

IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

IGAD JTC MVM

INTERGOVERNMENTAL AUTHORITY
ON DEVELOPMENT

AUTORITÉ INTERGOUVERNEMENTALE
POUR LE DÉVELOPPEMENT



TO: Special Envoys to South Sudan

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

DATE: 07 November 2015

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

Your Excellencies,

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 of 26 August 2015) in Upper Nile State from 26 October to 1 November 2015.

Major General (Retired) Mohammed Amin Eltinay
Deputy 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 PERMANENT CEASEFIRE AND
TRANSITIONAL SECURITY ARRANGEMENTS IN UPPER NILE STATE**

(V052)

PRESENTED TO:

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

07 November 2015



IGAD CONFIDENTIAL (HIGHLY SENSITIVE)

A handwritten signature in blue ink, consisting of a stylized, cursive script.

IGAD JTC MVM

Executive Summary

On 26 October barges chartered by UNMISS and carrying logistic supplies down the River Nile to Renk were captured at gunpoint by SPLM/A-IO Forces at Kaka. 18 UNMISS personnel and 13 local crew members were held captive by SPLM/A-IO Forces until their release on 29 October and 1 November following UNMISS and MVT intervention. Large amounts of equipment and fuel were taken by SPLM/A-IO Forces and not returned.

It is the opinion of the JTC that this incident constitutes a clear violation of the PCTSA, which includes an unambiguous commitment by the Parties to refrain from any hostile acts against UNMISS personnel and equipment.



IGAD JTC MVM

INVESTIGATIONS INTO VIOLATIONS OF THE PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS (PCTSA) IN UPPER NILE STATE

1.0 Introduction

1.1 Background:

- UNMISS (and other UN agencies - specifically WFP) regularly use barges on the Nile to transport bulk items.
- There have been several incidents on the Nile in recent months. Government Forces closed the river to all UN and humanitarian traffic from 13 July to 4 August 2015, and then on 31 August to 1 September there were incidents of alleged attacks on Government Forces barges travelling down the Nile towards Malakal.
- On 24 October barges chartered by UNMISS left Malakal for Renk. There was a 'pusher', an empty barge and a tanker carrying 55,000 litres of fuel. The barges had on them an UNMISS Force Protection Unit of 16 commanded by an UNMISS Naval Officer and accompanied by 2 MLO's.

1.2 Incident: On 26 October when passing Kaka on the Nile the UNMISS-chartered barges were captured by SPLM/A-IO Forces. The UNMISS personnel were detained at gunpoint, as were the national crew of 13. The UNMISS personnel were not released until 29 October, and the barges with their crews were eventually allowed to proceed on 1 November. The fuel and a large amount of equipment was taken by SPLM/A-IO Forces and not returned.

1.3 Aim: The purpose of this report is to provide IGAD Special Envoys with a summary the incident that took place at Kaka in Upper Nile State on 26 October to 1 November 2015, and to attribute responsibility for violations of the COHA where appropriate.

1.4 Methodology:

- The MVT based in the UNMISS Compound at Malakal received information regarding the taking of an UNMISS barge by SPLM/A-IO Forces soon after it happened on 26 October.
- On 28 October the MVT accompanied the UNMISS State Coordinator on a

4



IGAD JTC MVM

visit to the SPLM/A-IO Headquarters at Tonga in order to assist in negotiations for the release of the UNMISS personnel and the barges.

- The MVT interviewed the Commander of the UNMISS Force Protection Unit on 1 November after he had been released before submitting a report to JTC on 5 November.

2.0 Violations of the PCTSA in Upper Nile State from 26 October to 1 November 2015

2.1 Capture of barges chartered by UNMISS:

- At about 09.30 Hrs on 26 October barges chartered by UNMISS were passing Kaka on the way from Malakal to Renk on the River Nile. There was a 'pusher', an empty barge and a tanker carrying 55,000 litres of fuel. The UNMISS Force Protection unit observed SPLM/A-IO Forces on the west bank of the Nile. An SPLM/A-IO barge carrying a T55 tank swung into the river and blocked the passage of the UNMISS barges; at the same time a motor boat with about 20 armed soldiers approached from the rear.
- The UNMISS soldiers (2 MLO's and 16 in the Force Protection Unit commanded by a naval officer) were ordered to disembark. They did not resist, and were taken and interrogated by 6 senior SPLM/A-IO officers who said that they had not been informed that the barges were travelling down the river; they also said a great deal of negative things about UNMISS.

2.1 Theft of UNMISS property:

- SPLM/A-IO Forces took everything that the UNMISS personnel had. This included weapons and ammunition, Personal Protection Equipment (PPE's), personal items (including money), navigation and communications equipment, a generator, a refrigerator and an inflatable dinghy.
- The SPLM/A-IO also took the 55,000 litres of fuel.

2.2 Detention of UNMISS personnel: Having had all their equipment stolen the UNMISS personnel were herded into one small room. The 13 crew members were put in another room. Until their release 3 days later they were regularly threatened with weapons, given just one meal a day and only a bottle of water between two people.



IGAD JTC MVM

2.3 Visit to SPLM/A-IO Headquarters and release of the UNMISS personnel, the barges and crews:

- On 28 October the MVT together with the UN state Coordinator visited the SPLM/A-IO Headquarters in Tonga, where they met with Brigadier Joseph Aban (assistant to Lieutenant General Johnson Olony) who promised to assist with the release of the UNMISS personnel and the barges. At no time did he or any other SPLM/A-IO officers deny that the barges and UNMISS personnel had been captured by SPLM/A-IO Forces.
- An arrangement was made whereby Brigadier Aban and other senior SPLM/A-IO officers were taken by UNMISS to Kaka on 29 October to arrange for the release of the barges and personnel. The UNMISS personnel were released on 29 October, and the crew and barges were allowed to go on 1 November.
- None of the equipment or fuel stolen by SPLM/A-IO Forces was returned.

3.0 **Assessment:**

- There is no doubt that this incident took place as described, and that equipment and a large amount of fuel was stolen from UNMISS by SPLM/A-IO Forces.
- It is the opinion of the JTC that this incident constitutes a clear violation of the PCTSA by SPLM/A-IO Forces

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 PCTSA:

- **1.7.5:** The warring parties shall refrain from.....Acts of hostility, intimidation, violence or attacks against the civilian population including IDP's and returnees **as well as UNMISS personnel, installations or equipment.....**



IGAD JTC MVM

5.0 Recommendations and observations:

- The JTC recommends that the Special Envoys condemn SPLM/A-IO Forces in the strongest terms possible for violating the PCTSA and treating UNMISS personnel and property with such contempt.
- This incident illustrates once again that there remain large numbers of forces in the field who do not know or understand (or both) the provisions of any of the agreements reached by the Parties. The JTC further recommends that the Special Envoys insist that the Parties promulgate the PCTSA as a matter of urgency, and take disciplinary measures against those who break it.
- The Parties should also be reminded that attacks against the UN and its agencies constitute a serious violation of International Humanitarian Law.

