

## IGAD JTC MVM

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TO: Special Envoys to South Sudan  
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,  
Juba, South Sudan  
DATE: 25 May 2015

**SUBJECT: Report on Violations of the Cessation of Hostilities Agreement**

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on violations of the Cessation of Hostilities Agreement (23 January 2014) in Upper Nile State on 15 to 21 May 2015.

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



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### **JOINT TECHNICAL COMMITTEE (JTC)**

**INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN UPPER NILE STATE**

**(V040)**

**PRESENTED TO:**

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

**25 May 2015**



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### **Executive Summary**

On 15 May SPLM/A-IO Forces attacked Government Forces positions on Dolieb Hill south of Malakal. Later that evening Government Forces in Malakal itself were attacked by SPLM/A-IO Forces with allied Shilluk militia forces loyal to Maj Gen Johnson Olony. Government Forces were forced out of Malakal, which was occupied by SPLM/A-IO Forces.

On 18 May a spokesman for the SPLM/A-IO stated that SPLM/A-IO Forces were planning to attack the Paloich oilfields, and on 19 May SPLM/A-IO Forces launched an attack against Melut, capturing the town after heavy fighting. Government Forces counter-attacked the following day and re-took it, again after heavy fighting. During the time SPLM/A-IO Forces occupied Melut they burnt down the Government Forces camp. Some of the town was burnt as a result of the fighting, and there were reports of looting but these have yet to be verified. During the fighting mortar rounds and bullets impacted in the UNMISS camp causing civilian casualties amongst the IDP's sheltering in the POC; whilst it is impossible to say which side fired the fatal rounds the fighting was initiated by the SPLM/A-IO and these casualties were therefore a result of SPLM/A-IO actions.

It is the clear opinion of the JTC that the attacks against Malakal and Melut were part of a deliberate and planned offensive by SPLM/A-IO and a clear and significant violation of the COHA.





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### INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN UPPER NILE STATE

#### 1.0 Introduction

##### 1.1 Background:

- Tensions had been rising in the Malakal area during April and the first part of May. Following hostilities between Shilluk forces loyal to Maj Gen Johnson Olony and local Dinka militia about a land dispute north of Malakal (Maj Gan Olony's 2iC Maj Gen James Bugo was killed in the fighting) tensions increased between Maj Gen Johnson Olony's forces and those of the Government, which resulted in clashes in Malakal on 21 April. At that time Maj Gen Olony's Shilluk militia were allied with the Government and had taken part in recent fighting to clear SPLM/A-IO Forces from the Wedakona area of northern Upper Nile State (JTC Report V034).
- At the same time there were clashes between SPLM/A-IO and Government Forces reported in Pigi County south of the Sobat River. These tensions continued into May.
- Government Forces were seen preparing defensive positions in Malakal in the second week of May, and reports suggested that SPLM/A-IO Forces had crossed the Sobat and were facing Government Forces on Dolieb Hill.

1.2 Incidents: On 15 May at about 16.00 Hrs fighting was heard from the direction of Dolieb Hill south of Malakal, and reports indicated that SPLM/A-IO Forces had launched an attack against Government Forces positions there. Later that evening heavy fighting broke out in Malakal between SPLM/A-IO Forces (including allied Shilluk militia loyal to Maj Gen Johnson Olony who had evidently changed his allegiance) and Government Forces, who withdrew. On 19 May, following an advance north, SPLM/A-IO forces attacked Melut which they took before being expelled by a Government Forces counter-attack the following day.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incidents that took place in Upper Nile State from 15 May to 21 May, and to attribute responsibility for violations of the COHA where appropriate.

##### 1.4 Methodology:

- The MVT based in the UNMISS Camp at Malakal were in a position to monitor the events prior to the outbreak of hostilities. Although confined to the camp once



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fighting started, contacts with Community Liaison Officers (CLO's), UNMISS agencies and others enabled them to follow events as they unfolded.

- The MVT based in Melut was in a similar position. During the fighting the base was exposed to both direct and indirect crossfire which required the MVT to take shelter. However, using this sources and their own observations of the fighting from the UNMISS camp they were able to also follow events and report accordingly.
- It was reported that several clashes took place between Malakal and Melut, but MVM has no verified information about these. This report describes events the MVM witnessed and experienced during the incidents.
- Once the fighting had died down and the situation had stabilised – at least temporarily - the JTC ordered both MVT's to provide investigation and verification reports by 23 May.

