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FROM: The Chairperson, CTSAMVM

DATE: 27 April 2021

SUBJECT: CTSAMVM REPORT 2021/06 – ARMED CLASHES IN THE OMBASI AREA

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the ACOH which took place in the OMBASI area, Central Equatoria State, during March 2021.

Please accept the assurances of my highest consideration.



Major General Teshome Gemechu Aderie

Chairperson

Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism

CTSAMVM REPORT 2021/06

EXECUTIVE SUMMARY

SSPDF and NAS (Thomas Cirillo) clashed in Ombasi Boma on 17 March and subsequent days until 26 March 2021. There were also clashes at Mukaya and Goli on 29 March and 3 April respectively were related incidents.

The fighting caused major civil displacement with villagers fleeing into the bush and in excess of 1000 civilians, mainly women and children, moving to the safe haven of a church in Yei town. Many civilians report that their homes were destroyed and their property and livestock looted.

The initial fighting was caused by SSPDF from Morsak advancing upon NAS positions. There were subsequent retaliatory attacks on SSPDF positions. SSPDF and NAS (Thomas Cirillo) clashed in Ombasi Boma on 17 March and subsequent days until 26 March 2021.

Neither of the parties informed CTSAMVM of troop movement in advance as they are required to do. By conducting unauthorised movement of forces, conducting attacks and failing to protect civilians both SSPDF and NAS (Thomas Cirillo) are in violation of ACOH December 2017.

ARMED CLASHES IN THE OMBASI AREA

Introduction

1. Background: On 17 March 2021 CTSAMVM was informed by SSPDF in Yei that there were armed clashes between SSPDF and NAS forces of Thomas Cirillo in Mattava village some 30-35 kms SW of Yei. The area has seen previous clashes between SSPDF and NAS but over recent months the security situation has been relatively stable.
2. Allegations
 - a. It is alleged by SSPDF (Commander Bde 1 Ground Force Brig Gen John Lual) that at about 0730 on 17 March 2021 there was a clash between SSPDF soldiers and NAS soldiers at Mattava village. The NAS soldiers were reported to have crossed into the area from DRC through Lasu Payam to the west of Ombasi. SSPDF further allege that NAS soldiers had been soliciting food from locals in Ombasi and Morsak to which SSPDF responded by deploying soldiers. After the clashes on 17 March 2021 NAS were reported to be based in a camp at Latta about 7kms west of Ombasi planning more attacks on SSPDF positions. The NAS soldiers were reported to be wearing DRC uniforms.
 - b. NAS refuted the SSPDF allegations in a Press Statement dated 1 April 2021 and report that the SSPDF had crossed into NAS controlled areas and conducted attacks on NAS positions.

3. Aim: The aim of this report is to detail the findings of CTSAMVM investigations into the allegations, attribute responsibility for breaches of the agreements¹ where applicable and to make recommendations.

4. Methodology:

- a. CTSAMVM interviewed SSPDF Commanders on 17 March 2021 and then met with senior church leaders and civilians from the Ombasi area in Yei on 1 April 2021. The interviews in Yei were not attended by National Monitors.
- b. CTSAMVM was not able to have any contact with the NAS forces involved. CTSAMVM does not yet have any National Monitors from SSOMA.
- c. The standard of proof used by CTSAMVM to determine whether there is sufficient evidence to verify that a Party is not in compliance with the provisions **of the Agreements is “reasonable grounds to believe that the incident that is the subject of the investigation occurred.” This is in accordance with accepted practice for monitoring mechanisms and humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.**

Findings

5. On 17 Mar 21, Commander Bde 1 ground force (SSPDF) Brig Gen John Lual and Director Counter Intelligence Lt Col Kawaja Guot informed MVT Yei that at about 0730hr on 17 Mar 21 there was a clash between SSPDF troops from Morsak located 21 kms slightly SW of Yei town and NAS forces at Mattava village (estimated to be 30-35 kms SW of Yei town) in Morsak Boma, Ootogo Payam. The attack involved SSPDF from Morsak camp known as ‘Otoko’ forces and NAS

¹ The *Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan of 12 September 2018*: While the R-ARCSS was not signed by NAS and is not applicable to it, the R-ARCSS remains fully relevant to any actions or failures to act attributable to the Government’s SSPDF and/or NSS (National Security Service). The *Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017*: This was signed by NAS which remains bound by its provisions.

forces who crossed from DR Congo into the area through Lasu Payam to the west of Ombasi.

