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TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 15 May 2017

**SUBJECT: CTSAMM REPORT 036 – VIOLATIONS OF THE PCTSA IN LEER
(OCTOBER 2016).**

Your 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 Leer in October 2016. This report was discussed at the 11th CTSAMM meeting on 5 May 2017. It refers to 'historic' incidents, but the aim is to finally close an outstanding allegation made originally by JMCC.


Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism



CTSAMM REPORT NUMBER 036
VIOLATIONS IN LEER

Executive Summary

It is alleged that on 17 October 2016 the SPLA Air strip of Leer in former Unity State came under a ground attack by SPLM/A-IO forces.

MVT Bentiu conducted an investigation into the incident from 20-25 February. Following the investigation it is concluded that the specific incident referred to in the allegation did not take place. However the actions of both parties in the period 8-16 October were scrutinized to consider whether violations had been committed.

It is the opinion of CTSAMM that the attacks and counter-attacks conducted by both parties in the Leer area from 8-16th October were in violation of the ARCSS.

VIOLATIONS IN THE LEER AREA

1.0 Introduction

- 1.1 Background: Before the fighting in July in Juba most of the towns in Unity State comprising Bentiu, Rubkona, Leer, Pariang, Koch, Mayom, Guit were under Government control while the surrounding Payams were under the control of the SPLM/A-IO. In Leer, the Government controlled the town including the airstrip. The surrounding areas were controlled by the SPLM/A-IO, including Adok port, Piling, Dindin, Durbor and Thonyor. Fighting broke out in mid- July following which SPLM/A-IO were dislodged from their positions by Government Forces and there followed several months of fighting in with both parties struggling to control the areas of Piling, Adok Port, Gandor, Dablual and Thonyor. CTSAMM report number 25 dated 18 October 2016 refers to this.
- 1.2 Allegations: CTSAMM HQ received an allegation from the Joint Military Ceasefire Commission (JMCC) that the SPLA Air strip of Leer in former Unity State **“came under a ground attack by the rebel forces loyal to Dr. Riek Machar on 17/10/2016 at around 13:45 hrs”** .
- 1.3 Aim: The purpose of this report is to describe the incidents, provide an assessment of the circumstances and attribute responsibility where appropriate.
- 1.4 Methodology:
- HQ CTSAMM authorised an investigation on 25 October 2016 and made plans to conduct a dedicated patrol in November. Due to a combination of factors the patrol did not take place until 02-03 February 2017. Following the patrol interviews were held on 20-23 February and an initial report submitted in early March.

- The MVT visited Leer and Thonyor Payam by vehicle and helicopter as part of an integrated patrol with UNMISS. The MVT was able to meet with civil and military leaders from both the Government and SPLM/A-IO.

2.0 Findings of the Investigation

2.1 Timelines

- 08-16 Oct 2016. Fighting was reported by MVT Bentiu which started 8 Oct was ongoing on 16 Oct.
- 17 Oct 2016. Alleged ground attack by SPLM/A-IO forces at Leer airstrip.
- 18 Oct 2016. Reports of fighting subsiding.

2.2 On 17 October, the day of the alleged attack, UNMISS carried out a patrol and encountered SPLM/A-IO deployed near the airstrip. One group of SPLM/A-IO denied them access and informed them that they intended to prevent aircraft from landing or taking off from the airstrip. On returning to the UNMISS base the patrol met Government Forces moving towards Leer airstrip. During the afternoon the UNMISS patrol returned to Leer airstrip to meet a UN resupply flight. Between 1445 and 1645 hours the aircraft landed, offloaded and took off again without incident. There is no evidence that there was any attack at Leer airstrip or that incoming aircraft had been fired upon at the time of the alleged incident on 17th October 2017.

2.3 The security situation was tense in Leer at the time of the alleged incident. The Government believed there to be a credible threat to Leer airstrip from SPLM/A-IO forces and made the necessary preparations. MVT Bentiu observed a build-up of Government Forces in the vicinity of Bentiu-Rubkona and the movement of Government troops in the direction of Leer on the day of the alleged attack. There had been sustained fighting in the Leer area from 8-16th October. The UNMISS force in the area and UN Military Liaison Officers met the State Governor on the

17th October and were informed of his intention to clear SPLM/A-IO forces from the state using reinforcements and armour. He also informed UNMISS and MLOs that civilians were being advised to move to the GHANBATT base for protection.

2.4 SPLM/A-IO were interviewed and stated that they were defeated by Government Forces and driven from Leer, Piling, Dindin, Thoyor, Gandor and Adok. They denied any involvement in an attack at Leer because by 17th October the area was under government control. However this statement is contradicted by the reports from UNMISS and UN MLOs which reported in detail their dealings with SPLM/A-IO forces at Leer on the 17th October.

2.5 The attacks and counter attacks by both parties in the Leer area in October 2017 appeared to be planned in advance and were a continuation of the fighting that had been ongoing from the beginning of August 2016. . At the time of the alleged incident MVT Bentiu had open and effective communications with both parties, but despite entreaties from MVT Bentiu and UNMISS neither of the Parties appeared willing to show restraint.

3.0 Assessment:

3.1 It is the assessment of JTC that the alleged violation did not take place as stated.

3.2 However, JTC concludes that there were multiple violations of the ARCSS in the Leer area by both parties from 8-16th October 2016, particularly:

- There was clear evidence of a sustained build-up of forces and detailed planning to conduct offensive action by Government Forces in the Leer area.
- The SPLM/A-IO threatened to indiscriminately attack aircraft using the Leer airstrip. The fact that the attacks were not subsequently executed does not

diminish the intent to breach the ceasefire.

4.0 Conclusion:

4.1 The Government Forces and SPLM/A-IO forces violated the following provisions of Chapter II of the ARCSS in October 2016:

- 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 jeopardize this Agreement. [Emphasis added.]

4.2 The Government also violated provisions of the COH of 23 January 2014:

- Article 1.1: “The Parties hereby agree to cease all military actions aimed at each other and any other action that may undermine the peace process;”
- Article 1.2: “The Parties shall . . .
 - b) refrain from taking any actions that could lead to military confrontations including all movement of forces . . . or any other action that could be viewed as confrontational; [Emphasis added.]

5.0 Observations and Recommendations:

- 5.1 There were multiple ceasefire violations in the Leer area throughout 2016. Despite the peace agreement of August 2015 the underlying issues that drive conflict in have not been resolved. There is no significant separation of forces, and whilst there are now local arrangements which have minimised conflict so far this year, tensions still exist and the risk to civilians remains high.

- 5.2 CTSAMM calls upon JMEC to work at the political level to find a solution that will be agreeable to all parties, and on JMCC to take positive action to bolster local solutions to remove the risk of fighting between the Parties in the Leer area and provide the security necessary for civilians to feel safe and return to their homes.