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TO: Special Envoys to South Sudan

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

DATE: 20 August 2014

SUBJECT: Report on Violations of the Cessation of Hostilities Agreement

Your Excellencies,

Please find attached the Joint Technical Committee (JTC) report on violations of the Cessation of Hostilities Agreement (23 January 2014) in Maban County, Upper Nile State over the period 2-5 August 2014 (V010).

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 MABAN COUNTY, UPPER NILE STATE
(V010)**

PRESENTED TO:

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

20 August 2014



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Executive Summary

- Following the receipt of media and UN reports that described potential violations of the Cessation of Hostilities Agreement (COHA) in Maban 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 a militia known as the Mabanese Defence Forces (MDF) and Nuer defectors from the Government Forces, and the MDF and Nuer civilians, took place in the area around Bunj, Maban County (Upper Nile State), over the period 2-5 August 2014.
- Reports indicate the MDF are a Government of the Republic of South Sudan (GRSS) armed and supported militia, which deliberately ambushed Government Force defectors on 2 August 2014 in an area known as Girand. As a result of sustaining casualties during the ambush, the MDF exacted revenge by targeting Nuer civilians in Bunj, causing the deaths of at least nine people over the period 3-5 August.
- Government Forces and civil authorities have subsequently responded to the incident by protecting the remaining Nuer elements of the Government Forces, and their families, in Bunj. The County Commissioner also claims to have initiated an inquiry into the incident. However, despite the MDF's expulsion from Bunj, Government Forces have made no attempt to disarm and demobilize the militia, which numbers an estimated 1,000-2,000 men. The MDF therefore remains a threat to the Nuer community in Maban County, and a provocation for the Sudan People's Liberation Movement / Army in Opposition (SPLM/A-IO). The attacks by the MDF also resulted in some humanitarian activities being suspended. The threat to humanitarian services remains while the MDF is active in Maban County.
- As a result of investigations, and the weight of evidence collated, it is the opinion of the JTC that MDF fall under the category of "forces or armed groups under their [Government of South Sudan] influence, control or/and command..." in accordance with Article 1.2c of the COHA. Therefore, the GRSS violated the following articles of the Cessation of Hostilities Agreement, 23 January 2014, over the period 2-5 August 2014, in Maban County (Upper Nile State):
 - 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
 - 3.1 *Protection of Civilians*
 - 4.1 *Humanitarian Access*



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

1.0 Introduction

1.1 The scope of this report covers violations of the COHA in Maban County, Upper Nile State from 2-5 August 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 JTC initiated the investigation / verification sequence on 06 August 2014. Subsequently, the JTC formally issued Investigation and Verification Orders to the mobile MVT based in Juba, 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 is contained in Investigation and Verification Report (Mobile) 001 (18 August 2014). This report is based on the combined analysis of all reports and evidence received by the JTC until 1800hrs on 19 August 2014. All relevant MVT reports are referenced in this document and available for additional scrutiny, if required.

3.0 Violations of COHA – Maban County¹

3.1 Reports indicate the following main events relating to the COHA violations in Maban County:

- January 2014: The Mabanese Defence Forces (MDF) is formed in Bunj. Reports indicate the Vocational Training Center, behind the former County Commissioner's Guest House, is used to train the militia. GRSS provide the MDF with up to 230 assault rifles (confirmed by the Government Force commander in Bunj).

- 02 August 2014: Approximately 30 soldiers defect from the Government Forces 1st Brigade of the 1st Division in Bunj. The defectors leave Bunj in the direction of Beneshowa

¹ MVT Investigation and Verification Report 01 (Mobile) 18 August 2014.



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and are ambushed by members of the MDF at a place known as Girand. As a result of the encounter a number of defectors, as well as members of the MDF, are killed.

- 03-05 August 2014: Following the killing of members of the MDF the militia group begins searching for individuals of Nuer ethnicity in Bunj in order to exact retribution. At least nine civilians are killed and two injured during the attacks. During the search for Nuer personnel a number of humanitarian organizations are visited by the MDF, resulting in the evacuation of many Nuer to the Government Force's barracks for protection. Up to 1,000 Nuer soldiers and their families remaining with Government Forces are also provided with protection.

- 06 August (onwards): The MDF leaves Bunj, without any attempts by Government Forces to disarm them, and remain a threat to the Nuer community, refugees and humanitarian organizations. Furthermore, their presence in Maban County is a provocation for the SPLM/A-IO to seek retribution in the future.

3.2 Reports indicate Mun Pan Kalo, who allegedly gave orders to attack Nuer civilians, commands the MDF. The commander of the Government Forces in Bunj is Brigadier Peter Bao Jamus. Other unconfirmed names of the leadership of the MDF are as follows:

- James Basha (Former County Commissioner)
- Isiah John Bilal
- Johnson Lipka
- Thomas Yanya
- John Joma

4.0 Assessment

4.1 Reports indicate the MDF, a militia under the influence of GRSS / Government Forces, deliberately attacked defectors from Government Force on 02 August 2014 and subsequently attacked and killed Nuer civilians in Bunj without provocation, between 3-5 August 2014. The presence of the MDF in Maban County continues to threaten the Nuer community, refugees and humanitarian organizations. The GRSS / Government Forces have made no attempt to disarm and disband this militia.

5.0 Conclusion

5.1 As a result of investigations, and the weight of evidence collated, it is the opinion of the JTC that MDF fall under the category of "forces or armed groups under their [Government of South Sudan] influence, control or/and command..." in accordance with Article 1.2c of the COHA. Therefore, the GRSS violated the following articles of the Cessation of Hostilities Agreement, 23 January 2014, over the period 2-5 August 2014, in Maban County (Upper Nile State):



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

5.2 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 urge the GRSS to disarm and disband the MDF as soon as possible.

