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TO: Special Envoys to South Sudan

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

DATE: 21 October 2015

SUBJECT: Report on Violations of the Permanent Ceasefire and Transitional Security Arrangements

Please find attached the Joint Technical Committee (JTC) report on violations of the Permanent Ceasefire and Transitional Security Arrangements (Chapter II of The Agreement on the Resolution of the Conflict in the Republic of South Sudan 26 August 2015) which took place in Unity State Leer County from 29 September to 05 October 2015.

Major General (Retired) Negash Dagnev Ayele

Chairman, Joint Technical Committee



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**INVESTIGATIONS INTO VIOLATIONS OF THE PERMANENT CEASEFIRE and
TRANSITIONAL SECURITY ARRANGEMENTS IN UNITY STATE and CENTRAL
EQUATORIA STATE**

(V051)

PRESENTED TO:

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

21 October 2015



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Executive Summary

On 30 September 2015 the MVT based in Bentiu received reports of fighting in Leer. Further reports were received to suggest that Leer had been taken temporarily by the SPLM/A-IO on 02 October and that fighting had continued over the weekend.

On 08 October 2015 the MVT based in Bentiu left for a four-day joint patrol with UNMISS force protection and several UNMISS agencies to investigate the situation in Leer and the surrounding area. UNMISS Liaison Officers had informed Government Forces of this patrol. Despite this the patrol was stopped on the outskirts of Bentiu, and not allowed to proceed. The MVT was therefore prevented from performing an important investigation in violation of the PCTSA and the COHA.

However on 15 October the patrol went ahead and the MVT was able to speak to witnesses.

Interviews with the locals revealed that SPLA forces looted property, confiscated livestock and burned houses and markets. Witnesses interviewed also revealed that government soldiers under the leadership of Leer County Commissioner Mr. Wal Yach looted drugs, shoes, food stuff and other items from MSF premises an international NGO based in Leer town.

It is the clear opinion of the JTC that Government Forces have violated the PCTSA in Leer County on diverse dates between 29 September and 05 October 2015.



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INVESTIGATIONS INTO VIOLATIONS OF THE PERMANENT CEASEFIRE

1.0 Introduction

1.1 Background:

- Tension has remained high in Unity State since the signing of the Peace Agreement, with both Parties blaming each other for any clashes. On 13 September a group of SPLM/A-IO Forces attacked the Government Forces position in Guit, as reported by the JTC (V048).
- Before the signing of the PCTSA on 29 August 2015, Leer Town has been under the Government control while the outskirts of Leer Town and all other Payams including Adok Port are under control of SPLA/IO.

1.2 Incidents:

- Fighting took place in Leer starting on 29 September. SPLM/A-IO Forces took the town on 02 October but it was re-taken by Government Forces.
- In order to verify and investigate the situation, the MVT planned and started patrol on 08 October but they were stopped by SPLA from leaving Bentiu and thereby prevented from travelling to Leer to investigate alleged violations of the PCTSA.

1.3 Aim: The purpose of this report is to provide IGAD Special Envoys with a summary of the incidents that took place in Leer, and apportion responsibility for violations of the PCTSA where appropriate.

1.4 Methodology:

On 30 September the MVT based in Bentiu received information about fighting at Leer. They immediately called contacts in the communities, UNMISS and with both Government and SPLM/A-IO sources to try to find out what was happening. The reports they received were contradictory. After following the situation over the weekend they submitted an initial interim report on 06 October.

On 15 October 2015 the MVT departed on the delayed 4-day patrol to southern Unity State to Leer, returning on 18 October 2015. During the patrol they were able to interview various witnesses. The MVT submitted a final report on 19 October 2015.



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2.0 Violations of the Permanent Ceasefire in Leer on diverse dates between 29 September and 05 October 2015

