

CTSAMM Headquarters

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM



TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 28 March 2017

SUBJECT: CTSAMM report 033 – Burning of Homes in the Yei area

Your Excellency,

Please find attached a CTSAMM 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) that took place in the Yei area, Central Equatorial State. This report was discussed at the CTSAMM meeting of 8 March 2017.


Major General Molla Hailemariam
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 033
BURNING OF HOMES IN THE YEI AREA

Executive Summary

There were extensive reports from various sources and significant media coverage of alleged destruction of homes in the Yei area in November and December 2016.

The COGS SPLA instructed the JMCC to initiate a CTSAMM investigation to determine whether homes had been destroyed, the extent of the destruction and the responsibility for any destruction. The request from JMCC identified 5 town/villages in the Yei area which needed to be visited as part of the investigation.

A patrol was conducted by a CTSAMM MVT from 30 January until 3 February 2017. CTSAMM was able to verify the situation in 3 of the 5 locations which were part of the verification plan.

CTSAMM finds that there has been extensive destruction of homes by burning in Lainya, Sanzasiri, Morobo and Lutaya. Detailed numbers cannot be confirmed but it is likely that in excess of 3000 homes were destroyed in Lainya alone.

CTSAMM could not verify the situation in 2 of the locations identified by JMCC due to Freedom of Movement (FOM) issues and time constraints.

CTSAMM assesses that there is compelling evidence to support the conclusion that Government Forces were responsible for the deliberate destruction of homes by burning, and therefore in violation of the ARCSS.

BURNING OF HOMES IN THE YEI AREA

1.0 Introduction

1.1 Background:

- There have been multiple accounts of homes in the Yei area being destroyed with deliberate intent by warring parties since August 2016. A Human Rights Watch report and media coverage described the activity as forced displacement and brought the events and other allegations of abuse to the attention of the international community in November 2016. Movement to Yei by CTSAMM and UNMISS had been restricted until late November 2016 when a joint CTSAMM and UNMISS Long Range Patrol was conducted from 28 Nov until 2 Dec. The patrol findings were briefed at the 9th CTSAMM Board and found that displacement of civilian settlements had occurred.
- Amongst the reports and media coverage of the situation in Yei was an allegation that villages and huts had been burned along the Juba-Yei road by Government Forces. In response to these allegations on 12 December the SPLA Chief of General Staff requested JMCC to initiate an investigation. JMCC requested CTSAMM to visit, verify and ascertain the truth regarding the allegations in the areas alleged to have been razed by the SPLA. The request was made by the JMCC to CTSAMM on 15 Dec 2016 and co-ordination meetings were subsequently held with SPLA to plan a verification patrol.

1.2 Allegations:

- The specific allegation was that about 1900 houses were burnt by Government Forces in Yei River State. A map was provided by JMCC with specific locations in five areas. The five areas were:
 - **Yei** town and villages within a 10-20 kilometre radius of Yei town.
 - **Acholi**
 - **Shitata** (also known as “**Tore**”)
 - **Morobo**

- **Lainya.**

- The map showing the alleged areas of destruction is at Enclosure 1.

1.3 Aim: The aim of this report is to outline the investigations into the burning of homes in the Yei area with findings and recommendations.

1.4 Methodology:

- The Yei MVT – which is based in Juba – deployed with UNMISS force protection to the Yea area from 30 January to 3 February 2017.
- The MVT met with a wide range of local officials, military commanders, church leaders and civil representatives. The team was also able to meet with and interview ordinary citizens, many of whom were victims.
- Locations: The MVT visited burned houses in the following locations:
 - LUTAYA Village Yei-Lasu Road N 04° 04' 32.65" E 030° 38' 38.15"
 - SANZASIRI Village Yei-Lasu Road N 04° 03' 50.03" E 030° 38' 0.38"
 - MOROBO County Yei-Kaya Road N 03° 40' 55.63" E 030° 46' 28.52"
 - LAINYA County Yei-Juba Road N 04° 09' 43.45" E 030° 50' 46.42"

2.0 PATROL FINDINGS

2.1 The MVT saw a large number of burned buildings, including traditional tukuls as well as brick-built houses. It was not possible to accurately identify the number of buildings destroyed, but the destruction was extensive. The burned houses were verified in the following areas:

- Lutaya Village. Visited 31 Jan 2017. The village was abandoned with many destroyed homes, it was not possible to ascertain when the homes were destroyed..
- Sanzasiri Village. Visited 31 Jan, also abandoned, many destroyed homes with indications that some of the homes had been burned recently.
- Morobo Town. Visited 1 February 2017. Large numbers of burned dwellings were observed.

