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TO: Special Envoys to South Sudan

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

DATE: 11 December 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 New Fangak, Jonglei State, and also violations of those provisions of the COHA that provide for the freedom of movement of the MVT.

Major General (Retired) Negash Dagnev Ayele
Chairman, Joint Technical Committee



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JOINT TECHNICAL COMMITTEE (JTC)

**INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT IN NEW FANGAK, JONGLEI STATE
(V020)**

PRESENTED TO:

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

11 December 2014



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Executive Summary

- As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that Government Forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in Fangak County Jonglei State, from about 1 December 2014.
 - 1.0-1.2 (inclusive) *Declaration of Cessation of Hostilities*
- The refusal of the Government Forces to allow the MVT free access to New Fangak constitutes a violation of the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014:
 - 7.2.b Freedom of Movement and unhindered access



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INVESTIGATIONS INTO VIOLATIONS OF THE CESSATION OF HOSTILITIES AGREEMENT FANGAK COUNTY, JONGLEI STATE

References:

- A: JTC Violation Report V017 dated 7 November 2014.
- B: Letter from JTC Chairman to Ambassador Seyoum Mesfin “Complaints made by the Sudan Peoples’ Movement/Army-In Opposition” dated 19 November 2014.
- C: JTC Chairman letter JTC/CH/1114/3 to the Special Envoys “Hostilities in the north of Jonglei State” dated 28 November 2014.
- D. JTC Chairman Letter Reference CM/2014/12/116 to Director of Operations SPLA “MVM visit to New Fangak” dated 8 December 2014.
- E. Letter from SPLA Deputy Director of Operations to JTC Chairman dated 8 December 2014 (refusal of MVM visit to New Fangak).
- F. Report on the IGAD Cessation of Hostilities Implementation Workshop (15-16 November 2014) signed 17 November 2014.

1.0 Introduction

1.1 Hostilities have been ongoing in the north of Jonglei State, particularly in Pigi County, since Government Forces crossed the Sobat River on 4 November 2014 as described in V017 (Reference A).

1.2 Complaints were made to IGAD by the SPLM/A-IO on 5 November about offensive operations by Government Forces which were answered by JTC (Reference B), where it was explained that without Liaison Officers from the SPLM/A-IO and also the confused situation on the ground it was not possible for the MVM to realistically visit the areas mentioned.

1.3 Hostilities continued in northern Jonglei, and on 28 November 2014 the JTC Chairman wrote to the Special Envoys (Reference C) expressing concern and recommending that the Parties be reminded of their responsibilities under the COHA and cease all hostilities immediately, which would allow the MVT to carry out investigations. Since then it would appear that there has been no improvement, as witnessed by reports gathered by the MVT, UNMISS and other organisations and by reports in the press.



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1.4 Recent reports – including claims in the media by Government Forces - suggest that Government Forces have taken New Fangak in Fangak County. According to paragraph 4.1 of Reference F it was agreed by both parties that the Sudan Peoples' Liberation Movement/Army-In Opposition (SPLM/A-IO) is dominant in Fangak County.

1.5 Aim: The aim of this report is to provide IGAD Special Envoys with information about violations in New Fangak, Fangak County and also violations of the MVTs freedom of movement.

1.6 Methodology: Government Forces refused the MVT access to New Fangak, and because of this a wide variety of other sources were used to gain information about the situation there. Sources included Community Liaison Officers (CLO's), UNMISS, reports in the media and Government Forces Liaison Officers.

2.0 Violations of COHA – New Fangak and MVT freedom of Movement

2.1 On 26 November 2014 the MVT based in the UNMISS Camp at Malakal received information that there was fighting between Government Forces and the SPLM/A-IO in the area between New Fangak and Atar. Reports received from Government forces claimed that the SPLM/A-IO had attacked their positions. It was not possible for the MVT to either visit the area or speak with representative of the SPLM/A-IO. The MVT continued to receive reports of hostilities in the area for the following 4 days.

2.2 On 1 December 2014 the MVT received information that Government Forces had taken New Fangak in Fangak County. This information came from a variety of sources. It therefore became a priority for MVM to visit New Fangak in order to investigate an apparent violation of the COHA.

2.3 In order to plan a visit of the MVT to New Fangak the JTC sent a formal notification to the Director of Operations of the SPLA (Government Forces) informing him of a planned MVT visit to New Fangak. However Government Forces refused to allow an MVT helicopter access to New Fangak. (Reference E).

2.4 Assessment

- The weight of evidence suggests that Government Forces are in full occupation of New Fangak, Fangak County.
- New Fangak is, according to the agreement signed on 17 November 2014 (Reference F), in a county where both Parties agreed the SPLM/A-IO are dominant.
- The refusal of Government Forces to allow the MVT to visit New Fangak is in violation of those provisions of the COHA which guarantee Freedom of Movement to the MVT.



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3.0 Conclusion

3.1 As a result of investigations, and the weight of evidence collated it is the opinion of the JTC that Government Forces violated the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014 in New Fangak, Fangak County Jonglei State, from about 1 December 2014.

- 1.0-1.2 (inclusive) Declaration of Cessation of Hostilities

3.2 The refusal of the Government Forces to allow the MVT free access to New Fangak constitutes a violation of the following articles of the Cessation of Hostilities Agreement (COHA), 23 January 2014:

- 7.2.b Freedom of movement and unhindered access

