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TO: Special Envoys to South Sudan

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

DATE: 6th November 2014

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on violations of the Cessation of Hostilities Agreement (23 January 2014) in Unity State between 27 October and 29 October 2014.

This report is for the record and represents the official Violation Report following on from the interim 'Report on the Current Situation in Unity State' submitted to Your Excellencies on 29th October 2014.

Major General (Retired) Negash Dagne Ayele
Chairman, Joint Technical Committee



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JOINT TECHNICAL COMMITTEE (JTC)

INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN UNITY STATE

(V016)

PRESENTED TO:

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

6 November 2014



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Executive Summary

- Following the receipt of reports from the Monitoring and Verification Team (MVT) based in the UNMISS camp near Bentiu that described violations of the Cessation of Hostilities Agreement (COHA) in Rubkona County, Unity State, the JTC initiated formal investigation and verification processes.
- Reports indicate that hostilities between SPLM/A-IO and Government Forces took place in the area of Kilo 30, Rubkona and Bentiu starting on 27 October and finishing on 29 October.
- On 18-20 October there had been unconfirmed reports of minor hostilities between the SPLM/A-IO and Government Forces in Unity State, and in the following week there were rumours of an impending SPLM/A-IO attack. Hostilities started early in the morning of 27 October and continued until a relative calm had returned by the morning of 30 October.
- Reports were received by the MVT of civilians being deliberately killed in Bentiu during the fighting. These allegations are the subject of an ongoing investigation and if proved will be the subject of a separate violation report.
- As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that SPLM/A-IO Forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Unity State, over the period 27 to 29 October 2014:

- 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN PANYIKANG AND MANYO COUNTIES, UNITY STATE

1.0 Introduction

1.1 The scope of this report covers violations of the COHA in Rubkona County, Unity State from 27 to 29 October 2014.

1.2 The aim of this report is to provide IGAD Special Envoys with the information acquired by the MVM about the incidents.

1.3 This report outlines the investigation and verification methodology. It summarises the main events surrounding the potential violations and makes an assessment based on the 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 MVT based in the UNMISS Camps near Bentiu initiated the investigation / verification sequence with a series of reports beginning with a Flash Report at 12.25 Hrs on 27 October. Subsequently, the JTC formally issued Investigation and Verification Orders to the MVT.

2.2 The MVT conducted investigations in accordance with the orders, in order to augment the information already provided and corroborate reports received from other sources. The result of investigations were a series of reports ending with a summary submitted on 1 November and then a meeting report submitted on 2 November. By this time the MVT had been able to patrol in the town, meet both military and civil leaders from the Government and have some limited telephone conversations with the SPLM/A-IO military leadership.

3.0 Violations of COHA –

3.1 Monday 27 October 2014:

- Fighting was heard to the north of Bentiu. The MVT was able to contact Brigadier General Michael Makal from the SPLM/A-IO Forces who claimed that the SPLM/A-IO



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Forces were in control of Kilo 30 (about 5 Km north of the UNMISS camp). Colonel Savino from 4th Division of the Government Forces confirmed that there was fighting around Kilo 30 and also to the south of Bentiu.

- The MVT team was able to patrol Bentiu and Rubkona and observed that the Government Forces were preparing defensive positions. About 1,000 civilians took refuge in the POC camp.
- SPLM/A-IO officers contacted by MVT (Major General Carlo Kuol and Brigadier General Michael Makal) claimed that they were not intending to attack unless provoked by Government Forces.
- Fighting was heard in the afternoon about 1.5 to 2 Km north the UNMISS camp. That night shelling was heard from South of Bentiu.

3.2 Tuesday 28 October 2014

- The MVT went on a short patrol hoping to visit 4 Division HQ and observed a lot of movement by Government Forces. The situation remained tense throughout the day. Firing was heard to the north and then from the direction of Rubkona Airport in the evening.

3.3 Wednesday 29 October 2014

- There was sporadic heavy fighting all day in and around Rubkona and Bentiu, which moved south and then back north again, and in the process came close to the UNMISS camp.
- The MVT attempted to call major General Peter Gadet of the SPLM/A-IO and eventually spoke with him and he denied that the SPLM/A-IO were involved in the fighting around Bentiu; he claimed that the attacks were being carried out by other unspecified groups.
- The MVT, together with UN personnel, were unable to leave the UNMISS compound and spent long periods during the day in protective bunkers.

3.4 Thursday 30 October – Sunday 2 November 2014

- The situation appeared to have calmed by the morning of 30 October, and it was apparent that the Government Forces were in control of Rubkona and Bentiu, although it was reported that the SPLM/A-IO continued to hold Kilo 30. The MVT was able to visit Rubkona, and on 1 November they patrolled Bentiu.



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- The MVT was again able to speak with Brigadier General Michael Makal of the SPLM/A-IO who made contradictory claims about the fighting, initially saying that the SPLM/A-IO had attacked Bentiu but then claiming that Government Forces had attacked first. On 2 November the MVT was able to meet officers of 4 Division Government Forces.

3.3 Assessment

- The MVT was able to access a great deal of information from a wide variety of sources. They were also able to physically hear and see some of what happened, albeit from the UNMISS camp.
- The Bentiu MVT does have some contact with SPLM/A-IO forces in the area, and were able to speak to them by telephone. This together with reports from Government Forces and also from UN sources enabled them to get some balance in their view of what was happening.
- The MVT was able, with the help and protection of UNMISS, able to patrol Rubkona and Bentiu very soon after the fighting died down.
- Due to the nature of the engagement and the observations of the MVT, augmented by other neutral reports – especially from UN sources, it is apparent that SPLM/A-IO forces manoeuvred into position and then attacked Government Forces in Rubkona County, Unity State.

4.0 Conclusion

4.1 As a result of investigations, and the weight of evidence collated, it is the opinion of the JTC that SPLM/A-IO Forces violated the following articles of the Cessation of Hostilities Agreement, 23 January 2014, over the period **27-29 October 2014** in Rubkona County (Unity State):

- 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*

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4.2 I am therefore in agreement with the condemnation issued by your excellencies in the IGAD Press Statement on 29th October 2014

