

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM
(CTSAMM)

TO: The Chairman, Joint Monitoring and Evaluation Commission
Juba, South Sudan

FROM: Chairman, Ceasefire and Transitional Security Arrangements Monitoring
Mechanism, Juba, South Sudan

DATE: 21 December 2015

**SUBJECT: Violation of the PCTSA – Denial of Freedom of Movement of the
MVT by Government Forces in Mundri**

Your Excellency,

Please find attached a CTSAMM report on a violation 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 at Mundri in Western Equatoria State.



Major General (Rtd) Mohammed Amin Eltinay
Chairman
Ceasefire and Transitional Security Arrangements Monitoring Mechanism



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JOINT TECHNICAL COMMITTEE (JTC)

**DENIAL OF FREEDOM OF MOVEMENT IN WESTERN EQUATORIA STATE
(VO56)**

PRESENTED TO:

**THE CHAIRMAN
JOINT MONITORING AND EVALUATION COMMISSION
JUBA, SOUTH SUDAN**

21 December 2015

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Executive Summary

On 12 December 15 an MVT was deployed to go and investigate the conflict that has been going on in Mundri and its surrounding areas.

Whilst on a joint patrol with UNMISS, the MVT was denied Freedom of Movement by the local Government Forces commander who also suggested that the MVT could be shot if they moved from the UNMISS base in Mundri.

It is the opinion of CTSAMM that denial of freedom of movement to the MVT constitutes a clear violation of the PCTSA and the Status of Mission Agreement (SOMA).

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VIOLATION IN WESTERN EQUATORIA STATE

1.0 Introduction

1.1 Background:

- The situation in Mundri has been a concern for several months, with reports of continued fighting, and allegations of helicopter gunship attacks in the surrounding areas.
- CTSAMM made the decision to send an MVT to the area to report on the situation and investigate specific allegations. The earliest date this proved possible was 12 December 2015, when an MVT left Juba with a joint UNMISS patrol. They arrived in Mundri on Sunday, 13 December 2015.
- The members of the MVT all had with them IGAD MVM ID Cards and UNMISS ID Cards. The Team leader had copies of the signed Cessation of Hostilities Agreement (COHA), PCTSA and Status of Mission Agreement (SOMA).

1.2 Incident: On 14 December 2015 an MVT that had deployed to Mundri with a joint UNMISS patrol was denied Freedom of Movement by the Government Forces commander in Mundri. This denial continued despite CTSAMM writing to the Director of Operations of the SPLA.

1.3 Aim: The aim of this report is to outline the details of the incident for the Chairman of JMEC, to apportion responsibility where appropriate and to make recommendations.

1.4 Methodology:

The MVT that deployed to Mundri reported regularly about what happened.

A letter was sent to the Director of Operations of the SPLA on 14 December 2015; he replied on 15 December 2015.



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A meeting that had been scheduled on 21 December 15 between the JTC Deputy Chairman and the SPLA Director of Operations MG Samson Mabior Lual to clarify the position was not successful as he wasn't available for comment.

2.0 Denial of Freedom of Movement of the MVT

- 2.1 On Sunday, 13 December an MVT from Juba arrived in Mundri. On Monday 14 December the local SPLA commander in Mundri, Lieutenant Colonel Thomas Tut, prevented the MVT from accompanying UNMISS patrols into the local area. He did not recognise the MVM, and demanded a formal letter from the SPLA command.
- 2.2 CTSAMM immediately asked the SPLA representative Brigadier Thomas Gador to resolve this issue and the Deputy Chairman wrote to the SPLA Director of Operations. A reply was received on 16 December (letter dated 15 December) stating that CTSAMM should direct the complaint to the Government Chief Negotiator, and that CTSAMM was not effective as there were no SPLM/A-IO representatives in Juba.
- 2.3 Lieutenant Colonel Thomas Tut continued to deny the MVT in Mundri Freedom of Movement, and indeed said that if they strayed from the compound where they were staying they could be shot.
- 2.4 Despite denial of freedom of movement, the MVT with the assistance of the UNMISS MLO managed to interview three witnesses who agreed to give their statements within the UNMISS camp, CTSAMM will do a report on the same.

The MVT returned to Juba on 20 December 2015.

3.0 Assessment:

- 3.1 There is no doubt that the SPLA Commander in Mundri, Lt. Col, Lieutenant Colonel Thomas Tut denied the MVT freedom to movement by threatening to shoot them if they strayed out of the UNMISS compound and also by giving them 48 hours to get out of Mundri.
- 3.2 It is the opinion of CTSAMM that denial of freedom of movement to the MVT constitutes a clear violation of the PCTSA and SOMA by Government Forces.



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4.0 Conclusion

4.1 It is the clear opinion of CTSAMM that Government Forces were blatantly in violation of the PCTSA and the SOMA.

4.2 The incident represents a clear violation of the PCTSA and SOMA by the Government Forces specifically:

- Article 1.7 PCTSA: The warring parties shall refrain from prohibited actions outlined in the COHA.....
- Article 1.7.5 PCTSA: The warring parties shall refrain from.....acts of hostility, intimidation, violence or attacks against International Humanitarian agencies, UN agencies.....Non-Governmental organizations including their personnel, installations or equipment, IGAD MVM or its successor institution; CTSAMM.”
- Article 1.7.4 of the COHA: The MVT shall enjoy complete freedom of movement and unhindered access throughout all areas controlled by the parties, and may conduct varication missions
- Article VIII of the SOMA: The mission and its members, while discharging their duties under the COHA, shall enjoy freedom of movement and unhindered access.....”

5.0 Recommendations and observations:

5.1 This incident represented a blatant violation of the MVT’s Freedom of Movement by all levels of the SPLA.

5.2 CTSAMM cannot function without the support of the Parties. CTSAMM recommends that the Chairman of JMEC raises this incident at the highest level with the Government, and discusses the issue of the Freedom of Movement of CTSAMM personnel at a JMEC meeting.

