

CTSAMM Headquarters
CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM




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

SUBJECT: CTSAMM Report 018 – Violations of the PCTSA in Upper Nile 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 in Melut County, Upper Nile State.


Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism



**CTSAMM REPORT NUMBER 018
VIOLATIONS IN UPPER NILE STATE**

Executive Summary

It was alleged by the Government that on 9 April 2016, SPLM/A-IO forces raided Thaak village in Melut County, Upper Nile State, causing massive damage to the village with houses and properties burnt. Although there were no casualties, the village was completely deserted and its population displaced.

MVT Melut conducted an investigation by visiting Thaak village and interviewing Melut County Commissioner, SPLA and SPLM/A-IO.

Despite the fact that it is impossible to confirm which party initiated the incident, it is the opinion of CTSAMM that both parties need to be warned against violating the PCTSA and that SPLM/A-IO was separately in violation of the PCTSA by shelling Thaak village thus endangering civilian lives and destroying civilian property.

CTSAMM received a further allegation from the Government that SPLM/A-IO Forces had attacked the village of Anok in Melut County on 4 April 2016, but after an extensive investigation no evidence was found to support this allegation.

VIOLATIONS IN UPPER NILE STATE

1.0 Introduction

1.1 Background:

- The western bank of the Nile in the Melut area is dominated by Chollo (Shilluk), and eastern bank by Dinka. There exists deep-rooted hostility between the tribes.
- 6th Division SPLA is based at Paloch under the command of Major General Justin Nhial. SPLM/A-IO forces on the west bank of the Nile are commanded by Major General Parom Agui based at Kaka. There have been, and continue to be, recurrent accusations and counter-accusations of raids by both parties.
- The Commissioner of Melut County reported to MVT Melut that on 9 April 2016 SPLM/A-IO forces attacked Thaak, which is under the control of Government Forces.

1.2 Allegations: Melut County Commissioner alleged that SPLM/A-IO attacked Thaak village on 9 April 2016, causing the mass destruction of houses and the displacement of villagers.

1.3 Aim: The aim of this report is to provide JMEC with the details of the incident, with assessments and recommendations.

1.4 Methodology:

- MVT Melut visited the County Commissioner in order to obtain updated information, then planned and conducted the patrols necessary to investigate the allegations.
- MVT Melut conducted three patrols: (1) a road patrol to Thaak village, the site of the alleged attack; (2) a road patrol to Government Forces (SPLA) 6 Division in Paloch ; and (3) an air patrol to Kaka to visit the SPLM/A-IO HQ.

2.0 Violations of the PCTSA

- 2.1 On 13 April 2016, accompanied by UNMISS Force Protection, MVT Melut conducted a road patrol to Thaak village. The village was completely deserted, with a total of 64 houses burnt down as a result of shelling. The MVT saw one unexploded RPG round and some pieces of shrapnel. (see Annex A.). Most of the Thaak residents had fled for fear of further attacks, but the chief and some community leaders were residing in the bush not far from the village. The assistant chief of the village alleged that at 07.30 Hrs on the 9 April, SPLM/A-IO commenced shelling the village with the aim of crossing the river and raiding cattle, and that Government Forces engaged and repulsed the SPLM/A-IO, and that although there were no casualties, many houses were burnt, property including food was lost, and the people fled to Moleta for shelter.
- 2.2 On 15 April 2016, MVT Melut visited Kaka by air. The SPLM/A-IO Deputy Commander, Brigadier Peter Parajek Tong briefed the MVT that it was the Government Forces who attacked, and that the SPLM/A-IO fought only in self-defence. He said the Government Forces attempted to cross the river from Thaak village using two canoes to attack SPLM/A-IO positions, and it was the Government Forces who fired first having been initially warned by the SPLM/A-IO to go away. He further reported that the SPLM/A-IO repulsed the attack but in the process incurred four casualties, including two killed. Brigadier Peter Parajek Tong accused Government Forces of recurrent harassment, intimidation and attacks.
- 2.3 On 18 April 2016, MVT Melut visited the Government Forces command in Paloch. Major general Justin Nhial, accused the SPLM/A-IO of initiating the Thaak attack.

3.0 Assessment:

- 3.1 It is the assessment of CTSAMM that there is insufficient evidence to determine which party initiated the attack since both blamed each other. However, neither party appears to have made any effort to lower tensions in the area or do anything to stop such incidents taking place, and as both were involved in a clash which could have escalated, both can be considered responsible for violating the PCTSA.

3.2 It is also the assessment of CTSAMM that the SPLM/A-IO is responsible separately for a violation of the PCTSA, because they shelled and destroyed a village which endangered the lives of civilians, destroyed their houses and property and led to the displacement of many.

4.0 Conclusion

4.1 CTSAMM is of the opinion that both Government Forces and SPLM/A-IO Forces violated Article 1.1 of the COHA (Cessation of Hostilities Agreement of 23 January 2014): "The Parties hereby agree to cease all military actions aimed at each other

4.2 In addition, SPLM/A-IO also violated Article 1.7 of the PCTSA, particularly:

- Article 3.1 of the COHA: "The Parties shall refrain from attacks on the civilian population and commit to the protection of human rights, life and property
- Article 1.7.5: "Acts of hostility, intimidation, violence or attacks against the civilian population.....".

5.0 Recommendations and observations:

5.1 It is vital that all Government and Opposition Forces be made fully aware of the provisions of the Agreement and ordered to abide by them.

5.2 Given the formation of the Transitional Government of National Unity (TGoNU), CTSAMM emphasises the importance of meetings between the Parties at local level in order that agreements can be reached which could prevent incidents like this happening. Local incidents could escalate and endanger the implementation of the peace agreement.

5.3 This incident highlights the importance of forces from both Parties moving to Cantonment Sites as soon as possible.

Photograph 1



Unexploded RPG round found in Thagak village

Photograph 2 and 3



Pieces of shrapnel found in Thagak village

Photograph 4, 5 and 6



Burnt houses