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TO: Special Envoys to South Sudan

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

DATE: 17 June 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 between 07- 09 June 2015.

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 MALAKAL, UPPER NILE STATE**

(V042)

PRESENTED TO:

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

17 June 2015



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Executive Summary

In March 2015, JTC submitted a report (V031) addressing the forced recruitment of persons under the age of 18 years into the Shilluk Militia lead by Maj Gen Johnson Olony who was at that time under the control of the Government Force in the Malakal area in Upper Nile State.

Since April 2015, the internal differences within the SPLA/Shilluk alliance eventually caused Maj Gen Olony to shift his allegiance and allied his forces with the SPLA-IO which in May 2015 engaged in substantial combat operations against Government Forces in Upper Nile State.

Reports received thereafter indicated that the new alliance of the SPLA-IO/Major General Johnson Olony's forces have allegedly continued to forcibly recruit children, i.e, persons under the age of 18 into military service in Kodok and Wau Shilluk from 07-09 June 2015

MVT Malakal conducted investigation of these alleged reports and concluded that there is sufficient evidence to confirm that the Major General Olony forces allied to SPLM/A-IO has violated the COHA concerning forceful recruitment of child soldiers

It is the opinion of the JTC that the SPLA-IO/Major General Olony forces are in breach of the COHA and international laws and conventions, as well as national (South Sudanese) law.



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

1.0 Introduction

- 1.1 Background: The IGAD JTC's Investigations Report VO31 submitted on 06 March 2015 found that Major General Olony forces allied to the GRSS violated the COHA by recruiting child soldiers into military service.

In early May 2015, it was widely reported that Major General Johnson Olony forces had switched allegiance to support the SPLA-IO Force. Reports of recruitment of persons under the age of 18 by SPLA-IO/Major General Olony's forces continued, and such reports prompted the initiation of an investigation into such alleged illegal conscription by MVT Malakal.

- 1.2 Incident: Between 07- 09 June 2015, The SPLA-iO/Maj Gen Olony's forces, conducted house- to- house forceful recruitment of youth including children under the age of 18 years in the village of Kodok and Wau Shilluk.

- 1.3 Aim: The purpose of this report is to provide IGAD Special Envoys with a summary of the incidents of the recruitment of child soldiers that took place in Upper Nile State from 07 - 09 June 2015 and to attribute responsibility for violations of the COHA where appropriate.

- 1.4 Methodology:

- The MVT based in the UNMISS Compound at Malakal received information of forceful recruitment of child soldiers in the areas of Kodok and Wau Shilluk Payams
- The MVT Malakal gathered information from different sources including the UNMISS Human Rights Team and the UNICEF Child Protection Officer, and also received information from two of its own CLOs, concerning allegations of recruitment of youths in the above mentioned areas between 07 - 09 June 2015.
- The MVT was unable to visit the sites of the alleged incident due to the prevailing security situation following the outbreak of hostilities in Upper Nile State on 15 May 2015, but directed its Community Liaison Officers to collect more information and also interviewed relevant organisations. The MVT submitted a report to JTC on 13 June 2015.



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2.0 Violations of COHA in Upper Nile State between 07- 09 June 2015

2.1 Recruitment of Child Soldiers under the Age of 18 years old:

- Between 07 -09 June 2015, The SPLA-IO/ Major General Johnson Olony's forces forcefully recruited unknown number of youths, many of whom were between the ages of 13 and 17 years old.

2.2 Interview with Fashoda CLO:

- The FASHODA CLO informed the team that there was a forced recruitment of youths by SPLA-IO/ Major General Olony's forces in Kodok between 08-09 June 2015 in which the forces carried out house to house search, and those recruited were taken to a training camp called Obang located within Kodok town. As a result of the recent fighting, schools and offices closed. Among the recruits were teachers, officers, ex-soldiers and child soldiers. The CLO stated that he estimated the recruits were more than 1000 youths and about 70 of them are aged between 14 to 15. The CLO managed to get two names of individuals among those recruited, both of whom come from Kodok and are aged 14 and 15 years.
- The CLO managed to get a first-hand account from some individuals who participated/ witnessed and confirmed that the forced recruitment took place on the stated dates in Kodok. One witness stated that her brother of 14 years was forcefully recruited by SPLA-IO/Major General Olony's Militias.

2.3 Interview with the Wau Shilluk CLO:

- The MALAKAL (Wau Shilluk) CLO informed the team of forced recruitment of youths in Wau Shilluk by SPLA-IO/ Major General Olony forces between 08-09 June 2015 that included house to house search, and those recruited taken to a training camp located to the west of Wau Shilluk. He stated that most of those recruited were aged between 14 to 19 years.
- The CLO managed to get an account from some individuals including some Shilluk Militia soldiers who witnessed and confirmed that there was forced recruitment of persons including child soldiers in Wau Shilluk on the said dates

2.4 Interview with Personnel from UN Organization

- The UN Officer stated that they received information of forced recruitment of more than 500 youth in Wau Shilluk and Kodok between 07- 08 June 2015 by SPLA-IO/Major General Olony's forces and among them were children aged between 13- 15 years.



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2.9 Assessment:

- An estimated over 500 youths were forcefully recruited by SPLA -IO/Major General Olony forces in Wau Shilluk and Kodok between 07- 09 June 2015 amongst whom there were child soldiers aged between 13- 17 years. Individuals interviewed witnessed and confirmed that forced recruitment indeed took place in Kodok and Wau Shilluk on the stated dates.
- Some individuals among those recruited were clearly identified with ages of 14 and 15 years respectively and some of the family members of those recruited reside in Malakal POCs but were unwilling to provide information to the CLO due to fears of victimization.
- It is the assessment of the JTC that sufficient credible evidence exists to conclude that the SPLA-IO/Major General Olony Forces did engage in forced recruitment of child soldiers between 07 -09 June 2015.

3.0 Conclusion

- 3.1 As a result of this investigation and the weight of evidence collated, it is the opinion of the JTC that forces of Major General Olony allied to the SPLM/A-IO violated the following article of the Cessation of Hostilities Agreement (COHA) of 23 January 2014 in Wau Shilluk and Kodok in Upper Nile State during the month of June 07 -09, 2015:

Section 3.4: "The Parties shall cease . . . , recruitment of child soldiers....."

3.2 Recommendations and observations:

- The JTC recommends the Special Envoys remind both parties of their obligations to protect children and not to use them as soldiers or to associate them in any manner with their military forces.
- The JTC recommends that the Special Envoys demand the immediate release of the conscripted children, in coordination with communities and relevant humanitarian agencies.

