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TO: Special Envoys to South Sudan

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

DATE: 09 June 2014

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on the violations of the Cessation of Hostilities Agreement (23 January 2014) committed in Unity and Upper Nile States, South Sudan over the period 31 May – 04 June 2014 (V004).

Mohammad Amin
Major General
For the Chairman, Joint Technical Committee

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JOINT TECHNICAL COMMITTEE (JTC)

**INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF
HOSTILITIES AGREEMENT IN UNITY AND UPPER NILE STATES**

(31 MAY - 04 JUNE 2014) (V004)

PRESENTED TO:

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

09 June 2014



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Executive Summary

- Following the receipt of reports from the Monitoring and Verification Teams (MVTs) based in Nassir and Bentiu, which implied the likelihood of violations of the Cessation of Hostilities Agreement (COHA) in Upper Nile and Unity States over the period 31 May - 04 June 2014, the JTC initiated formal investigation and verification processes. The results of the investigation and verification process are contained in this report.
- Reports indicate that hostilities between Government Forces and forces loyal to Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) took place in Nassir (Upper Nile State) from 31 May – 03 June 2014.
- Reports indicate that hostilities between Government Forces and SPLM/A-IO Forces took place in Wang-Kay and Bentiu (Unity State) from 02 - 04 June 2014.
- Reports indicate that fighting in both states resulted in a number of military casualties, and disrupted humanitarian assistance.
- As a result of investigations, and the weight of evidence collated (including a number of first-hand accounts from MVM personnel), it is the opinion of the JTC that forces loyal to SPLM/A-IO violated the following articles of the Cessation of Hostilities Agreement, 23 January 2014, on 31 May, 02 and 03 June 2014 in Nassir (Upper Nile State):
 - 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
 - 3.4 *Protection of Civilians (2 June only)*
 - 7.2b *Operations of the MVT (2 June only)*
- Investigations into the hostilities that took place in Wang-Kay and Bentiu (Unity State) from 02-04 June are, so far, inconclusive. Investigations continue.



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN UNITY AND UPPER NILE STATES (31 MAY – 04 JUNE 2014)

1.0 Introduction

1.1 The scope of this report covers hostilities between parties that occurred over the period 31 May – 04 June 2014 resulting in reports of Government and SPLM/A-IO Forces fighting in Nassir (Nassir County, Upper Nile State), Wank-Kay (Mayom County, Unity State) and Bentiu (Rubkona County, Unity State).

1.2 The aim of this report is to provide IGAD Special Envoys with an analysis of the events surrounding the hostilities in Upper Nile and Unity States over the period 31 May – 04 June 2014. And, where relevant, apportion responsibilities for violations of the COHA to either of the parties.

1.3 This report outlines the investigation and verification methodology, citing key documents in the process. It summarizes the main events surrounding the potential violations and makes an assessment of possible violations of the COHA, based on evidence gathered. It concludes with the JTC's opinion on the attribution of responsibilities for the violations.

2.0 Investigation / Verification Methodology

2.1 Employing Monitoring and Verification Mechanism (MVM) Standard Operating Procedures, the MVTs based in UNMISS camps in Nassir and Bentiu initiated the investigation / verification sequence with Flash Reports and Daily Situation Reports over the period 31 May – 04 June. Subsequently, the JTC formally issued Investigation and Verification Orders to MVT Nassir on 4 June, and to MVT Bentiu on 5 June, following direction from the JTC Chairman.

2.2 The MVTs conducted investigations in accordance with the orders, in order to augment the information already provided and corroborate reports received from other sources. The results of initial investigations were two MVT Investigations and Verification Reports on 7 and 8 June. This report is based on the combined analysis of all reports and evidence received by the JTC up until 1100hrs on 09 June 2014. All relevant MVT reports are referenced in this document and available for additional scrutiny, if required.

3.0 Main Events – Nassir (Upper Nile State)¹

3.1 MVT and open-source reporting suggest that hostilities took place in Nassir on 31 May from 0600-0900hrs, on 02 June from 0320-0800hrs, and on 03 June 2014 from 0900-1600hrs. Reports further indicate that hostilities took place between the SPLM/A-IO Forces (located

¹ Investigation and Verification Report 001 (Nassir)



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southwest across the River Sobat) and the Government Forces (located in Nassir town). Evidence suggests the SPLM/A-IO Forces initiated the hostilities by firing at Government Forces in Nassir, and the Government Forces responded in self-defence. Unconfirmed reports suggest the motivation for the engagement was to drive the Government Forces out of Nassir and also to prevent any aircraft from landing in order to deny the Government Forces any resupplies. Government Forces claimed that one soldier was killed and one was injured during the fighting.

