

IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

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: 4 September 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 from 23 August 2015.

For

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



IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

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 NHIALDIU, UNITY STATE**

(V047)

PRESENTED TO:

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

4 September 2015



IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

IGAD JTC MVM

Executive Summary

As a result of the Government Forces offensive in the southern counties of Unity State that began on 27 April 2015, SPLM/A-IO forces were expelled from areas south of Rubkona County and further in the southern counties of Unity State except Panyijar county which to date has remained under control of the SPLM/A-IO. This violation of the COHA by Government Forces was submitted vide report VO39 on 11 May 2015.

Following the withdrawal of some Government Forces troops later in May from the counties south of Bentiu to reinforce the northern oil fields in Panakuach, the SPLM/A-IO reoccupied some areas they had vacated. Cases of localised attacks/skirmishes in Koch, Leer and Mayendit counties have since continued to be reported.

On 23 August, MVT Bentiu received reports that SPLM/A-IO forces attacked Government forces in Nhialdiu. Earlier in the week, SPLM/A-IO movements and regrouping had been reported in Tuoch Luak village around Nhialdiu. MVT Bentiu launched an investigation and gathered information from different sources regarding the alleged attack and submitted the investigation report to JTC HQ on 26 August 2015.

JTC is of the opinion that there is sufficient evidence to confirm that the SPLM/A-IO violated article 1.1 and 1.2 (a) of the COHA by deliberately executing attacks against Government Forces in Nhialdiu.



IGAD JTC MVM

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

1.0 Introduction

1.1 Background:

- Since May 2015 following the Government Forces offensive in the counties south of Bentiu, localised attacks/ skirmishes between the SPLM/A-IO elements and Government Forces have continued to be reported. In August 2015, movements/skirmishes involving the Parties were reported in parts of Mayendit, Leer and Koch counties.
- SPLM/A-IO forces were reported regrouping in Tuoch luak village south of Nhialdiu, and the Government County Commissioner, Colonel Stephen Salam, reportedly advised the Chieng Jieng elders to inform the forces to move away from government controlled areas.

1.2 Incident: On 23 August 2015, the SPLM/A-IO launched offensive operations against Government Forces in Nhialdiu, south of Rubkona County in Unity State. They were later repulsed by Government Forces.

1.3 Aim: The purpose of this report is to provide IGAD Special Envoys with a summary the incident that took place in Nhialdiu Payam in Rubkona county of Unity state on 23 August 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 regarding the SPLM/A-IO forces attack against the SPLA in Nhialdiu
- The MVT Bentiu gathered information from different sources including the Unity State Governor, Rubkona County Commissioner, the Community Liaison Officer (CLO) UNMISS MLOs, a local civilian humanitarian coordinator based in Nhialdiu and also while on routine patrol in Bentiu, spoke to a local elder. The MVT tried to speak with their usual contacts in the SPLM/A-IO but their calls went unanswered. The MVT submitted a report to JTC on 26 August 2015.



IGAD JTC MVM

2.0 Violations of COHA in Unity State on 23 August 2015

2.1 Cessation of Hostilities: On 23 August 2015, the SPLM/A-IO forces mounted an offensive operation against the Government Forces in Nhialdiu. A summary of the information gathered by the MVT based in Bentiu is as follows:

- The MVT spoke with the Rubkona County Commissioner based in Nhialdiu on 23 August, who confirmed that the SPLM/A-IO attacked their position but had been repulsed. In order to corroborate this, the MVT called a local civilian humanitarian coordinator based in Nhialdiu, one Mr Abraham Riak, He confirmed the information given by the County Commissioner, and that the town had been occupied by SPLM/A-IO forces.
- The Governor of Unity State, Dr Joseph Monytwil, stated that SPLM/A-IO forces attacked the Government position in Nhialdiu on 23 August from around 0300hrs and a fight ensued up to about 0700hrs in the morning. The Governor accused the IO for launching the attack despite having signed the recent agreement.
- Patrol Report: While on routine patrol along Rubkona- Pakur road on 25 August, the team met a local elder Mr Stephen Makuei who stated that there was fighting between Government Forces and the SPLM/A-IO in Nhialdiu. He also stated that the fight was initiated by the SPLM/A-IO who captured and controlled Nhialdiu on Sunday 23 Aug before withdrawing to an unknown location in the afternoon. Government Forces later reoccupied Nhialdiu.
- Further reports from MVT sources: The MVTs Community Liaison Officers stated that the SPLM/A-IO launched an attack against the Government forces in Nhialdiu on 23 Aug 15 from around 0300hrs. Fighting went on up to around 0500hrs in the morning in which 2 Government Forces tanks were destroyed. There were no figures given for casualties. Government Forces withdrew towards Nyaroamui and Lool river beach, and at about 10.00 Hrs were reinforced after which they launched a counter attack on Nhialdiu. However the SPLM/A-IO had already withdrawn and Government forces re-



IGAD JTC MVM

occupied Nhialdiu without a fight.

2.2 UNMISS MLOs' Report: The MVT compared their findings with those of the UNMISS MLO's. The MLO's verified the information regarding the SPLM/A-IO attack on Nhialdiu, stating in their report that a senior state government official confirmed that on 23 Aug 15 from about 0330hrthe, SPLM/A-IO attacked and captured Nhialdiu from government forces. The opposition forces launched a dawn attack in which two Government Forces tanks were destroyed. Opposition sources reportedly claimed that the attack was in retaliation to a Government Forces attack on Touch Luak village earlier in the week. The official further stated that Government Forces reinforced at 1300hrs same day (23 Aug), launched a successful counter attack at 1400hrs in which they recaptured Nhialdiu

3.0 Assessment:

- The government relocated the Rubkona county headquarters to Nhialdiu on 20 July 2015 and hence there was no presence SPLM/A-IO forces.
- The SPLM/A-IO had earlier been seen regrouping their forces 10 kms south of Nhialdiu in Tuoch Luak village and the Rubkona county commissioner Col Stephen Salam had sent elders to advise them to move away.
- It is the assessment of the JTC that sufficient and credible evidence exists to conclude that the SPLM/A-IO Forces mounted a planned offensive against the Government Forces in Nhialdiu on 23 August 2015.

4.0 Conclusion

4.1 As a result of this investigation and the weight of evidence collated, it is the opinion of the JTC that the SPLM/A-IO violated the following articles of the Cessation of Hostilities Agreement (COHA) of 23 January 2014 in Unity State on 23 August 2015:

- **1.1:** The Parties hereby agree to cease all Military actions aimed at each other and any other action that may undermine the peace process.
- **1.2 (a):** Commit to immediately Cease all military operations and freeze their forces at the place they are in.
-



IGAD JTC MVM

5.0 Recommendations and observations:

- The JTC recommends that the Special Envoys declare and condemn the SPLM/A-IO in the strongest terms possible for violating the COHA of 23 January 2014, especially after they had signed the Peace Agreement in Addis Ababa on 17 August.

