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TO: The Chairman, IGAD Council of Ministers
The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 15 January 2018

**SUBJECT: CTSAMM REPORT 2018/05 – VIOLATIONS OF THE ACOH: FIGHTING
IN KOCH**

Your Excellencies,

Please find attached a CTSAMM report on violations of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017) which took place in KOCH, Unity State on 24 December 2017.

Major General Ibrahim Abduljellil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 2018/05
REPORT ON FIGHTING IN KOCH

Executive Summary

At 00.01 hours on 24 December 2017 the ACOH came into effect. A few hours later SPLA-IO (RM) forces attacked KOCH. During the subsequent fighting civilians (including children) were killed and wounded.

The SPLA-IO (RM) County Commissioner confirmed that his forces did indeed carry out the attack. He said that it was in response to an alleged raid by SPLA-affiliated youths who stole a large number of cattle at a place called LANG.

It is the clear opinion of CTSAMM that the attack by SPLA-IO (RM) at KOCH on 24 December 2017 was a blatant violation of the ACOH. CTSAMM calls on the SPLA-IO (RM) leadership to ensure that all forces under its command comply with the agreement, and the IGAD Council of Ministers and JMEC to take the appropriate action at the political level.

FIGHTING IN KOCH

1.0 Introduction

1.1 Background:

- KOCH is the administrative headquarters of Koch County, which is in what is known as Northern Liech State. Throughout the current conflict it has remained in the hands of the Government, and is presently under the control of the SPLA-IO (TD).
- Although KOCH itself is held by the Government, a large part of Koch County remains under the control of the SPLA-IO (RM).
- The situation in Koch County is complex. There have been many incidents during the current conflict. In addition to conflict between the Parties, cattle raiding and inter-tribal issues also fuel tensions in the area.
- Incident: On the 24 December 2017 there was fighting at KOCH during which it was alleged 15 people were killed and 26 wounded. The Government claimed this was an attack by the SPLA-IO (RM).

1.2 Aim: The purpose of this report is to summarise the findings of the CTSAMM investigation into the incident, apportion responsibility where possible and make recommendations.

1.3 Methodology:

- On 5 January 2018 the MVT based in BENTIUI interviewed two SPLA-IO (RM) soldiers who had been involved in the fighting, wounded, taken prisoner and moved to BENTIUI for medical treatment.
- On 9 January an MVT deployed from Juba to KOCH and met with local officials and people.

- On 12 January the MVT visited the SPLA-IO (RM) HQ in THONYOR where they were given the contact details of the SPLA-IO (RM) Commissioner for Koch County who they were then able to interview.

2.0 Findings

- 2.1 KOCH was attacked in the early morning of 24 December 2017, on the day the ACOH came into effect.
- 2.2 The MVT spoke to the authorities in KOCH and corroborated the information they were given by talking with a wide range of local people. They were told that the attack was carried out by the SPLA-IO (RM), and that 15 people (including 3 children) were killed in the attack and 26 wounded. The MVT did not see the bodies because by the time of the visit they had been buried. It was also alleged that 50 head of cattle were taken. The fighting lasted a few hours and then the attacking forces withdrew having taken casualties.
- 2.3 Two wounded SPLA-IO (RM) POWs interviewed by CTSAMM both stated clearly that this was a planned attack by the SPLA-IO (RM) with the aim of taking KOCH. Neither were proper soldiers, but rather local young men persuaded to take part in the attack.
- 2.4 When the MVT spoke with the SPLA-IO (RM) County Commissioner he clearly confirmed that his forces had attacked KOCH on 24 December. He claimed the attack was in response to a raid by SPLA-affiliated youth at a place called LANG where 7,000 head of cattle were stolen. The MVT was unable to obtain any information about the alleged cattle raid from other sources.
- 2.5 The Government authorities in KOCH also claimed that SPLA-IO (RM) forces had attacked BUAW payam (killing 7 old men) on 31 December and MIRMIR on 5 January.

3.0 Assessment:

3.1 SPLMA-IO (RM) forces did indeed attack KOCH on the morning of 24 December 2017. There was a clear admission by the SPLA-IO (RM) County Commissioner, as well as all the other evidence. Civilians were killed in the attack.

3.2 The SPLA-IO (RM) carried out this attack despite the signing of the ACOH.

3.3 It is the opinion of CTSAMM that the alleged cattle raid on 23 December by SPLA-affiliated youth does not in any way give the SPLA-IO (RM) right or reason to violate the agreement and attack a community which has been in Government hands throughout the current conflict. CTSAMM received no complaint from the SPLA-IO (RM) about the alleged cattle raid on 23 December.

3.4 Allegations made by the Government authorities in KOCH about attacks by the SPLA-IO (RM) in BUAW and MIRMIR remain unconfirmed.

3.5 Conclusion:

- By attacking KOCH on 24 December 2017, SPLA-IO (RM) forces were in clear and blatant violation of the ACOH, particularly Articles One.1, Three.2 'All hostile military actions' and Six.a 'Attacks...on the civilian population..'
- SPLA-IO (RM) has also failed to fulfill its obligations under Articles One and Two to ensure that all those under its control comply with the agreement.

4.0 Observations and Recommendations:

5.1 It is disappointing that SPLA-IO (RM) forces carried out a blatant attack in clear violation of the ACOH on the day it was to come into effect, and tragic that this action led to the deaths of civilians who should have be protected by the agreement. The alleged provocation by SPLA-affiliated youths in no way justifies or excuses this violation.

- 5.2 CTSAMM calls on the SPLA-IO (RM) to ensure that all forces under their command understand and implement the provisions of the ACOH, and asks the IGAD Council of Ministers and JMEC to work at the political level to reinforce this message.
- 5.3 In order to avoid further conflict, all Parties must ensure their forces freeze in place and avoid any provocative actions.
- 5.4 CTSAMM calls on stakeholders to facilitate and the Parties to cooperate with confidence building measures in Unity State which could lower tensions and resolve disputes.