrs on 15 April, SPLM/A-IO began an assault on Bentiu from the east, with the first shots fired from the north-south approach in Rubkona at approximately 0600hrs. Fighting in Rubkona and Bentiu continued throughout the day and by 1800hrs the MVT were unaware of exactly who was in control of the state capital, but all reports indicated that Government Forces had withdrawn.⁴

3.4 By 16 April the MVT established that the SPLM/A-IO commander in Bentiu was Major General James Koang. Aside from sporadic gunfire, there was no reported fighting on 16 April in Bentiu and Rubkona.⁵

3.5 MVT reports indicate that during the fighting for control of Bentiu on 15 April, civilians were deliberately targeted, resulting in many serious injuries and death. The Darfur community, suspected of belonging to the Justice and Equality Movement (JEM), which has allegedly been supporting the Government Forces, were targeted during attacks. According to reports, the attacks by SPLM/A-IO and possibly members of the local Nuer community resulted in the killing of many innocent civilians, and officials loyal to the Government of South Sudan. MVT reports specifically refer to attacks against civilians between 0900-1300hrs, which resulted in many deaths (more than 200), taking place on the road to the Bentiu mosque (photograph 1), inside the mosque (photograph 2), and at the Bentiu hospital.⁶

3.6 Reports indicate that hundreds, possibly over a thousand displaced people took refuge at the UNMISS Protection of Civilians (POC) site over the period 14-17 April. From 16 April people were encouraged by SPLM/A-IO to move to the POC site until the capital was secured.⁷

¹ MVT Bentiu Situation Report 5

² MVT Flash Report (Bentiu 01) and MVT Bentiu Situation Report 7

³ MVT Bentiu Situation Report 7 and uncorroborated reports that AGF advanced to towards Bentiu with a force from the north of the state, and with a force from the east of the state, which originated in Fangak, Jonglei State.

⁴ MVT Bentiu Situation Report 8 and uncorroborated reports indicated that government forces had withdrawn south towards Koch County.

⁵ MVT Bentiu Situation Report 9

⁶ MVT Investigation and Verification Report 002/001/18/04/2014 and MVT Flash Reports (Bentiu) 03 and 04

⁷ MVT Flash Report (Bentiu) 03



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3.7 MVT reports indicate that at approximately 1800hrs on 17 April, there was an indirect fire attack on the UNMISS POC site (four rounds thought to be 122mm), resulting in the injury of at least one civilian (photographs 3-8).⁸

3.8 As a result of the hostilities between both parties, United Nations Humanitarian Air Services (UNHAS) flights were suspended on 14 and 15 April 2014. The UN is further restricted in its ability to freely fly aircraft in and out of the Rubkona airstrip due to a requirement to clear all flights with the local commander.⁹

4.0 Assessment

4.1 JTC assessments indicate that SPLM-IO initiated the intense conflict in Unity State over the period 13-16 April and, as such, failed to cease all military actions. Furthermore, SPLM/A-IO failed to refrain from taking actions that could lead to military confrontations, in violation of the COHA.

4.2 JTC assessments indicate that SPLM/A-IO failed to refrain from attacks on the civilian population and protect basic human rights. Furthermore, individuals loyal to the SPLM/A-IO engaged in violence against men, women and children and caused the displacement of populations and destroyed property, in violation of the COHA.

4.3 JTC assessments indicate that the suspension of UNHAS flights, following the actions of the SPLM/A-IO, closed a humanitarian corridor, which is a violation of the COHA.

5.0 Conclusion

5.1 JTC and MVT investigations, verification and evidence collection continues regarding the hostilities in Unity State over the period 13-17 April 2014. However, the weight of evidence collated and analyzed so far indicates that SPLM/A-IO committed violations of the COHA in three main categories:

- 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
- 3.1, 3.3 and 3.4 *Protection of Civilians*
- 4.1, 4.4 and 4.6 *Humanitarian Access*

5.2 It is therefore recommended that the IGAD Special Envoys take the appropriate action against SPLM/A-IO in response to the violations of the Cessation of Hostilities Agreement.

⁸ MVT Situation Reports 10 and 11

⁹ Ibid and UNMISS reporting

