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TO: Special Envoys to South Sudan

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

DATE: 22 September 2015

SUBJECT: Report on Violations of the Permanent Ceasefire

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on violations in Unity State on 13 September 2015 of the Permanent Ceasefire (Chapter II of The Agreement on the Resolution of the Conflict in the Republic of South Sudan 26 August 2015).

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



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JOINT TECHNICAL COMMITTEE (JTC)

**INVESTIGATIONS INTO VIOLATIONS OF THE PERMANENT CEASEFIRE IN GUIT COUNTY,
UNITY STATE**

(V049)

PRESENTED TO:

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

22 September 2015



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Executive Summary

On 10 September the MVT based in Bentiu reported having received information from Government sources that SPLM/A-IO Forces based in Biil were planning to attack Guit. The MVT contacted the SPLM/A-IO commander, Brigadier James Lier, who assured them he would not attack, although he stated that there were no Government Forces in Guit.

On 13 September 2015, the MVT in Bentiu received reports of a clash between Government Forces and SPLM/A-IO Forces in Guit early that morning. Government Forces claimed that the SPLM/A-IO had attacked their positions and taken Guit before reinforcements arrived they pushed them back.

The team subsequently launched an investigation, gathering information in Bentiu from Government and international sources before visiting Guit on 18 September where they were able to take statements from eye witnesses.

Both Parties made statements to the Media blaming each other for the incident.

There is some dispute as to which Party fired the first shot, but the overwhelming evidence suggests that SPLM/A-IO Forces approached close to Guit and did attack it, causing casualties and taking cows before withdrawing.

It is the opinion of the JTC that the actions of the SPLM/A-IO constituted a clear violation of the Permanent Ceasefire.



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INVESTIGATIONS INTO VIOLATIONS OF THE PERMANENT CEASEFIRE

1.0 Introduction

1.1 Background:

- Since May 2015 following the Government Forces offensive in the counties south of Bentiu there have been frequent localised clashes between the Parties. The last reported Violation was V047 when SPLM/A-IO Forces initiated an attack against Government Forces in Nhialdiu on 23 August.
- Despite the Permanent Ceasefire signed on 26 August, tensions between the Parties have continued in Unity State

1.2 Incident: On 13 September a clash between the Parties took place in Guit. Following fighting in the early morning, Government Forces were pushed out of the town by SPLM/A-IO Forces, who took cattle before leaving the area. Having been reinforced Government Forces reoccupied Guit. There were both military and civilian casualties.

1.3 Aim: The purpose of this report is to provide IGAD Special Envoys with a summary the incident that took place at Guit on 13 September 2013 and to attribute responsibility for violations of the Permanent Ceasefire where appropriate.

1.4 Methodology:

- On the morning of 13 September the MVT based in the UNMISS Compound at Bentiu received information from Community Liaison Officers and UNMISS that there had been fighting at Guit early that morning. Over the following few days the MVT gathered information from officers from 4th Division and also the acting Governor, as well SPLM/A-IO contacts and community-based sources. On 16 September the MVT submitted an initial report.
- On 18 September the MVT, accompanied by UNMISS force protection, visited Guit and interviewed a local official and a civilian witness. The final investigation report was submitted on 20 September.



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2.0 Violations of the Permanent Ceasefire in Unity State on 13 September 2015

2.1 A summary of the information gathered by the MVT based in Bentiu is as follows:

- On 12 September SPLM/A-IO Forces under the command of Brigadier James Lier moved from their base in Biil (about 25 kilometres North East of Guit) to a village or villages very close to Guit. Early next morning at about 0600 Hrs fighting broke out in Guit. Brigadier James Lier told the MVT that his forces were at Kuer Mading and Marial villages about a kilometre from Guit when they were attacked by Government Forces. Government Forces claim the SPLM/A-IO attacked their forces in Guit.
- Brigadier James Lier freely admitted to the MVT that he had moved his forces close to Guit, which was contrary to assurances he had given the MVT on 10 September that he would not attack Guit. He also acknowledged to the MVT that he had received instructions from the SPLM/A-IO higher command not to engage in any offensive operations, but that he had been provoked by Government Forces.
- Guit was overrun by the SPLM/A-IO, who pushed the Government Forces back to Dorbor, before returning to Guit where they took some cattle (the number was not confirmed, but apparently several hundred).
- The Government Forces retreated to the Rubkona/Tharjath/Guit junction and called for reinforcements. Once reinforced Government Forces reoccupied Guit, expelling any remaining SPLM/A-IO Forces.
- Government Forces claimed that 5 of their soldiers and 2 civilians, both women, were killed. The MVT were given photographs of the women's bodies – it appeared they were shot at close range having tried to lock themselves in their house. The MVT was also shown the graves of the Government Forces soldiers killed in the engagement. The Government Guit County Commissioner was wounded and his car taken by the SPLM/A-IO.
- Information gathered from UNMISS following meetings they held with community leaders suggested that the Guit County Commissioner had made inflammatory comments in the media which might have provoked Brigadier James Lier of the SPLM/A-IO, who had been the SPLM/A-IO Commissioner for the county.



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2.2 Assessment:

- There is some evidence to suggest that SPLM/A-IO Forces under Brigadier James Lier did suffer some provocation. However, Brigadier Lier admitted he had received instructions from SPLM/A-IO command not to attack, and the MVT had also told him not to do so.
- There is no doubt that the SPLM/A-IO moved to a position very close to Guit, which in itself constitutes a clear provocation and violation of the Permanent Ceasefire. Whilst the exact sequence of events remains unclear, all the evidence suggests that the clash at Guit was the result of deliberate offensive action by SPLM/A-IO Forces under the command of Brigadier James Lier. At least two civilians – both women – lost their lives as a result of the incident, as did at least five Government Forces soldiers.

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 SPLM/A-IO forces under the command of Brigadier James Lier violated the following provisions of the Permanent Ceasefire:

1.2 The GRSS and SPLM/A-IO shall disseminate the provisions of this Agreement to all forces under their command or influence, and allies, **to ensure compliance immediately upon signing.**

1.6 The GRSS and SPLM/A-IO shall refrain from prohibited actions under the Cessation of Hostilities Agreement of 23 January 2015

3.2 The articles of the COHA violated by the SPLM/A-IO were Articles 1 and 3, particularly:

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.

3.1 The Parties will refrain from attacks on the civilian population....



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4.0 Recommendations and observations:

- This incident demonstrates a complete disregard of the recently-signed Permanent Ceasefire by a group of SPLM/A-IO Forces in Unity State. Even if there was provocation, this provides no reason or excuse to take this type of offensive action. The situation in Unity State remains volatile, and it is vital that both Parties respect the Permanent Ceasefire.
- The JTC regrets the loss of life, especially by the two civilians who should have been able to enjoy peace under the Permanent Ceasefire.
- The JTC recommends that the Special Envoys take all necessary steps to ensure that both Parties comply with the terms of the Permanent Ceasefire, and that in this instance the SPLM/A-IO accepts responsibility for this violation and take disciplinary action against Brigadier James Lier.