6. The team contacted Commander Bde 1 ground force (SSPDF) Brig Gen John Lual on 19 Mar 21 and he stated that the security situation in the area of Ombasi remains fluid, volatile and unpredictable since the attack in the area on 17 Mar 21. NAS forces had established a makeshift operations camp in Latta about 7 kms west of Ombasi and were planning more attacks on SSPDF positions in the area. He alleged that, prior to the attack on 17 Mar 21 at Mattava village, NAS forces solicited for food stuffs from locals in the area around Ombasi and Morsak, this prompted SSPDF to respond, to protect civilians in the area. The SSPDF soldiers involved in the clash went back to Morsak barracks while some remained in Ombasi -7 kms from Morsak. NAS forces which clashed with SSPDF soldiers were in Congolese Army uniform, he alleged.
7. On 26 Mar 21, MVT Yei had an engagement with Comd Bde 1 Ground Force Brig Gen John Lual (0922220611) in Yei town near the SSPDF Counter Intelligence office. He reported that the fighting in Ombasi Boma that started on 17 Mar 21 continued for about ten days though it was intermittent. He stated that the area of Morsak and Ombasi boma both in Otogo Payam remain insecure as a result of NAS forces and Bde 1 Ground Force (SSPDF) clashes in the area. He failed to provide detailed information as to the locations, dates and times of the clashes.
8. The team visited Headquarters of Episcopal Churches of South Sudan Diocese of Yei, located in Yei town on one of the feeder roads to the north of Yei-Juba Road on 01 Apr 21, to investigate the alleged fighting and displacement of civilians from Ombasi Boma, Otogo Payam. The team interviewed Bishop Commissioner Taban Francis who is currently administering the Diocese.
9. The Bishop commissioner stated that following the attacks that started on 17 Mar 21 in Ombasi Boma, Otogo Payam between government forces-SSPDF and NAS forces, displaced civilians started arriving in Yei in small groups on 23 Mar 21. The majority of those displaced took shelter at relatives and **friends'** home in Yei town and other neighbouring villages, while some went to the sort Church for safety. The

number of displaced persons at the church currently stands at 336 households with a population of 1056 persons. The main settlements affected by the violent clashes and displacement are Latta, Kularima, Balangaro and Nyangariba which are all in Ombasi Boma, Ootogo Payam, Yei County.

10. The church lacks the capacity to support the displaced persons needs of food, shelter, water, clothes, and health services. The church compound has only one hand operated borehole serving all the IDPs and lack latrines/toilets. The church reached out to humanitarian organizations in the area for timely intervention and so far, Plan International assisted the IDPs with tents for accommodation, Medecin Sans Frontieres (MSF) and Mission to Alleviate Suffering in South Sudan (MASS) also responded and conducted assessments. Church faithful within Yei contributed foodstuffs that include maize, beans, oil and salt to support the IDPs, but it is not adequate to sustain them for days.
11. The Bishop urged CTSAMVM to ensure parties to the cease fire agreement observe the provisions of the agreement since currently there is complete disregard for the agreement by the parties fighting in Ootogo Payam.
12. CTSAMVM met the displaced representatives within the church compound in their designated IPD area which included the Sultan of Ombasi Boma, the ECSS Ombasi Parish Church leader and other elders. CTSAMVM observed there were four large tents occupied by the IDPs. The area was scattered with IDPs, mainly children, women, elderly and few men. The number present at the time of the visit was estimated to be 500-600 persons. The civilians were traumatised by their displacement, many elderly people appeared fatigued and exhausted.
13. The sultan briefed the team on behalf of other members and stated that the attacks between SSPDF and NAS forces started on the morning of 17 Mar 21 in Nyangariba village west of Ombasi after SSPDF from Morsak moved into NAS forces-controlled areas. The civilians in the area were gripped by fear and ran to the bushes for hiding without taking basic needs like clothes and food. Some family members went different ways, and some were unaccounted for. After the fighting between SSPDF and NAS on 17 March 2020 the SSPDF returned to Ombasi and

on 18 Mar 21 launched further attacks in the area of Latta, Balangoro, Mudeba, Kularima all in Ombasi Boma. In the subsequent days, SSPDF moved further towards the DRC border and met heavy resistance and returned to the mentioned areas and started looting goats, valuables in the houses and burnt houses in Balangoro village. Following the looting of properties, animals and burning of houses many civilians started moving through the bush to Yei town and started arriving on 23 Mar 21. Ombasi Boma area is now completely deserted and inaccessible.

