



TO: The Chairman, JMEC
FROM: The Chairman, CTSAMM
DATE: 13 May 2016

SUBJECT: CTSAMM Report 016 – Violations of the PCTSA in Unity State

Your Excellency,

Please find attached a CTSAMM report on 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 August 2015) that took place near Leer in Unity State.

This report was discussed with CTSAMM members at the meeting on 12 May 2016.

Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism



**CTSAMM REPORT NUMBER 016
VIOLATIONS IN UNITY STATE**

Executive Summary

In recent months there has been an increase in criminal activity such as banditry, cattle-rustling and theft in southern Unity State. On 27 March 2016 a Government Forces car was ambushed on the Bentiu-Leer road; several people were reportedly killed and the vehicle driven off into an area which is under the control of the SPLM/A-IO. There was another ambush on the following day, although this time there were no casualties and the car was looted and then set alight.

MVT Bentiu's investigation uncovered no evidence to suggest the ambush on the 28th was anything other than a criminal act, but the car taken on the 27th was seen by several witnesses driving into and through SPLM/A-IO-held territory and carrying a group of armed men, and one witness reported it in the area of the SPLM/A-IO HQ at Thonyor. The SPLM/A-IO denied any knowledge or involvement.

It is the opinion of CTSAMM that it is highly unlikely that a group of armed men could operate in an area controlled by the SPLM/A-IO without their knowledge. Similarly it is considered unlikely that the SPLM/A-IO would not know about a car with Government Forces markings driving near to its HQ.

CTSAMM considers that the SPLM/A-IO is in violation of the PCTSA because although there is nothing to suggest the theft of the car was a planned operation or carried out under orders, the lack of any acknowledgement by the SPLM/A-IO or cooperation in bringing the perpetrators to justice and returning the car to the Government could undermine the peace process.

VIOLATIONS IN UNITY STATE

1.0 Introduction

1.1 Background: The situation in southern Unity State has been relatively peaceful in recent months. However, there has been an increase in banditry and criminality which could, unless controlled, endanger the PCTSA.

1.2 Allegations: The allegations investigated and covered by this report are as follows:

- Initial allegations from Government official: On 30 March the MVT based in Bentiu was informed by the Deputy Governor of two alleged ambushes. The first was of a Government Forces pickup and had taken place on 27 March on the Bentiu – Leer road. 3 civilians were allegedly killed and the car had (according to the Deputy Governor) been taken by the SPLM/A-IO to Thonyor. The second was on 28 March again of a pickup. Nobody was killed or injured but the car was looted and then burnt.
- Allegation from SPLA: Received in SPLA letter “Renewed violations of the Cessation of Hostilities Agreement (COH) by the SPLM/A (IO)” signed by Maj Gen Samson Mabior and dated 29 March 2016:

“On 28 March 2016 at 4.00 PM the rebels of Riek Machar ambushed an SPLA Administrative convoy from Bentiu to Leer with (3) Toyota pickups and a car of Commissioner Mayandit County Mt Gatkoang Tuong Gatpat and this happened between Mirmir and Rupkauai. The 2 Toyota pickups managed to escape and 1 car was captured and 4 people namely Sgt Kuony and 3 civilians were killed in the car and the car was driven away. Also 3 civilians were wounded. The commissioner’s car was destroyed.”

1.3 Aim: The aim of this report is to outline the details of the incidents and investigations for JMEC with assessments and recommendations.

1.4 Methodology:

- The MVT initiated an investigation into the incidents as soon as they were received the initial information on 30 March. They carried out the investigation on 31 March to 1 April, and therefore visited the scene very soon after the ambushes took place. The MVT also had follow-up telephone

conversations with SPLM/A-IO officials on 1, 4 and 6 April.

- The MVT met with military and civil leaders from the Government in Bentiu and Leer and from the SPLM/A-IO at their HQ at Thonyor. They also interviewed civilian witnesses near the scene.
- The MVT was able to physically follow the tracks of a vehicle stolen in the first ambush, and get witness statements that the tracks were made by that particular vehicle. The vehicle destroyed in the second ambush was left by the road so the MVT was able to see and photograph it.
- Locations: During the course of the investigation, the MVT visited Government Forces 4 Division HQ in Bentiu and the office of the Deputy Governor; Government civil and military leaders in Leer; SPLM/A-IO leadership in Thonyor and the sites of the ambushes. The MVT also visited and obtained witness statements in Rieng Village in Rbnor Payam through which the vehicle stolen in the 27 March ambush passed.