3.2 On 03 June 2014, small-arms fire from SPLM/A IO Forces was directed at two IGAD aircraft. The first aircraft, which approached the Nassir airfield from the southwest, came under heavy fire. Information from UNMISS in Nassir indicates that approximately 250 small-arms rounds and two RPGs were fired at the aircraft. The aircraft was not hit. The second aircraft also received incoming fire and made a quick turn northwards before landing safely. There were no casualties caused by this incident. JTC and MVT personnel were able to give firsthand accounts of the violation.²

3.3 The commander of the Government Forces in the Nassir area is Brigadier Kong Thon Kong. The commander of the SPLM/A-IO forces in the surrounding area of Nassir is thought to be Major General Gathoth Gatkuoth.

4.0 Assessment – Nassir (Upper Nile State)

4.1 JTC assessments indicate that SPLM/A-IO Forces initiated the fighting in Nassir (Upper Nile State) on 31 May, 02 and 03 June and, as such, failed to cease all military actions in accordance with the COHA. Furthermore, SPLM/A-IO failed to refrain from taking actions that could lead to military confrontations, in violation of the COHA.

5.0 Main Events – Wang-Kay (Unity State)³

5.1 MVT reports are inconclusive but indicate that a number of unconfirmed actions led to hostilities around Wang-Kay (a base that is occupied by Government Forces) on 02 June. Unconfirmed reports indicate that armed personnel loyal to SPLM/A-IO clashed with Government Forces when the latter was conducting civilian disarmament operations. The armed personnel then linked-up with SPLM/A-IO Forces under the command of Major General Peter Gadet, who were intending to meet elders from Mayom County. Subsequently, unconfirmed reports indicate there were hostilities between the forces of both parties, around Wang-Kay, resulting initially in the capture of the area by SPLM/A-IO, but with the Government Forces reoccupying the location upon the withdrawal of the SPLM/A-IO.

6.0 Assessment – Wang-Kay (Unity State)

6.1 JTC assessments indicate that the events in Wang-Kay on 02 June are unconfirmed and therefore investigations are inconclusive.

² JTC witness statements

³ Investigation and Verification Report 004 (Bentiu)



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7.0 Main Events – Bentiu (Unity State)⁴

7.1 Hostilities between parties took place in/around Bentiu in three different locations, over two days: Tong Island (03 June), Ariab (04 June) and Magazine (04 June):

- **Tong Island (approximately 0620-1000hrs on 03 June)** Reports indicate that Government Forces were conducting a routine patrol to ensure the security of the Bentiu when an engagement with SPLM/A-IO Forces took place. Government Forces claim to have killed a number of SPLM/A-IO personnel, but there is currently no evidence to support this.
- **Ariab (approximately 0600-1000hrs on 04 June)** Reports indicate that the Government Force southern defensive line, located at a place known as Ariab, was engaged by small arms and Rocket Propelled Grenade (RPG) fire by approximately 200-300 personnel from SPLM/A-IO Forces. Government Forces claim to have repelled the attack through counter-fire.
- **Magazine (approximately 1400-1600hrs on 04 June)** Reports indicate that the Government Force eastern defensive line, located at a place known as Magazine, was engaged by small arms and RPG fire by up to 400 personnel from SPLM/A-IO Forces. Government Forces claim to have repelled the attack through counter-fire. Unconfirmed reports indicate that seven Government Force soldiers were injured during the engagement.

8.0 Assessment – Bentiu (Unity State)

8.1 JTC assessments indicate that the investigations into events in Bentiu on 03 - 04 June are inconclusive. SPLM/A-IO Forces fought with Government Forces on 04 June at Ariab and Magazine and, as such, failed to cease all military actions in accordance with the COHA. However, responsibility for the initiation of the attacks has yet to be confirmed. The investigations into the engagement at Tong Island are considered inconclusive, and likely to be the result of a meeting engagement by patrols of both parties.

9.0 Conclusion

9.1 JTC and MVT investigations, verification, evidence collection and analytical processes indicate that SPLM/A-IO Forces committed violations of the COHA in three main categories in Nassir (Upper Nile State) on 31 May, 02 and 03 June 2014:

- 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
- 3.4 *Protection of Civilians (2 June only)*
- 7.2b *Operations of the MVT (2 June only)*

⁴ Ibid



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9.2 It is therefore recommended that the IGAD Special Envoys take the appropriate action against the SPLM/A-IO in response to the violations of the Cessation of Hostilities Agreement.

9.3 JTC and MVT investigations, verification, evidence collection and analytical processes in Wang-Kay and Bentiu (Unity State) are inconclusive:

Photograph 1: Evidence of RPG fire against Government Forces in Bentiu (03-04 June)



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Photograph 2: Government Force defensive position in Bentiu and evidence of recent small arms fire

