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TO: Special Envoys to South Sudan
FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mission,
Juba, South Sudan
DATE: 09 May 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, Upper Nile and Jonglei States, South Sudan over the period 27 April – 05 May 2014 (V003).

GebreEgziabher Mabrahtu
Major General (Retired)
Chairman, Joint Technical Committee

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JOINT TECHNICAL COMMITTEE (JTC)

**INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF
HOSTILITIES AGREEMENT IN UNITY, UPPER NILE AND JONGLEI
STATES (27 APRIL – 05 MAY 2014) (V003)**

PRESENTED TO:

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

11 May 2014



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Executive Summary

- Following the receipt of reports from the Monitoring and Verification Teams (MVTs) based in Bentiu, Malakal and Bor, which implied the likelihood of violations of the Cessation of Hostilities Agreement (COHA) in Unity, Upper Nile and Jonglei States over the period 27 April – 05 May 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 Duk and Ayod Counties from 27-30 April.
- Reports indicate that hostilities between Government Forces and SPLM/A-IO Forces began when the former attacked Bentiu, resulting in Government Forces capturing Bentiu on 04 May. Subsequently, SPLM/A IO Forces counter-attacked on 05 May resulting in the withdrawal of the Government Forces from Bentiu and Rubkona.
- Reports indicate that hostilities between Government Forces and SPLM/A-IO Forces began when the former attacked Nassir County, resulting in Government Forces capturing Nassir town on 04 May 2014. SPLM/A IO Forces subsequently withdrew from the area.
- Reports indicate that fighting in all three states over the period 27 April – 05 May resulted in numerous military and civilian casualties, as well as the displacement of thousands of people, and disruption of humanitarian support.
- As a result of investigations, and the weight of evidence collated (including a number of first-hand accounts from the MVT), it is the opinion of the JTC that Government Forces violated the following articles of the Cessation of Hostilities Agreement, 23 January 2014, on 04 May 2014 in Bentiu (Unity State) and in Nassir (Upper Nile State):
 - 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
 - 3.1, 3.3 and 3.4 *Protection of Civilians*
- The subsequent affect of the Government Force attack on Bentiu on 04 May was the cancellation of humanitarian flights on 04 and 05 May and, as such, violates 4.1, 4.4 and 4.6 *Humanitarian Access* of the COHA
- Investigations relating to the potential violation of the Cessation of Hostilities Agreement in Duk and Ayod Counties, Jonglei State, were inconclusive due to a lack of credible and impartial witnesses. This was compounded by the inability of the MVT to investigate the events in the specified areas because of insecurity.



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN UNITY, UPPER NILE AND JONGLEI STATES (27 APRIL – 05 MAY 2014)

1.0 Introduction

1.1 Significant hostilities between parties occurred over the period 27 April – 05 May 2014 resulting in reports of Government and SPLM/A-IO Forces fighting in Ayod and Duk Counties (Jonglei State) from 27-30 April, as well as intense fighting in Bentiu (Unity State) and Nassir (Upper Nile State) on 04 May. Further hostilities were reported on 05 May when SPLM/A-IO Forces recaptured Bentiu. Therefore, the scope of this report covers hostilities that took place in Bentiu, Nassir, Ayod and Duk over the period 27 April – 05 May 2014 (inclusive).

1.2 The aim of this report is to provide IGAD Special Envoys with an analysis of the events surrounding the hostilities in Unity, Upper Nile and Jonglei States over the period 27 April – 05 May 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 Bentiu, Malakal and Bor initiated the investigation / verification sequence with Flash Reports and Daily Situation Reports over the period 27 April – 05 May. Subsequently, the JTC formally issued Investigation and Verification Orders to MVT Bentiu on 6 May, and to MVTs in Bor and Malakal on 7 May, 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 three MVT Investigations and Verification Reports on 7 and 8 May. This report is based on the combined analysis of all reports and evidence received by the JTC up until 0900hrs on 09 May 2014. All relevant MVT reports are referenced in this document and available for additional scrutiny, if required.

3.0 Main Events – Bentiu (Unity State)¹

3.1 MVT and open-source reporting suggests that Government Forces, including

¹ Investigation and Verification Report 002 (Bentiu)



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Sudanese Revolutionary Forces (Justice and Equality Movement)² began an attack on Rubkona and Bentiu towns, from the north, at approximately 1400hrs on 04 May. Reports indicate that an estimated 1-2,000 armed uniformed personnel on foot, and an estimated 70 vehicles belonging to Government Forces and their allies, advanced on the towns. The vehicles were mostly Toyota Landcruisers with mounted weapons, but there were also at least four armored personnel carriers sighted.³

3.2 The advancing Government Forces passed the UNMISS compound in Rubkona at approximately 1430hrs. Government Forces then continued to advance, with little resistance, before a lull in the early evening. However, sporadic gunfire could be heard throughout the night. Overnight, elements of the Government Forces occupied the former SPLA 4th Division Headquarters.

3.3 On 05 May heavy gunfire began at approximately 0730hrs, between Government Forces and SPLM/A-IO Forces around the area of the divisional headquarters. Fighting continued until approximately 1100hrs when Government Forces began a withdrawal in a northerly direction.⁴ Elements of SPLM/A-IO Forces pursued some of the Government Forces resulting in the latter losing additional vehicles in the engagement.

3.4 During the engagement, stray bullets hit the UNMISS compound, killing at least one child and concurrently injuring the mother, while they were both sheltering in the Protection of Civilians (POC) site. Also, as a result of the Government Force attack, UN humanitarian flights were suspended from 04-05 May.

