



TO: The Chairman, JMEC
FROM: The Chairman, CTSAMM
DATE: 18 October 2016

SUBJECT: CTSAMM report 026 – Violations of the PCTSA in Nassir, Upper Nile State

Your Excellency,

Please find attached CTSAMM JTC 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 26 August 2015) that took place in Upper Nile State starting on 31 July 2016.

Due to a lack of a quorum it has not been possible to discuss this report with the CTSAMM Board, but we consider it important to submit it because of the serious issues raised which need to be addressed. It is hoped that the CTSAMM Board will be convened in the near future.

Major General Molla Hailemariam
Chairman
Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 026
VIOLATIONS IN NASSIR, UPPER NILE STATE

Executive Summary

In the early morning of 31 July 2016 fighting broke out in Nassir. Shelling and heavy machine-gun fire was directed towards the Government Forces camp from SPLM/A-IO positions south of the river.

Heavy shelling continued the following morning (1 August) and then SPLM/A-IO forces were seen advancing to the airstrip and market, which they subsequently occupied until they withdrew on 6 September following sporadic and at times heavy fighting which included the deployment of helicopter gunships by Government Forces. Despite the eventual withdrawal of SPLM/A-IO forces there has been further sporadic bombing and some clashes in the area.

The engagement was initiated by the SPLM/A-IO who moved in and occupied areas – specifically the market and airstrip – which have for a long time been acknowledged as firmly under Government Forces control. It is the opinion of the JTC that this attack was a planned aggressive action by SPLM/A-IO forces, and as such it was in blatant violation of the PCTSA.

VIOLATIONS IN NASSIR, UPPER NILE STATE

1.0 Introduction

1.1 Background:

- On 8 March 2016 there was a major incident in Nassir involving aggressive action by Government Forces, which was reported as a violation of the PCTSA by CTSAMM. Since then the situation has remained tense but relatively calm.
- Following the outbreak of violence in Juba in July tensions increased in the area, until conflict one again broke out on 31 July.

1.2 Incident: On 31 July 2016 an attack by SPLM/A-IO forces developed against the Government Forces positions in Nassir. SPLM/A-IO forces subsequently took and held the market and airstrip.

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

1.5 Methodology:

The MVT based at the UNMISS camp at Nassir was able to witness what was going on. The team also had access to commanders of both the Government Forces garrison and the IO forces involved, and were able to get their comments.

The MVT reported events on a daily basis.

2.0 FIGHTING IN NASSIR, UPPER NILE STATE

2.1 On 31 July in the early morning heavy shelling was observed directed at the Government Forces camp. The MVT contacted the Garrison Commander who reported that SPLM/A-IO forces were attacking Government Forces positions. One of the SPLM/A-IO commanders (Major General Peter Ruach), who the MVT was able to contact, claimed that it was the Government Forces who had started the fighting. The following day there was further shelling and heavy machine-gun fire; the MVT met with SPLM/A-IO soldiers moving past the UNMISS base carrying ammunition forward who reported that they had taken the airport and market.

- 2.2 On 2 August the MVT was able to contact the SPLM/A-IO commander Major General Thomas Tut, who told them that the SPLM/A-IO would not stop fighting until Dr Riek Machar returned to Juba and the Government cancelled the 28 States order.
- 2.3 Sporadic fighting and shelling continued. On 3 August Government Forces deployed helicopter gunships which bombed SPLM/A-IO positions in the areas of the airstrip and market. Some SPLM/A-IO troops occupied defensive positions close to the UNMISS camp in order to avoid being hit by the gunships. The following day the SPLM/A-IO commander Major General Peter Ruach reportedly ordered his troops to shoot at any aircraft coming into Nassir. This subsequently caused significant resupply problems for UNMISS and the MVT.
- 2.4 Fighting continued sporadically throughout August. The SPLM/A-IO withdrew from the airstrip and market on 6 September, but since then there have been numerous clashes which continue up to this time.

3.0 Assessment:

- 3.1 It is the assessment of the JTC that this round of conflict in Nassir was instigated by the SPLM/A-IO. They advanced and took ground – specifically the airstrip and market – that had long been understood to be under the control of Government Forces.
- 3.2 The action by the SPLM/A-IO appeared to be a deliberate and coordinated assault, with the aim of taking and holding ground vital to the Government Forces garrison. As such it constituted a clear violation of the PCTSA.

4.0 Conclusion

- 4.1 It is the opinion of CTSAMM that by attacking Government Forces in Nassir on 31 July 2016 SPLM/A-IO forces violated 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...."

5.0 Recommendations and observations:

- 5.1 This is the second major incident at Nassir in 5 months. The town is dead; all civilians fled at the start of the current conflict. Despite the peace agreement of August 2015 the underlying issues that drive conflict in Nassir have not been resolved. There is also no separation of forces.

- 5.2 Something must be done in order to stop the ongoing clashes in Nassir and bring peace to the area. CTSAMM calls upon JMEC to work at the political level to find a solution that will be agreeable to all parties, and on JMCC to take positive action to find local solutions to stop all fighting between the Parties in Nassir and enable civilians to return to their homes.