

CTSAMVM CONFIDENTIAL
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Ref: CM/2022/02/071

TO: Lt. Gen. Rabi Mujung Emmanuel (ITGoNU)
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FROM: The Deputy Chairperson, CTSAMVM

DATE: 18 February 2022

SUBJECT: CTSAMVM REPORT 2022/06 –RESTRICTION OF MOVEMENT AND ARMED ASSAULT AND THREATS AGAINST CTSAMVM PERSONNEL

Your Excellencies,

Please find attached a report on violations of the ACOH and the R-ARCSS, specifically concerning incidents that took place at the AMADI check point Central Equatoria on 8 February 2022.

Please accept the assurances of my highest consideration.



Brigadier General Saeed Mohamed Alshiekh
Deputy Chairperson

Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism

CTSAMVM REPORT 2020/06
ARMED ASSAULT AND THREATS AGAINST CTSAMVM PERSONNEL
8 FEBRUARY 2022
EXECUTIVE SUMMARY

During a planned patrol on 8 February 2022 to investigate allegations of recruitment and training in the Digala area, a CTSAMVM team was stopped at an SSPDF checkpoint at Amadi. Subsequently the CTSAMVM was threatened and subject to armed assault and prevented from fulfilling its mandate.

SSPDF are found to be in violation of the ACOH and the R-ARCSS.

ARMED ASSAULT AND THREATS AGAINST CTSAMVM PERSONNEL

Introduction

1. Background:

- a. In order to fulfil its mandate CTSAMVM is required to monitor the implementation of the R-ARCSS and where required to visit multiple locations in South Sudan to make observations. This includes visits to the formations and units of all parties to the agreement, including Cantonment Sites and Training Centres.
- b. The Peace Agreements (ACOH of 21 December 2017 and R-ARCSS of 12 September 2018) provide that CTSAMVM and its MVTs have unhindered and unconditional access to any area within the control of a Party to enable CTSAMVM to conduct its monitoring and investigatory activity.
- c. There is no legal requirement or contractual obligation, in any peace document signed by the Parties, which suggests that CTSAMVM must provide notification to a Party or Parties that it will be conducting a patrol through or visiting territory under that Party's or parties' control. A summary of all pertinent articles of the SOMA, ACOH and R-ARCSS is to be found at Annex A.

2. Aim: The aim of this report is to describe incidents which took place on 08 February 2022 at AMADI checkpoint and to attribute responsibility for violations of the ACOH and R-ARCSS where appropriate.

3. Methodology: This report draws upon an incident report submitted to CTSAMVM by Sector 1 which contains witness statements and photographic evidence.

Incident

4. CTSAMVM received allegations of training and recruitment at Digala by SSPDF in September 2021 and December 2021. During the investigation process the CTSAMVM were referred to Lt Gen James Koang, ACDF (Assistant Chief of Defence Forces) SSPDF responsible for training. In the discussions the team were informed by the ACDF on 28 September 2021 that there was no need for the CTSAMVM to visit Digala however such statements amount to non-cooperation and served to delay investigations.
5. On 4 January 2022 CTSAMVM received further allegations of training and recruitment at Digala. On 17 January 2022 CTSAMVM again met with the ACDF, Lt Gen James Koang. He briefed that 400 personnel under Brigadier Moses Lokujo SSPDF had been moved to Digala where they had been integrated into the SSPDF. He further stated that on 16 January 2022 144 SSPDF soldiers had been moved from Bentiu to Digala pending redeployment elsewhere. He re-iterated his view that CTSAMVM did not need to visit Digala.
6. CTSAMVM is required to physically verify reports of force movements and allegations of training and recruitment. Therefore, a visit to Digala was planned to include Force Protection from UNMISS.
7. On 08 February 2022 personnel from CTSAMVM Sector 1 departed on a planned visit to Digala area to investigate the allegations of recruitment and training. The CTSAMVM visiting team comprised of four International Observers and four National Monitors. The CTSAMVM team was accompanied by an UNMISS Force Protection Unit.
8. At 07.50 Hrs on 8 February the CTSAMVM team and UNMISS detachment were stopped at a checkpoint at Amadi. The checkpoint was operated by SSPDF. A private soldier instructed the team to stop while he summoned his superior. Sgt John Dud was the superior who stated that he had clear instructions from his HQ not to allow CTSAMVM and UNMISS to proceed to Digala. Shortly afterwards Major Elias Mayor arrived at the checkpoint on a motorbike. He stated to CTSAMVM that "when you go to someone's house you must knock on the door

and be allowed in, the SSPDF door is at Bilpham and CTSAMVM should go there first. The people in Digala cannot meet the team”.

