

**CTSAMM/JMEC CONFIDENTIAL**

**NOT TO BE RELEASED WITHOUT THE AUTHORITY OF THE CHAIRMAN**

**CTSAMM Headquarters**  
**CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM**




TO: The Chairman, JMEC  
FROM: The Chairman, CTSAMM  
DATE: 22 March 2016

**SUBJECT: CTSAMM report 004: Violations of the PCTSA in Upper Nile State**

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 Upper Nile State

  
Major General Molla Hailemariam  
Chairman

**Ceasefire and Transitional Security Arrangements Monitoring Mechanism**

**CTSAMM VIOLATION REPORT NUMBER 004  
CEASEFIRE VIOLATION IN UPPER NILE STATE**

**Executive Summary**

On about the 28<sup>th</sup> January 2016 the area of Mina Jalhac in Upper Nile State was shelled from the west bank of the Nile. As a result of the shelling several houses were burnt and the area depopulated.

The western bank of the Nile in this area is dominated by forces affiliated to the SPLM/A-IO. It is the assessment of the JTC that the shelling did take place, and responsibility lies with the SPLM/A-IO for this violation of the PCTSA.

## VIOLATION IN UPPER NILE STATE

### 1.0 Introduction

#### 1.1 Background:

- There has for some time been ongoing tension in northern Upper Nile state between the forces of Major General Johnson Olony and those of the Government.
- The area to the west of the Nile is held in places by the forces of Major General Olony. These forces are allied to the SPLM/A-IO.

1.2 Allegation: The allegation was contained in a letter from the SPLA Director of Operations to the D/COGS Operations titled "Renewed violations of the cessation of Hostilities Agreement (COH) by the SPLM/A (IO)" dated 28 January 2016 and given to the CTSAMM JTC in early February, and repeated on a letter addressed to CTSAMM signed by Nhial Deng dated 4 March "renewed violations of the COH and PCTSA by the SPLM/A (IO) (Rebels). It is quotes verbatim as follows: "On the 28<sup>th</sup> January 2016: The forces of Riek Machar under the command of Johnson Olony shelled SPLA position in Jalhak from 9.15 AM till 11.30 AM from the western side of the Nile (Thurguang)"

1.3 Aim: The aim of this report is to outline for JMEC the results of investigations into the above allegation with an assessment and recommendations.

#### 1.4 Methodology:

- On 8 February 2016 the JTC ordered the MVT based at Melut to investigate the allegation. Once arrangements had been made with UNMISS for the provision of force protection the MVT drove to Jalhak on 19 February in order to undertake the investigation.
- When in Jalhak the MVT visited the scene of the alleged shelling, which was an area of the town called Mina Jalhak. The area was devoid of civilians due to the shelling, and the MVT observed burnt houses and signs of mortar impacts.
- The team interviewed witnesses and took statements from local Government Forces officers. They were unable in this instance to make contact with

SPLM/A-IO affiliated forces on the western bank of the Nile.

## **2.0 VIOLATIONS OF THE PCTSA**

2.1 According to witnesses the attack took place on about the 27<sup>th</sup> January and consisted of the firing of mortars into the Mina Jalhac area. The mortars were fired from the western side of the Nile over the main part of Jalhac town to impact in Mina Jalhak.

2.2 A number of houses caught fire, and the local residents fled elsewhere. Local sources told the MVT that 700 people have been displaced by the incident, and they remain reluctant to return in case the shelling is repeated.

2.3 There were no casualties reported.

## **3.0 Assessment:**

3.1 It is the assessment of CTSAMM that the shelling did take place, and that houses were burnt and civilian lives endangered as a result.

3.2 The area from where the mortars were fired is under the control of forces aligned with the SPLM/A-IO, and it is therefore the clear view of CTSAMM that SPLM/A-IO forces are responsible for a violation of the PCTSA.

## **4.0 Conclusion**

4.1 It is the opinion of JTC that forces allied to the SPLM/A-IO violated article 1.7 of the PCTSA, particularly:

- Article 1.1 of the COHA: "The Parties hereby agree to cease all military actions aimed at each other...."
- Article 1.2.c. of the COHA: "...ensure that all forces or armed groups under their influence, control or/and command shall observe this Agreement."
- Article 1.7.5: "Acts of hostility, intimidation, violence or attacks against the civilian population.....". This is because the mortar shells fell in a civilian area.

**5.0 Recommendations and observations:**

- 5.1 CTSAMM recommends that JMEC remind the Parties that it is vital that all allied forces are made fully aware of the provisions of the Agreement and abide by them.
- 5.2 The area in which the mortar shells landed was occupied by civilians. It is impossible to say whether this was deliberate or not, but certainly those firing the mortars did so without taking into account the danger to civilian lives.