

CTSAMM Headquarters

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM



TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 7 February 2017

SUBJECT: CTSAMM Report 022 – Violations of the PCTSA in Juba

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 Juba on 15 June 2016.

This was discussed at the CTSAMM meeting on 25 January 2017.

Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 022
VIOLATIONS IN JUBA

Executive Summary

On the evening of 15 June 2016, in two separate but related incidents, Government National Security Service (NSS) personnel attacked personnel of the Office of the (then) First Vice President (FVP). They were not provoked in any way. These incidents were initially reported to this forum at the last CTSAMM meeting in June 2016 when an interim report was presented.

In the first incident, armed NSS personnel halted a motor vehicle and apprehended its sole occupant, a Protocol Driver for the FVP. After confiscating his pistol, ammunition, and cellular phones, NSS officials tied, blindfolded, and beat him. They then took him to an unknown location where they continued beating him and threatened to kill him.

The second incident involved another FVP Protocol motor vehicle, in this instance carrying two occupants. NSS soldiers fired approximately six rounds of automatic-weapons fire at this second vehicle after its driver failed to comply with their orders to pull over as it was driving past the first vehicle that had already been halted by NSS.

The results of investigations indicate that Government Forces NSS soldiers inflicted unprovoked and gratuitous violence upon personnel operating and occupying Protocol vehicles assigned to the Office of the SPLM/A-IO FVP. These acts of violence against officials of the FVP were wholly unjustified under any reasonable interpretation of the circumstances. It is the opinion of the CTSAMM that the NSS officers involved in these incidents acted in violation of the PCTSA.

VIOLATIONS IN JUBA

1 Introduction

1.1 Background:

- The Government Forces National Security Service operates checkpoints at various locations throughout the city of Juba during evening, night, and early morning. Its personnel are armed with automatic weapons.
- The Office of the FVP possessed vehicles to transport the FVP and associates in order they could perform their duties with the Transitional Government of National Unity (TGoNU).

1.2 Allegations: On 16 June 2016 the CTSAMM Opposition Liaison Officer informed MVT Juba that “two cars of the 1st Vice President going back to the site [Site 1, the residence of 1st Vice President Riek Machar] was [sic] attacked and shot by NSS one car able to escape and the other is taken with the driver” – the Liaison Officer indicated these events occurred the evening before, 15 June.

1.3 Aim: The purpose of this report is to describe the incidents, provide an assessment of the circumstances, and make recommendations.

1.4 Methodology:

- Upon receipt of the allegations the CTSAMM Chief of Staff issued a verbal task order to MVT Juba to conduct an investigation into the alleged incidents. MVT Juba immediately coordinated with the Juba Joint Operations Centre (JOC) and obtained a copy of its 16 June 2016 report entitled, “JOC’s Permanent Secretariat Ordinary Meeting.”

- On 16 June, MVT Juba conferred with the Director of the JOC who initiated a separate investigation and accompanied the MVT to the SPLM/A-IO Site 1. At Site 1, also on 16 June, MVT Juba preliminarily verified the incidents with the Deputy Chief of Intelligence CIC Close Protection.
- On 20 June at CTSAMM Headquarters, MVT Juba interviewed the driver of the vehicle involved in the second incident.
- On 22 June, MVT Juba travelled to Jabel Kujur SPLM/A-IO Site 1 to interview the driver of the vehicle involved in the initial incident.
- MVT Juba visited Government Force Tiger Division HQ on 24 June to interview its Commander, and Provost Officer and on 1 July MVT Juba met with the Chief of Operations & Security Division, NSS HQ Internal Security Bureau, to discuss the incidents.

2 Violations of the PCTSA

- 2.1 At 2020 on 15 June 2016, personnel of the Government's NSS halted an FVP Protocol vehicle and – after confiscating his weapon and cellular phones – tied, blindfolded, and beat the driver.
- 2.2. NSS personnel then placed the Protocol driver into another vehicle and drove him to an unknown location where they continued to beat him and threatened him to kill him on the grounds that he was “a rebel.”
- 2.3 At 2040 on 15 June, armed NSS officials fired approximately six rounds of automatic-weapons fire at a second FVP Protocol vehicle occupied by two officials driving back to SPLM/A-IO Site 1.

3. Assessment

- 3.1 MVT Juba conducted a comprehensive investigation that confirmed the accuracy of the entry in the Juba JOC's "Permanent Secretariat Ordinary Meeting" of 16 June 2016: "tension reported to have been caused as a result of shooting by NSS Personnel on a vehicle belonging to the HQs of the FVP"
- 3.2 The incidents of the evening of 15 June 2016 did take place and can only be characterised as unprovoked assaults by Government NSS personnel upon Protocol vehicles occupied by officials assigned to the FVP. Such actions violate the PCTSA.

4 Conclusion

- 4.1 It is the opinion of CTSAMM that Government NSS personnel violated the PCTSA when in separate but related incidents they gratuitously and without justification Inflicted bodily harm and mental distress on the driver of one Protocol vehicle, then Improperly used deadly force by firing at least six automatic rounds at a second Protocol vehicle occupied by two other members of the Office of the FVP.
- 4.2 The Government violated Chapter II of the ARCSS, particularly:
- Article 1.7: "The warring parties shall refrain from prohibited actions outlined in the Cessation of Hostilities Agreement of 23rd January 2014 [including] . . .

1.7.4. Offensive, provocative or retaliatory actions such as . . . re-deployment and movement of forces and any other activities that may

jeopardise this Agreement.” [Emphasis added.]

- Article 1.2: “The warring parties shall disseminate the provisions of this Agreement to all forces under their command or influence, and allies, to ensure compliance upon signing.”

5.0 Observations and Recommendations

5.1 Distribution of Agreements and Training. The improper behaviour of NSS personnel involved in these incidents demonstrates the Government has failed to effectively disseminate the requirements of the ARCSS and COH agreements and to properly train the forces under its influence and control.

5.2 Members of the security forces who act improperly should be held to account. CTSAMM would like to express concern that members of NSS appear to be able to act with impunity. This is not the case – they are subject to both national and international law in the same way as other security services.

6.0 Comments made by Government representatives at CTSAMM meeting

6.1 At the CTSAMM meeting which took place on 25 January 2017 the Government representatives wanted to make it clear that these incidents should be seen in the context of what happened in J1 on July 8 2016, and that these incidents should be considered together.

6.2 The Government representatives went on to say that these issues should be dealt with by JMEC and actions taken “at the political and strategic level”.