14. No evidence was found that NAS in the Ombasi area had been soliciting food from civilians, as was alleged by Comd 1 Bde Ground Force, or that the NAS were wearing DRC uniforms. Instead witnesses reported that the NAS forces did not loot or harass civilians and were not in DR Congolese Army uniform.
15. The church leader stated that a woman known to her only as Sori aged between 30-35 was shot in the arm by stray bullet and was taken to DR Congo for treatment and she was in stable condition. She further stated that there was no rape or targeting of women by either side during the clash. Majority of the IDPs are women, children between the age of 1-16 years and elderly persons.
16. The National Salvation Front/Army spokesperson Suba Samuel Manase released a press statement titled Allegations of Atrocities on Juba-Yei road against NAS. The press release mainly addressed the attacks on Yei-Juba highway but also confirmed attacks and displacement in Otogo Payam on the same dates as the clashed took place.
17. On 30 Mar 21, MVT Yei received an information from an anonymous source that NAS (TC) forces attacked a SSPDF camp at Mokaya in the evening of 29 Mar 21. The MVT contacted Yei UNMISS Civil Affairs Division, Mr. Buddika (0926693103), who confirmed the incident and stated that suspected NAS(TC) forces attacked and overrun Mokaya SSPDF camp killing nine people including the Commander of the camp. The remaining eight are six SSPDF soldiers, one civilian woman and a minor girl. He further stated that SSPDF reinforced Mokaya Camp with troops from Limbe and took control of the area.

Assessment

18. It is evident that SSPDF and NAS forces clashed in Ombasi Boma on 17 Mar 21 and subsequent days until 26 Mar 21. Affected areas/villages were Latta, Kularima, Balangaro and Nyangariba all in Ombasi Boma, Otogo Payam, Yei County and Mukaya Payam Lainya County, Central Equatoria State.
19. The clash was occasioned by SSPDF at Morsak camp, located about 21 kms SW of Yei town, moving into Nyangariba village of Ombasi Boma, Otogo Payam. The movement of SSPDF forces from Morsak was not notified to CTSAMVM but **according to the ACOH 21 Dec 2017 'All forces must freeze in their locations except for movement authorized by CTSAMVM'**. The movement of the force resulted in fighting between the two opposing factions for more than a week and displacing the population. This may have been followed by NAS forces conducting retaliatory attacks at Mukaya and Goli on 29 Mar 21 and 03 April 21 respectively.
20. Civilians were displaced from affected villages in Ombasi Boma, Otogo Payam to Yei town. The number of displaced at the church compound stand at 336 households with a population of 1056 persons. Unaccounted number of displaced persons are being accommodated by relatives and friends within Yei Town and neighbouring villages. Whereabouts of some civilians are still not known. There was no case of rape or attacks against civilians by either side but one adult female was injured in cross-fire and taken to DR Congo for treatment. None of the persons interviewed confirmed NAS forces in DR Congolese Army uniform as alleged by Comd Bde 2 ground force, Brig Gen John Lual.
21. It cannot be verified whether homes were burnt or looting took place in the Ombasi area but there were multiple reports of such events from displaced civilians.
22. The clashes took place over an extended period of time, it is likely that clashes reported on 29 March 2021 in Mukaya between SSPDF and NAS were related to the Ombasi incidents. CTSAMVM cannot verify the scale of the fighting in Mukaya and will conduct further investigation.

23. The civilian population live in fear of and are subject to harassment by the SSPDF, and many are refusing to return to their villages as a result.

Conclusion

24. By engaging in armed clashes, whether committing deliberate attacks or by committing retaliatory acts, SSPDF and NAS are in violation of Article 3 of the ACOH 2017.

25. By deploying a force from Morsak and failing to report this movement of troops to CTSAMVM, the SSPDF acted in clear violation of the ACOH, equally by moving NAS forces from Ombasi to Mukaya on 29 March 2021 the NAS also acted in clear violation of the ACOH, Article 1.2, which requires Party-Signatories to freeze their forces in their locations, and Article 11.6, which requires Party-Signatories to provide CTSAMVM with advance notification of any movement of its forces when such is required for the limited purposes of administration and/or logistics. To be clear, ACOH Article 1.2 prohibits any movement of forces other than for logistical and administrative purposes.

26. The effect of the fighting in Ombasi area was to cause widespread civilian displacement. SSPDF and NAS have failed to fulfil their obligations to protect civilians as required by Articles 5 and 6 of the ACOH 21 December 2017.

Observations and Recommendations

27. SSPDF and NAS forces are in close proximity in the Ombasi area. Both Parties must refrain from any provocative actions in order to avoid such clashes.

28. CTSAMVM urges the parties to implement what has been agreed in declarations and resolutions signed on 12 January 2020 in Rome, 13 February 2020 in Rome, 21 February 2020 in Juba, and discussed and agreed at separate meetings in Rome in October and in November 2020 that they will comply with the

requirements of the ACOH of 21 December 2017 and fully cooperate with the CTSAMVM to enable it to discharge its monitoring and verification duties as mandated by the ACOH.

29. Commanders of all Parties must be reminded of their obligations under the R-ACOH to protect the rights of civilians and to refrain from any forms of harassment.