3.5 Further fighting occurred between 1700-1900hrs as Government Forces attempted to rescue personnel and equipment still engaged in fighting in the outskirts of the town.

3.6 Unconfirmed reports indicate that Brigadier Kerbino Ruac Tap commanded the Government Force attack, but JTC government force representatives indicate that Major Generals Santino Deng Wol and Magok Magok Deng were also commanding Government Forces. SPLM/A IO Forces remained under the command of Major Generals James Koang Chuol and Peter Gadet Yak. SPLM/A-IO claims that 10 of their men were killed in the engagement, with over 60 Government Force personnel killed.

3.7 Addendum: On 08 May 2014, at approximately 1700hrs, Government Forces advanced on Bentiu once again. Reports indicate there was little resistance and Government Forces reportedly held their position north of the Rubkona-Bentiu bridge by last light on the 8th. During the fighting, a middle aged man suffered a gunshot wound to the head while sheltering at the POC site, and later died at the UNMISS hospital.⁵

² See photograph 1

³ See photographs 2 and 3

⁴ See photograph 4

⁵ MVT Bentiu Flash Report 006 and Investigation and Verification Report 002 (Bentiu)



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4.0 Assessment – Bentiu (Unity State)

4.1 JTC assessments indicate that Government Forces initiated the fighting in Unity State on 04 May and, as such, failed to cease all military actions in accordance with the COHA. Furthermore, Government Forces failed to refrain from taking actions that could lead to military confrontations, in violation of the COHA.

4.2 JTC assessments indicate that the Government Forces initiated an engagement resulting in violence against men, women and children, in violation of the COHA.

5.0 Main Events – Nassir (Upper Nile State)⁶

5.1 Reports indicate that at approximately 0430hrs on 04 May 2014 heavy fighting began in Nassir, as Government Forces attacked SPLM/A IO Forces in the town with tanks and mortar fire. Government Forces subsequently advanced into Nassir and towards neighboring Ketbek. Heavy firing continued between the forces loyal to both parties, and by approximately 1500hrs Government Forces had control over Nassir and the surrounding area.

5.2 On 05 May 14, at around 1700hrs, heavy fighting began between the Government and SPLM/A IO Forces. SPLM/A IO Forces began firing across the River Sobat while Government Forces retaliated with armor and heavy weapons fire.

5.3 During the fighting between the two forces on 04 May a total of eight civilians were reported to have sought protection at the UNMISS camp, with reports that many others had fled to the east of Nassir for safety. In addition, over 11,000 people from Nassir crossed into the Ethiopian town of Burubiey, which marks the border between the two countries.⁷

5.4 Government Forces in Nassir and Ketbek are estimated to number approximately 1,500 – 2,000 with two tanks and a number of armored personnel carriers. Unconfirmed reports indicate the commanders of Government Forces include Brigadiers Justin Nhial Batoang and James Gatwich Jok, and possibly Major General Garang Mabil.⁸ The commander of the SPLM/A-IO Forces in the area is believed to be Brigadier Chuol Gaga Lolongo.

6.0 Assessment – Nassir (Upper Nile State)

6.1 JTC assessments indicate that Government Forces initiated the fighting in Nassir on 04 May and, as such, failed to cease all military actions in accordance with the COHA. Furthermore, Government Forces failed to refrain from taking actions that could lead to military confrontations, in violation of the COHA.

⁶ Investigation and Verification Report 001 (Malakal)

⁷ UNHCR report

⁸ Discussions with Government Force representatives to the JTC on 8 and 9 May 2014



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7.0 Main Events – Ayod (Jonglei State)⁹

7.1 Unconfirmed reports indicate that on 27 April Government Forces attacked the town of Ayod in Ayod County. Unconfirmed reports also indicate that from 28-30 April SPLM/A-IO Forces attacked areas in Duk County (including Padiat, Payuel, Marang, Poktar and Patnoi). However, only speculative details are available due to a lack of credible and impartial witnesses. Initial investigations were hampered by the inability of the MVT to verify the events in the specified areas, because of insecurity. Investigations continue.

8.0 Assessment – Ayod (Jonglei State)

8.1 Investigations relating to the potential violation of the Cessation of Hostilities Agreement in Duk and Ayod Counties, Jonglei State, were inconclusive. Therefore, apportioning responsibilities for violations of the COHA to either of the parties, in this situation, is not currently possible.

9.0 Conclusion

9.1 JTC and MVT investigations, verification, evidence collection and analytical processes indicate that Government Forces committed violations of the COHA in two main categories in Bentiu (Unity State) and Nassir (Upper Nile State) on 04 May 2014:

- 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
- 3.1, 3.3 and 3.4 *Protection of Civilians*

9.2 The subsequent affect of the Government Force attack on Bentiu on 04 May was the cancellation of humanitarian flights on 04 and 05 May, which violates 4.1, 4.4 and 4.6 *Humanitarian Access* of the COHA.

9.3 It is therefore recommended that the IGAD Special Envoys take the appropriate action against the Government of the Republic of South Sudan in response to the violations of the Cessation of Hostilities Agreement.

⁹ Investigation and Verification Report 002 (Bor)



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Photograph 1: Allies of Government Forces (Justice and Equality Movement – JEM) advancing to Bentiu on 4 May



Photograph 2: Government Force vehicles (Landcruisers and armored personnel carriers) advancing to Bentiu on 4 May



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Photograph 3: Various Government Forces vehicles with mounted weapon systems advancing towards Bentiu on 4 May



Photograph 4: Government Forces withdrawing from Rubkona / Bentiu on 5 May

