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TO: Special Envoys to South Sudan

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

DATE: 20 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 Unity State on diverse dates beginning 27 April - 31 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 UNITY STATE
(V043)**

PRESENTED TO:

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

20 June 2015



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Executive summary

On 11 May 2015, the JTC submitted report V039, which confirmed violations of the COHA by Government Forces, for the deliberate attack operations carried out in areas south of Bentiu in Unity State.

In report V039, information from international agencies, as well as reports gathered by the MVT from the IDPs who came from the affected areas of the southern counties, suggested that significant abuses could have been committed by Government Forces, which included killing of civilians, burning of houses, abduction, rape and theft of livestock. During that period, MVT Bentiu was unable to fully investigate these accounts due to restrictions to freedom of movement.

As a follow up, the Bentiu MVT carried out interviews with the IDPs in the Bentiu POC (Protection of Civilian site). Then, once the Government guaranteed freedom of movement, the MVT Malakal together with UN agencies, carried out visits to the affected locations. This revealed information about many horrific instances in which Government Forces killed people indiscriminately, burned houses, abducted boys and girls, raped women and young girls, looted property and stole livestock. At the same time, key infrastructure such as schools and hospitals were vandalised and destroyed by Government Forces.

It is the clear opinion of the JTC that Government Forces violated Article 3 of the COHA, by committing gross human rights violations, including killing of civilians, burning of houses, abduction and rapes, as well as looting of properties and livestock.



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

1.0 Introduction

Background: From 27 April 2015 onwards, Government Forces launched offensives on the seven counties south of Bentiu in Unity State that were under control of the SPLM/A-IO. These violations were reported in JTC Violation 039, dated 11 May 2015. During the offensives into SPLM/A-IO-controlled areas in Rubkona, Mayom, Guit, Koch, Leer, Mayendit and Panyijar Counties, there was massive displacement of civilians, some of whom found their way to the UNMISS POC in Bentiu. This was pointed out as an issue of major concern regarding Protection of Civilians in the violation report.

Following these overwhelming revelations, Bentiu MVT initiated an investigation into the alleged abuse of the "Protection of Civilians" pillar of the COHA.

1.2 Incident: On diverse dates from 27 April – 31 May 2015, Government Forces, while on offensives against the SPLM/A-IO, were alleged to have conducted atrocities against innocent civilians including indiscriminate killings, abductions (boys and girls), rapes of women and young girls, burning of houses, looting of property and theft of livestock in the southern counties of Unity State.

1.3 Aim: The purpose of this report is to provide IGAD Special Envoys with a summary of the incidents that took place in the counties south of Bentiu in Unity State on diverse dates from 27 April - 31 May 2015 and to attribute responsibility for violations of the COHA where appropriate.

1.4 Methodology:

- The MVT, based in the UNMISS Compound at Bentiu, received information from different sources concerning human rights abuses in counties south of Bentiu in Unity State, during the Government Forces offensive against the SPLM/A-IO.
- The MVT Bentiu gathered information regarding the alleged atrocities from different sources including UN organizations who visited Koch, Ngop and Nhialdiu; interviews with IDPs in Bentiu POC who came from the affected areas; interviews with State Government officials and an MVT patrol to Leer and Ganyiel in Panyijar County.

2.0 Violations of COHA in Unity State on diverse dates from 27 April - 31 May 2015

2.1 Protection of Civilians:

- On various dates from 27 April - 31 May 2015, Government Forces, while on



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offensives against SPLM/A-IO Forces in the counties southern of Bentiu in Unity State, conducted atrocities against the innocent civilian populace including indiscriminate killings, abduction, raping, destruction of property, looting and theft of livestock.