9. After speaking to CTSAMVM, Major Elias Mayor spoke to the SSPDF soldiers at the checkpoint and departed on his motorbike. After he had spoken to the SSPDF soldiers, who were in uniform and civilian clothes, became more aggressive and demanded that CTSAMVM and UNMISS turn around and return to Juba. At this point, in order to defuse the situation, CTSAMVM and UNMISS moved back 500 metres from the checkpoint and reported the situation to CTSAMVM Operations staff.
10. At 08.50 Hrs an SSPDF 1st Lieutenant (Lt) approached the CTSAMVM /UNMISS party at their new location. The officer was aggressive and clearly anxious. He told the team to move. He said that he would count up to ten and then his soldiers would open fire on the CTSAMVM team. He then raised his hand and started to count. The CTSAMVM, not wishing to see the situation deteriorate even further, then left Amadi and returned to Juba. The SSPDF Lt followed the team for some distance.
11. In an attempt to permit the visit to Digala to continue CTSAMVM held a meeting with the SSPDF SNLO who undertook to travel to Bilpham to meet with SSPDF senior leadership. No communication has been received concerning access to Digala.

Assessment

12. On 08 February 2022 at Amadi CTSAMVM personnel were subjected to acts of hostility and intimidation by SSPDF soldiers. The SSPDF committed a violent assault against the CTSAMVM officials by announcing that they would open fire unless the CTSAMVM party left Amadi. A countdown to firing was started by the SSPDF Lt from Amadi. This assault directed against CTSAMVM posed a serious risk to life and directly threatened both the physical and psychological well-being of the members of the CTSAMVM team.
13. On 08 February 2022 at Amadi SSPDF soldiers purposely impeded CTSAMVM movement and attempts to discharge its functions under the Agreements when

they prevented the CTSAMVM team from proceeding to Digala to investigate serious allegations of training, recruitment and unauthorised troop movement by SSPDF.

14. The action taken by SSPDF at Amadi is also a breach of the SOMA between the Government of South Sudan and IGAD MVM, the pertinent provisions of which are set forth in paragraph 1.1 of this Report, above.
15. Major Elias Mayor is clearly either completely unaware of his and the SSPDF's responsibilities towards CTSAMVM and its mandate or blatantly violating the provisions of several agreements of which he should be aware.
16. The behaviour of the SSPDF Lt was unacceptable, threatening, and violent and risked loss of life and harm to CTSAMVM officials. It is fortunate that CTSAMVM personnel were able to defuse the situation before a bad situation became even worse.

Conclusions

17. CTSAMVM concludes that the SSPDF violated the following provisions of the R-ARCSS: Articles 2.1.10.5 and Article 2.1.10.6.
18. CTSAMVM concludes that the SSPDF violated the following provisions of the ACOH: Article 12.
19. CTSAMVM concludes that the SSPDF failed to cooperate with CTSAMVM in the discharge of its (CTSAMVM's) functions under the agreements and that the Government/SSPDF therefore failed to comply with ACOH Articles 11.5 and 11.7.
20. CTSAMVM concludes that the violations were committed by SSPDF and specifically Major Elias Mayor and the 1st Lt (name unknown) who was at Amadi.
21. CTSAMVM concludes that SSPDF have not sufficiently disseminated the obligations contained in the ACOH and R-ARCSS.

