

IGAD JTC MVM

INTERGOVERNMENTAL AUTHORITY
ON DEVELOPMENT

AUTORITÉ INTERGOUVERNEMENTALE
POUR LE DÉVELOPPEMENT



TO: Special Envoys to South Sudan

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

DATE: 06 July 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 01 July 2015.



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



IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

IGAD JTC MVM

**IGAD CONFIDENTIAL (HIGHLY SENSITIVE) REPORTS ARE NOT FOR REPRODUCTION
OR ONWARD DISTRIBUTION WITHOUT THE AUTHORITY OF THE CHAIRMAN JTC**

JOINT TECHNICAL COMMITTEE (JTC)

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

(V046)

PRESENTED TO:

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

06 July 2015



2

IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

IGAD JTC MVM

Executive Summary

As reported in the violation JTC V045 concerning the attack on Malakal by SPLM/A-IO/Shilluk allied Forces on 27 June 2015, Malakal came under the control of the SPLM/A-IO/Shilluk allied forces.

In the subsequent days, the SPLA-IO/Shilluk allied forces were observed engaging in intermittent firing within Malakal town and its environs. On 01 July 2015, the SPLM/A-IO/Shilluk forces fired deliberately into the new POC site where members of the Dinka Community were sheltering.

MVT Malakal heard gun shots and was also in a position to see UNMISS ambulances rushing towards the scene to evacuate the injured persons to hospital. The team initiated an investigation into the incident and concluded that there was sufficient evidence to confirm that the SPLM/A-IO forces violated the COHA concerning protection of civilians.

It is the opinion of the JTC that there is credible and clear evidence to confirm that the SPLM/A-IO/Shilluk allied forces violated Article 3.1 of the COHA and are in breach of international laws and conventions, as well as national (South Sudanese) law.



IGAD JTC MVM

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

1.0 Introduction

1.1 Background: On 27 June 2015, SPLM/A-IO/Shilluk allied forces captured Malakal from Government Forces and occupied it.

1.2 Incident: On 01 July, four SPLM/A-IO/Shilluk troops fired towards the new POC site where members of the Dinka Community were sheltering, during which one person was killed and seven others injured.

1.3 Aim: The aim of this report is to provide IGAD Special Envoys with a summary of the incident that took place in Malakal new POC on 01 July 2015 and to attribute responsibility for violations of the COHA where appropriate.

1.4 Methodology:

- The MVT based in the UNMISS Compound at Malakal heard gunshots, and thereafter saw UNMISS ambulances rush to the scene to evacuate the injured to hospital. They also gathered information regarding the shooting from the Community Liaison Officer (CLO) based in the POC who reported immediately to the MVT office during the incident.
- The MVT visited the site of the shooting in the POC the following day and managed to gather information from different witnesses, including the POC Community leader, the injured persons and the UNMISS Protection Force Commander. The MVT submitted the investigation and verification report to JTC on 02 July 2015.

2.0 Violations of COHA in Upper Nile State on 01 July 2015

2.1 Shooting by SPLM/A-IO/Shilluk soldiers towards the POC site:

- On 01 July 2015 at about 1800 hrs, four SPLA-IO/ Shilluk soldiers deliberately fired into the new POC site where members of the Dinka community were living, killing one person and injuring seven others.



IGAD JTC MVM

2.2 Interview with the POC residents:

2.2.2 Interview with the new POC Community Leader

- The new POC Community leader stated that on 01 July 2015, at about 1800 hours, four individuals (three in uniform and one in civilian clothing), who he identified as SPLM/A-IO/Shilluk soldiers, shot at the POC from outside the perimeter fence. As a result of the shooting, one person from the Dinka community, Mr Manut Garang, aged 28 years, was killed and seven others were injured. Shortly after, UNMISS protection forces intervened and managed to repulse the attackers.

2.2.2 Interview with the injured persons

- The MVT managed to interview two of the injured persons who both stated that on 01 July 2015 at about 1800 hrs, four individuals (three in uniform and one in civilian clothes) whom they clearly identified as the SPLA-IO/Shilluk allied soldiers fired at the POC from outside the perimeter fence, killing one person aged 28 years and injuring seven people, one of them was seriously wounded.

2.3 Interview with the RWANBATT UN Commander:

- The RWANBATT UN Commander informed the MVT that he heard over radio communication that there was shooting at the new POC by SPLM/A-IO/Shilluk soldiers. He immediately ordered three armoured vehicles to quickly report to the site of the incident and he accompanied his soldiers to the incident area.
- By the time he arrived at the incident, one of his soldiers had already repulsed the attackers and they withdrew towards Echo gate of the POC, and were stopped by both RWANBATT and ETHBATT forces for possible disarmament.
- The UNMISS Sector North Commander, his chief of staff and the ETHBATT Commander, arrived at the scene together as the RWANBATT Commander was attempting to disarm the attackers who had by then been reinforced by about 15-20 SPLM/A-IO/Shilluk allied soldiers. Negotiations were held on whether forced disarmament should be undertaken, as advised by the RWANBATT Commander, but the Sector Commander advised that forced disarmament might escalate the situation and therefore the attackers were allowed to walk away.



IGAD JTC MVM

2.4 Assessment:

- Though the shooting lasted for a short duration due to the timely intervention by UNMISS protection forces, there was deliberate shooting by the SPLM/A-IO/Shilluk soldiers into the new POC site.
- It is the assessment of the JTC that the SPLM/A-IO/Shilluk soldiers were in clear violation of the COHA and International Humanitarian Law, in that they displayed a complete disregard for the safety and protection of civilians by deliberately targeting civilians in the POC.

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 the SPLM/A-IO/Shilluk allied troops violated the following article of the Cessation of Hostilities Agreement (COHA) of 23 January 2014 in Malakal, Upper Nile State on 01 July 2015:

Section 3.1: "The Parties shall refrain from attacks on the civilian population and commit to the protection of human rights, life and property as provided by various national, continental and international instruments"

3.2 Recommendations and observations:

- The JTC recommends that the Special Envoys condemn the SPLM/A-IO in the strongest terms possible and to insist that they abide by their obligation to the COHA.

