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TO: Special Envoys to South Sudan

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

DATE: 04 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 Upper Nile State on 02 September 2015.

Maj Gen (Rtd) Mohammed Amin Eltinay
Deputy 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**

(V048)

PRESENTED TO:

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

04 September 2015



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Executive Summary

As it was reported in the JTC VO45 concerning the attack on Malakal by the SPLM/A-IO/ Shilluk allied Forces on 27 June 2015, Malakal remained under the SPLM/A-IO/shilluk allied forces until 06 July 2015 when the Government forces recaptured Malakal town. Since then there have been occasional intermittent attacks by the parties in and around Malakal, but has however remained under Government forces control.

On 02 September 2015, Malakal MVT witnessed attacks conducted by the Government forces gunship helicopters on the SPLM/A-iO positions of Lelo, Awarajwok and Detand in Panyikang County and later followed by indirect firing. The government forces were also reported to have crossed the Nile River to the opposition controlled areas.

The MVT immediately initiated investigation into the incident and concluded that there is sufficient evidence to confirm that the Government forces violated the COHA as regards to cessation of hostilities.

It is the opinion of the JTC that there is sufficient and clear evidence to confirm that the Government forces violated Article 1.1 of the COHA and especially after signing the Peace Agreement in Juba on 26 August 2015.



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

1.0 Introduction

1.1 Background: Since the recaptured of Malakal by the Government forces from the SPLM/A-iO early in July 2015, it has since remained under her control despite occasional intermittent attacks by the parties. On 02 September 2015, the Government forces attacked the SPLM/A-iO areas in Panyikang County using two gunship helicopters and later followed by indirect firing. The incident prompted the initiation of an investigation by MVT Malakal.

1.2 Incident: On 02 September from 1430hrs, the SPLA forces attacked the SPLM/A-iO positions of Lelo, Awarajwok and Detang in Panyikang County on the western side of the Nile River using two gunship helicopters and later between 1530-1830 hrs, conducted intermittent indirect firing to the same location.

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 on 02 September 2015 and to attribute responsibility for violations of the COHA where appropriate.

1.4 Methodology:

- The MVT based in the UNMISS Compound at Malakal witnessed two government gunship helicopters firing towards the SPLM/A-iO locations on the western side of the Nile river and the indirect firing that followed thereafter. The incident was also witnessed and collaborated by the State Operations Centre (SOC), Community Liaison Officers (CLOs') and UNDSS.
- The MVT submitted the investigation and verification report to JTC on 03 September 2015.

2.0 Violations of COHA in Upper Nile State on 02 September 2015

2.1 Attack by Government Forces on SPLM/A-iO Locations of Lelo, Warjok and Detang:

- On 02 September 2015 at about 1430 hrs, Government forces' gunship

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helicopters deliberately fired towards the SPLM/A-iO positions of Lelo, Awarajwok and Detang on the western side of the River Nile. Thereafter, from 1530-1830hrs, the Government forces conducted intermittent indirect firing towards the same locations before crossing the river in pursuit of the SPLM/A-iO forces. There was however no retaliatory response from the SPLM/A-iO.

- The incident was corroborated by CLOs', SOC and the UNDSS who also witnessed the attack

2.2 Assessment:

- There was a deliberate attack by the Government Forces using two helicopter gunships and indirect firing on the SPLM/A-iO position in Lelo, Awarajwok and Detang, however the level of damage has not been ascertained due to security reasons.
- It is the assessment of the JTC that the Government forces were in blatant violation of the COHA, in that they deliberately attacked the SPLM/A-iO position west of the Nile river using helicopter gunships and later conducted intermittent indirect firing and further crossed to the SPLM/A-iO controlled areas and in complete disregard for the of the proposed compromise agreement recently signed on 26 August 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 the Government forces violated the following article of the Cessation of Hostilities Agreement (COHA) of 23 January 2014 in Malakal, Upper Nile State on 02 September 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.

3.2 Recommendations:

- The JTC recommends that the Special Envoys condemn the Government forces in the strongest terms possible and to insist that they abide by their obligation to the COHA and especially after signing the recent Proposed Compromise Peace agreement.

