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TO: Special Envoys to South Sudan

FROM: Chairman, Joint Technical Committee, Monitoring and Verification Mechanism,
Juba, South Sudan

DATE: 25 July 2014

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on the continuing violations of the Cessation of Hostilities Agreement (23 January 2014) in Nassir County, Upper Nile State over the period 20-24 July 2014 (V008).

Gebre Egziabher 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 NASSIR COUNTY, UPPER NILE STATE
(V008)**

PRESENTED TO:

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

25 July 2014



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Executive Summary

- Following the receipt of reports from the Monitoring and Verification Team (MVT) based in Nassir that described violations of the Cessation of Hostilities Agreement (COHA) in Nassir County, Upper Nile State, 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 Nassir County (Upper Nile State) from 20-24 July 2014 (inclusive).
- Reports indicate that SPLM/A-IO Forces attacked Government Forces in Nassir without provocation on 20 July 2014. Government Forces subsequently responded defensively, while withdrawing to the western outskirts of Nassir Town. Direct and indirect exchanges of fire continued from 21-23 July. On 24 July Government Forces counter-attacked the SPLM/A-IO in Nassir, pushing them out of the town to the east.
- Reports indicate that the exchanges of fire by both parties continues to jeopardize the safety of personnel in the UNMISS County Support Base (CSB). All flights to Nassir town were cancelled over the period 20-24 July, and thus any humanitarian access to Nassir was prevented.
- 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, over the period **20-23 July 2014**, in Nassir County (Upper Nile State):
 - 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
 - 4.1 *Humanitarian Access*



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN NASSIR COUNTY, UPPER NILE STATE

1.0 Introduction

1.1 The scope of this report covers violations of the COHA in Nassir County, Upper Nile State over the period 20-24 July 2014.

1.2 The aim of this report is to provide IGAD Special Envoys with an analysis of the issues surrounding the violations. 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 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 CSB in Nassir town initiated the investigation / verification sequence with a series of reports beginning on 20 July 2014.¹ Subsequently, the JTC formally issued Investigation and Verification Orders to the MVT in Nassir, following direction from the JTC Chairman.

2.2 The MVT conducted investigations in accordance with the orders, in order to augment the information already provided and corroborate reports received from other sources. The result of investigations was contained in MVT Daily Situation Reports from 20-24 July 2014 (inclusive), and additional night observation reports over the period 22-24 July 2014. This report is based on the combined analysis of all reports and evidence received by the JTC until 1000hrs on 25 July 2014. All relevant MVT reports are referenced in this document and available for additional scrutiny, if required.

3.0 Violations of COHA – Nassir County²

3.1 Since the beginning of July, MVT Nassir has witnessed sporadic direct and indirect fire in and around the outskirts of Nassir town. The following occurrences serve as the background to events on 20-24 July 2014:

- **6/7 July:** 12.7 and 23mm machinegun and 82mm mortar exchanges by both parties. Government Forces increasing the intensity of indiscriminate fire prior to the arrival of resupply aircraft.

¹ MVT Nassir Team emails, MVT Nassir Flash Report, and MVT Nassir Daily Situation Report 48, on 20 July 2014.

² Ibid and MVT Nassir Daily Situation Report 49, 50, 51 and 52 and Night Observation Reports 22-24 July 2014.



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- **10 July:** Further machinegun and mortar fire exchanges by both parties
- **16 July:** Media propaganda accuses Government Forces of attacking SPLM/A-IO Forces south of the River Sobat
- **17 July:** Rumors of SPLM/A-IO Forces attack on Nassir are circulated, in retaliation for unconfirmed attack by Government Forces the previous day. The first Government Force soldier seeks refuge in the UNMISS CSB.
- **19 July:** MVT Nassir is informed that they cannot visit Mandeng (the closest site where supporters of the SPLM/A-IO, and possibly SPLM/A-IO Forces, are concentrated) unless they have permission from SPLM/A-IO leader (Dr. Riek Machar).

3.2 Reports indicate that a deliberate assault on Government Forces in Nassir town took place on 20 July 2014, by SPLM/A-IO Forces advancing from the east. An approximate timeline of events is shown below:

- **20 July:** SPLM/A-IO Forces begin an attack on Government Forces in Nassir town.
 - *0530hrs:* SPLM/A-IO Forces advance from the east and engage Government Forces (SPLM/A-IO Forces include armed youth and “White Army”)
 - *0700hrs:* 28 Government Force soldiers seek refuge in UNMISS CSB
 - *1500hrs:* SPLM/A-IO Forces secure the area around UNMISS CSB, the airstrip, and to the east.
 - SPLM/A-IO leadership informs UNMISS that no flights are permitted without SPLM/A-IO authorization, or they will be shot down
- **21 July:** Further fighting by both parties. Government Forces defend positions to the west of the town and both parties continue to attack with indirect and direct fire, thus putting the occupants of the UNMISS CSB in danger.
 - *0230hrs:* Eight additional government force soldiers seek refuge at the UNMISS CSB
 - *1730hrs:* SPLM/A-IO representatives from the attacking force visit UNMISS CSB to explain that the attack was conducted in response to Government Force attacks earlier in the month.
- **22 July:** Sporadic fighting and exchanges of direct and indirect fire continues in Nassir town between SPLM/A-IO Forces occupying the area around the UNMISS CSB and to the east, and the Government Forces with positions on the western outskirts of the town. The Government Force commander reiterates that his orders are to defend his position only. Another Government Force soldier seeks refuge in UNMISS CSB.



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- **23 July:** Sporadic firing by both parties continues with one mortar shell landing (without exploding) in the UNMISS CSB. The Government Forces commander denies responsibility. He explains that he is anticipating receiving reinforcements in the next 24-48 hours. Another Government Force soldier seeks refuge in UNMISS CSB.
- **24 July:** Intense fighting begins at 1500hrs as Government Forces counter-attack from the west, driving the SPLM/A-IO Forces out of the town, to the east, towards Ketbek. Other elements of the SPLM/A-IO Forces are believed to have crossed the River Sobat towards Mandeng. Government Forces secure the airstrip and the area around the UNMISS CSB.

3.3 Reports indicate that no UNMISS / UNHAS flights were able to land on the Nassir town airstrip over the period 20-24 July 2014.

3.4 The commander of the Government Forces in the Nassir area is currently Brigadier Jildo Oling Baranya. The leader of the SPLM/A-IO Forces in/around Nassir town is Major General Gathoth Gatkuoth.

4.0 Assessment

4.1 Reports indicate that SPLM/A-IO Forces attacked Government Forces in Nassir, without provocation, on 20 July 2014. Government Forces subsequently responded defensively, while withdrawing to the western outskirts of Nassir Town. Direct and indirect exchanges of fire continued from 20-23 July. Government Forces then counter-attacked the SPLM/A-IO Forces on 24 July, forcing them to withdraw from Nassir town, despite giving the MVT assurances that their intentions were to defend their position to the west of the town.

4.2 JTC assessments indicate that SPLM/A-IO failed to support all humanitarian assistance by initiating the attack on Government Forces in Nassir town, and subsequently by preventing aircraft from landing in the town. Both parties continue to endanger the safety of all personnel in the UNMISS CSB because of crossfire.

5.0 Conclusion

5.1 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, over the period **20-23 July 2014**, in Nassir County (Upper Nile State):

- 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
- 4.1 *Humanitarian Access*

5.3 It is therefore recommended that the IGAD Special Envoys take the appropriate action in response to the violations of the Cessation of Hostilities Agreement, and continue to urge



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the parties to cease hostilities in Nassir town and to safeguard all personnel located in the UNMISS CSB.