2.2 MVT Interview with IDPs' in the Bentiu POC:

- The MVT interviewed many displaced families who managed to find their way from different locations of the affected areas to Bentiu POC site. Those families alleged that they lost everything during the attacks by Government Forces on their homes.
- They said that women and young girls were raped by Government/SPLA soldiers, their animals were driven away and young boys and girls were abducted. They also alleged that very many innocent civilians were killed, especially men and the elderly, who were burned in their houses.
- Among many similar stories, one female IDP stated categorically that she was badly beaten as she tried to protect her granddaughter, aged 13 years old, who was eventually abducted. Another IDP account stated how four SPLA soldiers in Chual village in Nhialdiu payams repeatedly raped a woman and later killed her.
- She managed to escape and spent 10 days in the bush before travelling to Bentiu. She said that some people died in the bush due to lack of water and food. As the houses were razed down to ground, their food items such as sorghum and maize were also destroyed, which worsened the situation because they then had nothing to eat. Other social infrastructure were also destroyed such as the primary school building in Nhialdiu Payam.

2.3 Interview with UNMISS Staff:

- UN agencies who visited the affected areas of Nhialdiu, Ngop, and Koch on diverse dates indeed confirmed that houses were burnt to the ground by the attackers and that the villages were deserted. In Ngop, a few women and children came out of their hiding places in the bushes and told these UN agencies that Government Forces from Mayom, led by Maj General Mathew Puljang, attacked the village and destroyed everything. Many innocent civilians were killed and others injured. They showed them some of the graves where they buried the dead. They also claimed that their livestock and fishing nets were taken away. In Koch, the UN team saw burnt houses and shops; schools were ransacked and books scattered. The hospital was also ransacked by Government troops. The NGOs, who had earlier left the town due to hostilities, also had their property looted.



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2.4 Bentiu MVT visit to Leer and Ganyiel:

- MVT visited Leer town to investigate allegations reported by the IDPs and by Mr John Riak, the SPLA-IO Humanitarian Coordinator. The team observed that the population had been displaced and there were only a handful of civilians in the town. The hospital built and operated by MSF Holland was vandalized and partially burnt
- In Ganyiel, the MVT met the SPLA/M-IO Executive County Director Gabriel Bay and Mr Michael Lot, who confirmed that there were four attacks by Government Forces in Tayar market, which is beside the River Nile. According to them, the Government Forces arrived in boats and barges which were then flying UN flags. When children who were eager to see what was happening, approached the barges, Government Forces opened fire on them. An unknown number were killed and others drowned while escaping. Tayar town was completely destroyed during that attack. However, the team didn't observe any humanitarian problems in Ganyiel because there was no fighting and still the IO are controlling the area

2.5 Interview with the Unity State Deputy Governor and the Rubkona County Commissioner

- The Deputy Governor Hon Col Stephen Mabeck Lang and the Rubkona County Commissioner Hon Col Stephen Salaam, briefed the team on general security issues and Government Forces military activities, south of Bentiu. The team sought to find out about the allegations by the IDPs about Government Forces' operations south of Bentiu in Unity State. The State officials denied most of the allegations but confirmed to the team that the houses were indeed burned and that it was normal practise during such operations. They stated that the heads of cattle seen in Bentiu, which numbered in their thousands, were from civilians who came there for their own safety.

2.6 **Assessment:**

- The offensive that began on 27 April 2015 in the counties of Rubkona, Guit, Mayom, Koch, Leer and Mayendit, had indeed occurred and caused massive displacement and suffering of the civilian population.
- It is the assessment of the JTC that the Government Forces committed gross violations: killing civilians indiscriminately, burning houses, abducting and raping women and young girls, looting property and stealing their livestock. At the same time, key infrastructure such as schools and hospitals were vandalized and destroyed by the Government Forces.



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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 Government Forces, commanded by Major General Mathew Puljang, violated the following Article of the Cessation of Hostilities Agreement (COHA) of 23 January 2014 in the counties south of Bentiu in Unity State.

Section 3: “Protection of Civilians”

3.2 Recommendations and observations:

- The JTC recommends that the Special Envoys declare and condemn Government Forces in the strongest possible terms for violating the COHA, and its deliberate disregard of its obligations to protect civilians, as provided for by various national, continental and international laws.

