

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

SUBJECT: CTSAMM Report 017 --- Violation of the PCTSA in Central Equatoria

Your Excellency,

Please find attached the 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 August 2015) that took place in Central Equatoria (specifically on the Bilpam road, Juba) on 7 April 2016.

This violation, which concerns the Freedom of Movement on an MVT, was discussed at the CTSAMM meeting on 12 May 2016. Freedom of Movement was a key issue discussed at the meeting.

Major General Molla Hailemariam
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 017
VIOLATION ON THE BILPAM ROAD, JUBA

Executive Summary

On 7 April a Government Forces checkpoint on the outskirts of Juba stopped an MVT patrol that was on its way to undertake a verification task south of Terekeka. The purpose of the patrol was to verify whether there were SPLM/A-IO troops in or near Tendere, and it was being carried out with the support of both JMEC and JMCC. The patrol carried a letter from the chairman of JMCC. The patrol was not only denied freedom of movement but also threatened, despite the presence at the checkpoint of a Government Forces Lieutenant Colonel.

It is the clear view of CTSAMM that this incident constitutes a blatant violation by Government Forces of both the PCTSA and the SOMA.

VIOLATION ON THE BILPAM ROAD, JUBA

1.0 Introduction

1.1 Background:

- On 6 April 2016 JTC sent a team to Tendere, south of Terekeka, in order to carry out a verification task. Arrangements were made with UNMISS for the provision of Force Protection and a patrol to the area, made up from the Juba MVT, was scheduled for 7 April 2016.
- The verification task was sanctioned by JMEC. JTC also coordinated with JMCC, and the MVT carried a letter signed by the chairman of JMCC.

1.2 Incident: On 7 April 2016 the Juba MVT was stopped at a Government Forces checkpoint and turned back from a planned patrol to the Tendere area.

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

2.0 Denial of freedom of movement to the Juba MVT

2.1 At about 0830 on 7 April 2016 four members of the Juba MVT left JTC for a planned patrol to Tendere, an area south of Terekeka.

2.2 When the convoy reached the junction of the Bilpam and Terekeka roads, it was stopped by two Government Forces Military Policemen. They told the MVT to talk to the Battalion Commander who was in a nearby pickup. Despite being reminded that CTSAMM has full Freedom of Movement he refused to allow the convoy to pass. On being showed the letter from the Chairman of JMCC he said he didn't recognise it "because it was from the IO". The MVT were unable to discover the full name of the officer, only that his first name was Peter.

2.3 The MVT discussed what to do and its members were in the process of calling the JTC SPLA Liaison Officer in order to get the situation resolved when they were shouted at and physically threatened by one of the soldiers from the checkpoint. At this point the decision was made to withdraw back to JTC.

3.0 Assessment:

This incident constitutes a clear violation of the PCTSA and also of the SOMA.

4.0 Conclusion

4.1 It is the opinion of JTC that by denying the MVT Freedom of Movement at the Bilpam/Terekeka road junction on 7 April, Government Forces were in blatant violation of Article 1.7 of the PCTSA, particularly:

- Article 7.2.b of the COHA: “The MVT shall enjoy complete freedom of movement and unhindered access throughout all area controlled by the parties, and may conduct verification missions by air/or land, as determined by the JTC”.

4.2 Government Forces were also in clear violation of Article VIII of the SOMA: “The Mission and its members....shall enjoy freedom of movement and unhindered access”.

5.0 Recommendations and observations:

5.1 It is unacceptable that members of a CTSAMM MVT were treated in this way. It is also unacceptable that after all this time Government Forces soldiers on an established checkpoint can be ignorant of the role and status of CTSAMM, and even more unacceptable that an officer of Lieutenant Colonel rank is also ignorant not only of CTSAMM but also of JMCC.

5.2 It is worrying that a Government officer considered it acceptable for one of his soldiers to physically threaten the MVT, and that he made the decision to stop members of not only CTSAMM but also the UNMISS Force Protection unit without any reference to higher authority.

5.3 CTSAMM recommends that JMEC impress on the Government that CTSAMM has full freedom of movement, and that this is inviolate. Government members of CTSAMM emphasised at the meeting of 12 May that prior coordination is required for MVT patrols. This is not the case according to both the PCTSA and SOMA, and in any case in this instance coordination was done with JMCC, a body which represents both Parties.

5.4 The denial of freedom of movement by Government Forces to MVT's significantly inhibits the work of CTSAMM.