### 2.0 Violations of COHA UPPER NILE STATE

#### 2.1 Attack against Malakal:

- At about 16.00 Hrs on 15 May Government Forces based on Dolieb Hill south of Malakal came under attack from SPLM/A-IO Forces. It had previously been reported (but not verified) that SPLM/A-IO Forces had crossed the Sobat River. The SPLM/A-IO and allied forces were reportedly under the command of Maj Gen Gabriel Gatwec (Tanginye) and Maj Gen Johnson Olony. Some reports suggested that Maj Gen Thomas Mabor Dhol was in operational command of the SPLM/A-IO Forces. It is not known whether Maj Gen Tanginye was in the area during the fighting.
- At about 19.10 Hrs Government Forces in Malakal town came under direct and indirect fire from SPLM/A-IO Forces including allied forces loyal to Maj Gen Johnson Olony, who had evidently changed sides from the Government to the SPLM/A-IO. After several hours of heavy fighting Government Forces withdrew, and Malakal was occupied by SPLM/A-IO Forces.
- According to the agreements reached at the Cessation of Hostilities Implementation Workshop (signed 17 November) Dolieb Hill and Malakal are areas acknowledged by both Parties as being under the control of Government Forces.

- 2.2 SPLM/A-IO statement: On 18 May SPLM/A-IO Spokesman Manawa Gatkuoth was quoted in the media as stating that SPLM/A-IO forces were planning to attack the oilfields at Paliogh.





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### 2.3 Attack against Melut:

- On 17-18 May SPLM/A-IO Forces advanced north towards Melut. It was reported that on the way they attacked Akoka, Kodok, Rom and Tangrial. Rumours of an imminent attack spread through Melut and both residents of the town and IDP's started moving out. By 18 May the town was deserted.
- On 19 May at about 12.00 Hrs three loud explosions were heard to the south of Melut. At around 18.20 Hrs further explosions and machine-gun fire was heard from the same direction, and then at about 19.00 Hrs heavy shelling and fighting broke out, much of it near the UNMISS camp. The fighting lasted for about two hours during which Government Forces retreated from their positions in Melut and withdrew eastwards towards Palioch. Many stray bullets and mortar rounds impacted in the UNMISS camp, and one rocket landed in the POC camp killing 3 and injuring 16. The final civilian death toll was 8.
- On 20 May at about 14.00 Hrs the Government Forces camp was set alight by the occupying SPLM/A –IO Forces. Some areas of the town were burnt as a result of the fighting, and there were reports of looting but these have not yet been verified. At 15.00 Hrs Government forces counter-attacked, and there followed a fierce 4-hour battle during which the UNMISS base was again hit by both direct and indirect fire.
- The situation was fairly quiet during the first part of 21 May. In the afternoon there was the sound of mortar and machine-gun fire from the western side of Melut town, but this died down after a few hours. A spokesman for SPLM/A-IO Forces confirmed that they had withdrawn from Melut.

### 2.4 **Assessment:**

- It is the assessment of the JTC that the attack by SPLM/A-IO Forces and their allies against Malakal and their advance to and attack against Melut were premeditated and planned operations in clear violation of the COHA.
- The SPLM/A-IO spokesman stated that their intention was to take the Palioch oilfields, thus making it clear that the SPLM/A-IO were ignoring both the spirit and provisions of the COHA.
- It is possible that civilian property in Melut was looted, and there have also been some reports of houses being deliberately burnt, but these allegations have yet to



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be verified. However, the civilian casualties in the POC camp caused by crossfire can be considered the responsibility of SPLM/A-IO Forces as they initiated the fighting.

### 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 Upper Nile State between 15 May and 21 May 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....

### 3.2 Recommendations and observations:

- The JTC welcomed the statement made by the IGAD Special Envoys on 16 May, and recommends the Special Envoys continue to make every effort to persuade both Parties to stop all hostilities, and in this case especially the SPLM/A-IO.
- The JTC strongly recommends that the Special Envoys take all possible steps to make the Parties understand their responsibilities under International Law and the COHA to protect the lives and property of civilians, and to hold those responsible for violations to account.