- Lainya Town. Visited 3 February 2017. A large area of the town has burned homes, the County Executive Director confirmed that 3,080 residences were burned, allegedly as a result of a natural wildfire that occurred on or about 5 January 2017.
- Glumbi Village. On route to the Morobo on 1 February 2017 the MVT observed widespread evidence of burned homes in villages which have been abandoned.

2.2 SPLA military commanders claimed that some of the houses were burnt “by the IO” or as a result of crossfire when the IO attacked Government Positions. This assertion is countered by the information gathered following interviews with a wide range of witnesses (civil society representatives, faith groups and villagers) who state that in most cases the buildings were deliberately set on fire by Government Forces soldiers, comprising both SPLA and allied militia. According to the Ugandan military officials in charge of border crossings at Kaya 12000 civilians fled across the border in January. The refugees stated that amongst the reasons for fleeing was the burning of their homes by Government Forces.

2.3 In the case of Lainya, County Officials stated that in excess of 3000 residences were burned. Officials stated that the destruction was a result of a wildfire in early January. However the map provided by JMCC that identified where buildings were alleged to have been destroyed in the Lainya area was dated well in advance of January. The MVT observed in many cases examples of dwellings which have been destroyed but surrounding fences, bushes, paths and dry scrub were untouched by scorching. There is evidence that brick built structures have been burned from the interior rather than by the effect of wildfires burning the exterior of structures. Interviews with witnesses to the destruction produced consistent statements that the homes had been deliberately destroyed by Government Forces comprising SPLA and allied militia.

- 2.4 The MVT spoke to the Uganda military official responsible for 3 crossing points in the Kaya area. Displacement of civilians has been widespread and the log book for the crossing point indicated that 12000 South Sudanese had crossed into Uganda in January. Refugees are routinely interviewed at the crossing points and amongst the reasons given for leaving the Yei area was the burning of their homes by Government Forces.
- 2.5 The MVT was not able to visit all the areas identifies on the map provided by the JMCC. The Government Forces Military Intelligence officer in Yei denied UNMISS access to Acholi and without force protection it was not safe for the MVT to proceed. The team did not get to Shitata because there was insufficient time to reach the village given the poor road conditions.
- 2.6 The MVT encountered hostility from Government Forces checkpoints on several occasions: at one time the soldiers on a checkpoint pointed their weapons and pointed them at the CTSAMM/UNMISS patrol which was forced to turn back. Many citizens were reluctant to talk to the MVT for fear of reprisals. As previously stated in the Monitoring Report presented at the last CTSAMM meeting, the people of the Yei area live in fear.
- 2.7 During the course of the MVT patrol a number of other violations were alleged to have occurred including looting of homes and burning of churches. While the patrol was underway there were reports of homes being burned in the vicinity of Asole on the same day that the patrol had been denied access.
- 2.8 Many of those the MVT spoke with blamed the 'Mathiang Anyoor' militia for the destruction wrought in Yei River State, and suggested there was an ethnic dimension to the violence.

3.0 Assessment

- 3.1 There has been extensive destruction of homes by fire in the Yei area. Given the statements by Lainya officials referring to the destruction of 3000 in Lainya alone the total numbers of homes destroyed is likely to be well in excess of that figure.
- 3.2 There is sufficient evidence for JCTSAMM to conclude that the main reason for the destruction of homes in Morobo, Lutaya, Sanzasiri and Lainya was deliberate action by Government Forces. The contention that the destruction in Lainya was a result of wild fire is not supported by the findings of CTSAMM.
- 3.3 It is not possible to confirm whether homes were destroyed or by what means in Asole or Shitata.
- 3.4 The effect of widespread violence in the Yei area has been to traumatize the civilian population and to displace large numbers of people fear of Government Forces.
- 3.5 There is compelling evidence that other violations are ongoing in the Yei area and that further patrols are required in order to verify the circumstances and veracity of the allegations made.

4.0 Conclusion

It is the opinion of JTC that Government Forces have been in clear breach of Chapter II of the ARCSS in the Yei area:

Article 1.7.5: "Acts of hostility, intimidation, violence or attacks against the civilian population...."

Article 3.1 of the COHA: "The parties shall refrain from attacks on the civilian population and commit to the protection of human rights"

5.0 Recommendations and observations:

- 5.1 The government must make determined efforts to stop the excesses committed by Government Forces and allied militias in the Yei area.
- 5.2 CTSAMM must continue to monitor the situation in the Yei area by conducting Joint Patrols with UNMISS.

Enclosures

- 1. Map of Alleged Destroyed Structures.