2.0 Ambushes in Unity State

2.1 27 March ambush:

- On 27 March a Government Forces car (a Toyota Pickup) was ambushed on the Bentiu to Leer road, at a place approximately 20 Km by road from Leer. The vehicle was being driven by an SPLA sergeant but was carrying civilians. According to government authorities 2 civilians were reportedly killed in the attack and 4 injured, although this has not been verified. The SPLA sergeant was also reportedly killed, although it is not clear whether this happened at the site of the ambush or later on.
- Following the ambush the Pickup was driven away. Government Forces alleged it was taken to Thonyor payam in an area controlled by the SPLM/A-IO (indeed there is an SPLM/A-IO HQ in Thonyor). The MVT was able to follow the track of the car from the road for about 4 Km into Rubnor Payam, an area which is under the control of the SPLM/A-IO (see photograph 1 in Annex A). When they reached a village called Rieng after about 4 Km they interviewed local people who reported they had seen a military pickup with 7 armed men passing at about 15.00 Hrs on the 27th. The people suggested that the car was for the local SPLM/A-IO and pointed in the direction it had

gone. Another witness – a local teacher – later reported that he had seen the same car in Thonyor.

- At the start of the investigation the MVT visited the Government Deputy Governor in Leer, Simon Chuol, before going to the SPLM/A-IO HQ in Thonyor. The Deputy Governor wrote a letter to the SPLM/A-IO asking them to search for the missing SPLA pickup and return it. This letter was delivered by the MVT who met the SPLM/A-IO Commissioner Gabriel Kuong Kony and area commanders Major General Samuel Dok Wanjang and Brigadier Nhial Mawich. The SPLM/A-IO denied any involvement with the ambush but the Commissioner said he would make enquiries. The MVT called him the next day (1 April) having followed the vehicle tracks into SPLM/A-IO-controlled territory, and he said he would hold a meeting with his officers to reconsider the matter. The Commissioner continued to report that the vehicle had not been found when the MVT contacted him on 4 and 5 April.

2.2 28 March ambush:

- On 28 March a pickup was ambushed in almost the same place as the Government Forces car the day before. This time nobody was killed or wounded, but the vehicle was looted and then set alight (photograph 2, Annex A).
- The MVT was unable to find any witnesses to the incident, but local people suggested that the goods looted from the vehicle would most likely have been taken to be sold in Padeah Gandor or Thonyor.
- There was no evidence available to suggest that this ambush was linked to the one of 27 March, and no evidence as to where the perpetrators were from.

3.0 **Assessment:**

- 3.1 It is difficult to say whether or not these two ambushes were the result of criminal activity by bandits or by members or affiliates of the SPLM/A-IO. If not resolved, incidents such as this could escalate and raise tension between the Parties in what is a volatile area.
- 3.2 There is no evidence to suggest the second ambush was anything other than criminal activity. However, the vehicle taken on 27 March was driven into an

area under the control of the SPLM/A-IO, and witnesses said there were about 7 armed men involved and one witness reported having seen it in Thonyor.

3.3 Given the evidence presented by the MVT, CTSAMM considers it highly unlikely that the SPLM/A-IO authorities would not know of the whereabouts of the stolen car. Groups of armed men operating in the area controlled by the SPLM/A-IO are unlikely to escape the notice of the authorities.

3.4 There is no evidence to suggest that the ambush of 27 March was carried out on the orders of the SPLM/A-IO, but it is likely that those involved were affiliated to, known by or even part of SPLM/A-IO forces. It is the assessment of the JTC that if nothing else the SPLM/A-IO have been negligent in not resolving this issue and are therefore in violation of the PCTSA in that their lack of cooperation could undermine the peace process.

4.0 Conclusion

It is the opinion of JTC that following the ambush near Mir Mir on 27 March 2016 the SPLM/A-IO are in violation of Article 1.7 of the PCTSA, particularly:

- 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**”

5.0 Recommendations and observations:

5.1 CTSAMM recommends that in the spirit of the Peace Agreement the SPLM/A-IO apprehends and disciplines those responsible for the ambush of 27 March, and if possible return the stolen car to Government Forces.

5.2 It is recommended that the Parties encourage the local commanders of both sides to work together to resolve the issue of banditry in southern Unity State.

PHOTOGRAPHS

Photograph 1



Following the car tracks from the road