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CTSAMM Headquarters
CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM



TO: The Chairman, JMEC
FROM: The Chairman, CTSAMM
DATE: 22 March 2016

SUBJECT: CTSAMM report 008: Violation of the PCTSA in Upper Nile State

Your Excellency,

Please find attached a CTSAMM report on a violations 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 in Upper Nile State

Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism

DRAFT CTSAMM VIOLATION REPORT NUMBER 008
PCTSE VIOLATION IN UPPER NILE STATE

Executive Summary

On 8 February 2016 a car driving from Akoka to Malakal was ambushed about 14 kilometres north east of Malakal, in an unpopulated area only about 500 metres to the east of the Nile. On the western bank of the Nile there are villages populated by those affiliated to the SPLM/A-IO.

At least one of the 3 occupants of the car was a National Security officer who was wounded, together with the driver. One of the attackers was reportedly killed in an exchange of gunfire, after which the car fled the scene and got to Malakal. There were up to about 12 attackers, who were uniformed and armed with AK47's and PKM machine guns.

The attack took place adjacent to an area controlled by forces affiliated to the SPLM/A-IO. There are, to the knowledge of the MVT, no other armed groups in the area. It is therefore the assessment of the JTC that this incident does constitute a violation of the PCTSA by the SPLM/A-IO because in the light of all the evidence the attackers were from SPLM/A-IO forces.

INCIDENT IN UPPER NILE STATE

1.0 Introduction

1.1 Background:

- Over the past few months there has been considerable tension in the area north of Malakal, with clashes having taken place between Government Forces and those of the SPLM/A-IO, specifically the forces under command of Major General Johnson Olony.

- In the area where the incident took place the east bank of the Nile is generally under control of the Government and the west bank the SPLM/A-IO. It is a deserted area with no settlements. To the knowledge of the MVT there are no other armed groups in the area other than those allied to the SPLM/A-IO.

1.2 Allegation: The allegation was contained in SPLA letter 'Ceasefire Violation Report in Western Nile State' dated 9 February 2016 and received by JTC 10 February 2016. It is quoted verbatim as follows: "At around 5.35 PM on 8 February 2016 Olony forces laid an ambush and attacked our vehicle which was on the way from Malakal. The ambush took place at an area between AKOKA and MALAKAL (between Lul Bridge and Khor Nyangara). Two of our personnel from the National Security were injured. The vehicle returned to MALAKAL".

1.3 Aim: The aim of this report is to outline for JMEC the results of investigations into the above incident and with an assessment and recommendations.

1.4 Methodology:

- On 15 February 2016 the MVT in Malakal was ordered to investigate the allegation. Due to variety of factors it was not until 9 March that they were able to visit the site of the incident, which they did in coordination with UNMISS and with UNMISS Force Protection.
- The MVT was able to find and interview one of the victims of the ambush (a National Security officer), who went with them to the site and explained what happened. They also interviewed Government Forces officers who had witnessed the damaged car with wounded people at a checkpoint and coming into Malakal.

- The MVT also contacted commanders from the SPLM/A-IO in order to get their version of events.

2.0 VIOLATION OF THE PCTSA

- 2.1 On 8 February 2016 a civilian car containing 3 people was travelling from Akoka to Malakal (not going north from Malakal as stated in the allegation). At about 17.30 Hrs it was ambushed about 14 Km north east from Malakal. At least one of the occupants of the car was a National Security officer returning from leave.
- 2.2 There were 10-12 armed uniformed people who took part in the ambush, armed with PKM machine guns and AK47's. Some of them were in police-style rather than military uniforms. A man stood up and ordered the others to open fire. Those inside the car fired back and drove through the ambush. It was hit several times and the National Security officer was wounded in the leg and the driver in the arm.
- 2.3 One of the attackers – identified by the witness as their leader - tried to stop the car driving off but was reportedly shot. The car drove on to a Government Checkpoint and then to Malakal.
- 2.4 The MVT contacted the SPLM/A-IO through the Liaison Officer attached to the MVT. The response from the SPLM/A-IO is that they had no knowledge of the incident

3.0 Assessment:

- 3.1 The group who took part in the ambush were well armed and appeared to be well organised. They were also in uniform. The area the ambush took place is uninhabited, but only about 500m from the Nile, on the other side of which there are settlements in an area under the control of forces allied to the SPLM/A-IO.
- 3.2 At least one of the passengers of the car was a government servant, specifically an officer in National Security. It is impossible to say whether or not the identity of the victims was known to the attackers, but the fact that they opened fire straight away rather than stopping the car and stealing it undamaged indicates that this was an organised attack rather than the work of thieves.
- 3.3 To the knowledge of the MVT there are no other armed groups in the area where the attack took place. It is the assessment of CTSAMM that those who took part

in the ambush were beyond any reasonable doubt members of SPLM/A-IO-affiliated forces.

4.0 Conclusion

4.1 It is the opinion of CTSAMM that the ambush north west of Malakal on 8 February 2016 was a violation by the SPLM/A-IO of article 1.7 of the PCTSA, specifically:

- Article 1.1 of the COHA: "The Parties hereby agree to cease all military actions aimed at each other and any other action that may undermine the Peace Process"
- Article 1.2.c of the COHA: "...ensure that all forces or armed groups under their influence, control or/and command shall observe the Agreement".

5.0 Recommendations and observations:

- 5.2 It is unlikely that this violation was the result of a deliberate act by the SPLM/A-IO. However, it was perpetrated by members of the SPLM/A-IO or of an affiliated armed group and so the SPLM/A-IO remains responsible for it.
- 5.3 It is vital that the Parties exercise discipline over allied and affiliate armed groups in order that incidents such as this do not happen.