Observations and Recommendations

22. It is recommended that SSPDF take urgent action to fully assure the safety of CTSAMVM personnel going about their duties.
23. It is recommended that the SSPDF takes all necessary actions to facilitate the visit of CTSAMVM to Digala.
24. It is recommended that the SSPDF holds Major Elias Mayor and the Lt (name unknown) accountable for their actions on 08 February and subject them to pertinent judicial or administrative disciplinary processes, as required pursuant to ACOH Articles 3.5 ("The Parties shall prevent, and ensure accountability for breaches of this Agreement.") and 13 ("Parties shall prevent, investigate and ensure accountability for breaches of this Agreement.") AND as required by R-ARCSS Article 2.1.10.7.3 (Party-signatories are reminded they are obligated for "ensuring accountability for breaches of this Agreement.").
25. It is recommended that the Government/SSPDF operationalise its obligation under Article 2.1 of the ACOH (ensuring all forces "at all times observe the Agreement) AND under Article 2.1.3 of the R-ARCSS (ensuring compliance with the provisions of the Agreement by all of its forces, allies and affiliates) by establishing training programmes on the provisions of the ACOH and R-ARCSS for its forces. It is further recommended that all Parties to the Agreements make use of any available support to ensure all their personnel receive sufficient training in this respect.
26. Refer to ACOH of 21 Dec 2017, Article 2.1 ("Each Party shall implement this Agreement in full and in good faith, and **shall ensure that its affiliates and all forces** or armed groups under its command and control **at all times observe the Agreement**, particularly the provisions on prohibited acts." SEE ALSO R-ARCSS of 12 September 2018, Article 2.1.3 ("The Parties shall . . . disseminate the provisions of this Agreement to all forces, allies and affiliates under their command or influence to **ensure compliance**." [Emphases added.]

SUMMARY OF ARTICLES PERTAINING TO ARMED ASSAULT AND THREATS
AGAINST CTSAMVM PERSONNEL

1. R-ARCSS Article 2.1.10 states that the Parties shall refrain from prohibited actions outlined in the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 Dec 17 (ACOH) which inter-alia include but are not limited to:
 - a. 2.1.10.5; acts of hostility, intimidation, violence or attacks against..., CTSAMVM personnel, installations and equipment.
 - b. 2.1.10.6; movement and access restrictions on CTSAMVM and UNMISS/RPF personnel performing their duties as prescribed by their mandates in R-ARCSS.
2. In R-ARCSS Article 2.1.2, Party-Signatories reiterate all of their commitments under the ACOH of 21 December 2017, which include the following obligations that expressly address those Party-Signatories' relationship with CTSAMVM and its Monitoring and Verification officials.
3. ACOH Article 11.5 requires Parties to allow CTSAMVM "to monitor and to verify its adherence to the provisions of this Agreement . . .";
4. ACOH Article 11.7 obligates the Parties to "fully cooperate with CTSAMM in the discharge of its functions under this Agreement" AND to "*unconditionally* allow and grant unhindered access to CTSAMM to verify and monitor in all areas under its control"; [Emphasis added.]
5. ACOH Article 11.10 indicates Party-Signatories agreed to "*unconditionally* allow CTSAMM to monitor and verify the adherence of their forces and affiliates with the provisions of this Agreement";

6. In ACOH Article 12, the Party-Signatories are prohibited from the following activities:
 - a. "attacks, harassment intimidation and arrest, abduction or detention of CTSAMM personnel; and
 - b. obstruction or interference with the movements and work of CTSAMM."The Status of Mission Agreement (SOMA) signed by the Government of South Sudan and the IGAD Monitoring and Verification Mission on 6 May 2014 sets forth the respective duties and responsibilities of the signatories with respect to cessation and peace agreements and the monitoring by IGAD of Government compliance therewith.
7. Article VIII.1 of the SOMA provides that the Monitoring and Verification Mission "shall enjoy freedom of movement and unhindered access and may conduct its monitoring and verification missions by land, air or water as may be determined by the JTC [the MVM Joint Technical Committee]."
8. Article X.1 of the SOMA provides that: "The GRSS [Government of the Republic of South Sudan] shall take all appropriate measures to ensure the safety, security and freedom of movement of the members of the Mission and associated personnel and their property and assets in areas under its control"
9. SOMA Article X.2 requires the GRSS to "put forth its best efforts to facilitate and guide the safe and secure movement of members of the IGAD MVM and its MVTs"