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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan
DATE: 10 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 Rubkona County and Guit County, Unity State on 29 October to 1 November 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
(V018)**

PRESENTED TO:

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

10 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 Rubkona that during the hostilities in Unity State 27 – 29 October 2014 (already described and reported in V016) serious violations took place regarding Paragraph 3 ‘Protection of Civilians’ of the Cessation of Hostilities Agreement (COHA), the JTC initiated formal investigation and verification processes.
- Over the period of a week the MVT conducted detailed investigations and gathered eye witness accounts of the alleged violations, which included killing of civilians and rape in Rubkona County and Guit County, Unity State.
- 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 Rubkona County and Guit County, Unity State, over the period 29 October to 1 November 2014:

- 3.1 to 3.4 *Protection of Civilians*



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN RUBKONA AND GUIT COUNTIES UNITY STATE

1.0 Introduction

1.1 The scope of this report covers violations of the COHA in Bentiu Town, Rubkona County, and Guit County, Unity State from 29 October to 1 November 2014

1.2 The aim of this report is to provide IGAD Special Envoys with the information acquired by the MVM about the incidents, and it reflects the results of a detailed investigation by the MVT.

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 Camp near Rubkona initiated the investigation / verification sequence following a report on 30 October which outlined allegations made to the MVT by the acting Governor of Unity State that civilians had been killed during the occupation of Bentiu by the SPLM/A-IO Forces, and a subsequent visit by the MVT to a site where they saw dead bodies and fresh graves. Subsequently, the JTC formally issued Investigation and Verification Orders to the MVT.

2.2 The MVTs conducted investigations in accordance with the orders, ensuring that they got witness statements in order to verify the allegations made and corroborate reports received from other sources. The result of these investigations was a full MVT Investigation and Verification Report submitted to JTC late on 7 November 2014.

2.3 All relevant MVT reports, witness statements and other documents are referenced in this report and available for additional scrutiny if required.



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3.0 Violations of COHA – 29 October to 1 November Bentiu Town and Guit County

3.1 29 October 2014: Abduction and killing of civilians from the Catholic Church Compound:

- On 29 October when the SPLM/A-IO were in temporary control of Bentiu town, a number of soldiers broke into the Catholic Church Compound and looted it. There were a number of civilians in the compound who were taking refuge there.
- About 17 men (all men within their vicinity) and 9 women were selected and beaten before being abducted from the church compound. The men had their arms tied against each other using their shirts and ropes. The group was marched up to a place identified as block 15. Here, the men were separated from the women and shot dead as the women watched. They were shot down in cold blood. According to statements by eye witnesses, some of the men survived. 12 were reportedly killed and listed as such. The MVT saw 6 bodies and 5 fresh graves (coordinates: N 09° 14.82'; E 29° 47.74')

3.2 29 October – 1 November: Abduction and rape of women.

- The 9 women abducted from the Catholic Church compound were ordered by their captors to carry wounded SPLM/A-IO soldiers from Bentiu to Guit County. This they did, and that night and on the subsequent two nights they were raped by SPLM/A-IO soldiers in turns. Each woman was raped by at least eight men.
- When they reached Nyieng Muok Puok (sic), which was described by one of the victims as an SPLM/A-IO base, they were released on the orders of Brigadier General James Liah Din (sic).
- Five of them returned to Bentiu on 1 November but the other four could not return with them because of the injuries and fatigue they had sustained due to being abused and raped. It is not known what happened to them afterwards, but witnesses suggested they would follow when they had recovered.
- There were other unconfirmed reports that more women had been abducted, but at time of writing the MVT had found no further information about this.

3.3 29 October 2014: Killing of civilians – women and children:



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- During the period when the SPLM/A-IO were in temporary control of Bentiu several SPLM/A-IO soldiers broke into the house of a women in Der Block and killed her 8-month old baby and then her. The killings were particularly brutal. The woman was a mother of five whose other children were in the POC Camp. The killing was witnessed by the woman’s sister who was in the next door house.
- The soldiers then broke into the sister’s house and killed another woman before leaving because one said that they had killed one sister and should not kill the other.
- The attack left two women – both mothers – and one baby dead. The MVT visited the site of the killing (coordinates: N 09° 15.16’; E 29° 47.45’)

3.3 Assessment

- The MVT was able to interview a suitable number of credible witnesses during its investigation, and access a great deal of information.
- The motive of the killing of civilians seems to be to punish the Nuer families who had “betrayed” the Nuer community by accepting to live within Bentiu town under control of the Government.
- The JTC found the abduction of civilians who sought refuge at a place of worship particularly shocking. Such places of worship are protected under the law of armed conflict.
- It is the view of the JTC that these incident certainly did happen, and that they represent a serious violation of the COHA as well as International Human rights law and the Law of Armed Conflict by SPLM/A-IO Forces.

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, on **29 October** in Bentiu town, Unity State:

- 3.1 - *The Parties shall refrain from attacks on the civilian population and commit to the protection of human rights, life and property as provided by various national, continental and international instruments.*
- 3.3 - *The Parties shall not engage in ant acts of violence against children, girls, women and the elderly and more importantly, they will support the reunion of families.*



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- 3.4 - *The parties shall cease acts of violence including summary executions, displacement of populations, all forms of torture, destruction of property, attacking civilian aircrafts, vehicles or riverboats, recruitment of child soldiers or any other acts as prohibited by applicable national, continental and international instruments.*

4.2 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, **29 October to 1 November** in Bentiu town and Guit County, Unity State:

- 3.2 – *The Parties shall refrain from any acts of rape, sexual abuse and torture as prohibited by applicable national, continental and international instruments.*

4.3 It is therefore recommended that the IGAD Special Envoys take the appropriate action in response to the violations of the Cessation of Hostilities Agreement.