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

- When interviewed by the MVT on 16 October 2015, the acting Leer County Commissioner Hon Maj Khor Gatmach stated that he was absent when violence broke out and that only the Leer County Commissioner Hon. Wal Yach (who was away in Juba when the interview was conducted) could give an account of the occurrences. He however stated that SPLA Leer acting Commander Capt James Mangop was killed during the attack.
- When interviewed by the MVT, the SPLM/IO Leer Deputy Executive Director stated that the attack took place in Pilling, Pawiny and Pullguare villages and that it was provoked by SPLA soldiers who raided civilian farms and started harvesting their crops by force and later abducted women to help transport the harvested sorghum to an SPLA camp in Leer. He further stated that on 02 October, SPLA soldiers went back to Gando and Pilling civilian farms but were repulsed by SPLA/IO thus withdrawing. He explained that during the attack, innocent civilians were killed and houses burnt. The MVT did not ascertain the number of civilians killed and houses burnt, however it made a few pictures of burnt houses and a grave of a man killed during the attack. The pictures are attached to the report.
- The MVT also interviewed a civilian working with ██████ in Leer Town who confirmed that there was fighting on 29 September and 30 September but didn't know which party started the fighting. Regarding the fighting on 02 October 2015, he stated that the same took place in the outskirts of Leer Town between SPLA and SPLA/IO in midmorning resulting to defeat of SPLA by SPLA/IO. The witness stated that subsequently, SPLA/IO visited MSF hospital premises in the morning and declared that they had defeated SPLA. The witness further stated that in that afternoon, SPLA forces led by Leer County Commissioner visited MSF hospital premises and announced victory over SPLA/IO. The witness explained that it is in the course of SPLA's visit in the afternoon that SPLA robbed workers their money, looted drugs, food stuff, shoes, and other items. He added that SPLA went back to the said hospital the following day and looted the remaining items such as beds, 2 MSF vehicles and 4 ICRC Vehicles.
- The MVT also interviewed two other civilians who both hail from Juong village Payak Payam. Both of them blamed SPLA for instigating the conflict, they stated that the conflict commenced when SPLA raided civilian farms and forcefully harvested sorghum and confiscated livestock. One of them stated that when SPLA/IO captured

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Leer Town on 02 October, people started walking freely in town until the evening at around 1700hrs when the SPLA returned causing SPLA/IO to retreat towards Pilling, he stated that looting commenced after the return of SPLA to Leer under the watch of Leer Commissioner Mr Wal Yach who authorized SPLA to loot MSF/ICRC premises. He concluded by stating that on 04 October, reinforcement came from Bentiu under the command of MG Manywet and on the following day they proceeded to Adok Port.

2.2 Assessment:

- It is the assessment of the JTC that there is corroboratory information that SPLA forces headed by the Leer County Commissioner Mr. Wal Yach are to blame for the offensive in Leer County.
- It is the opinion of JTC that Government Forces instigated the violence by moving out of their area of control in Leer Town and moving to areas controlled by SPLA/IO hence provoking the opposition who in turn reacted by repulsing them.
- Government Forces deliberately on diverse dates between 29 September and 05 October 2015 raided civilian farms, forcefully harvested crops, burnt houses and markets, confiscated livestock and looted items including drugs, beds, vehicles and other equipment belonging to INGOs MSF and ICRC and their personnel.
- The specific number of civilians affected by the offensive including those who died and/or were injured during the offensive cannot be ascertained, nevertheless it is clear from interviews conducted and from visits to the affected areas by the MVT that violence was meted on civilians (non-combatants) and that items were looted, livestock confiscated and houses and markets were burnt.

3.0 **Conclusion**

- 3.1 As a result of this investigation and the weight of evidence collected, it is the opinion of the JTC that SPLA forces headed by Leer County Commissioner Mr. Wal Yach on diverse dates between 29 September and 05 October 2015 in Leer County violated articles 1.2 and 1.7 of the Permanent Ceasefire and Transitional Security Arrangements.
- 3.2 Furthermore on 08 October 2015, the SPLA committed another violation by denying freedom of movement to the leading elements of Leer patrol, the MVT was stopped at Kali Balek on the outskirts of Bentiu by two Land Cruisers full of armed 4th Division



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soldiers and forced to turn back. This is a clear violation of Article 7.2(b) of COHA.

3.3 The articles of the Cessation of Hostilities Agreement violated by the SPLA are Articles 1.1, 1.2, 3.1, 3.4 and 7.2 (b).

4.0 Recommendations and observations:

- JTC recommends that the Special Envoys to impress upon the parties to stop interfering with freedom of movement of the MVM as this is against the spirit of the COHA and the PCTSA which they committed to enforce.
- The JTC recommends that the special envoys to impress upon the leadership of the Government Forces the importance of promulgating and enforcing all provisions of the PCTSA.
- JTC recommends that both parties be reminded to assume responsibility under international law by refraining to attack health institutions and or actions that hinder provision of health care.
- The JTC further recommends that both parties be reminded of their international obligations to respect international humanitarian law and International Human Rights Law and other relevant provisions that specifically prohibit attacks against civilians and civilian property.

