

CTSAMM Headquarters

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM



TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 7 February 2017

SUBJECT: CTSAMM Report 029 – Violations of the PCTSA in the Malakal Area

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 Malakal on 14 October 2016.

This report was discussed at the CTSAMM meeting on 25 January 2017.

Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 029
VIOLATIONS IN THE MALAKAL AREA

Executive Summary

The security situation in the Malakal area was tense throughout the 2016. There were multiple reports of fighting and a series of violations by both parties. On 14 October there were clashes between SPLM/A-IO forces and Government Forces at Warjowk and Lelo. The allegations were made by JMCC, stating that the SPLM/A-IO had attacked government held positions by a bombardment and ground attack and in so doing had breached the PCTSA.

MVT Malakal conducted an investigation into the incidents from 28 October until 13 November 2016. The facts of the ground attack were confirmed but the bombardment could not be verified. There were counter claims made by SPLM/A-IO that the attack (which they admitted committing) had been in response to a Government Forces attack on 13 October 2016. There were also claims that Government Forces caused civilians casualties in Wau-Shilluk as part of a response to the ground attack. Neither of these counter claims could be verified.

CTSAMM concluded that the SPLM/A-IO did indeed prosecute attacks against government positions in Lelo and Warjowk on 14 Oct 2016 in violation of Article 1.7 of the PCTSA. Given the frequency with which violent clashes occur in the area, CTSAMM recommends that JMEC and JMCC work at the political level to find a solution that will help to reduce the risks of future conflict.

VIOLATIONS IN THE MALAKAL AREA

1.0 Introduction

1.1 Background: The situation in the Malakal area - on both the banks of the Nile – was tense throughout 2016. LELO and WARJOWK have been flashpoints resulting in a number of allegations from both the Government and SPLM/A-IO forces. There have been three allegations since February 2016, one of which could not be investigated due to Freedom of Movement restrictions.

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

- Allegations from Government Forces: CTSAMM received a letter from JMCC dated 19 October 2016 stating that SPLA/M IO forces carried out ground and artillery attacks on Government Forces in Lelo and Warjowk on 14 Oct 2016.

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 received the initial information on 19 October 2016. The patrols required by the investigation were provided with Force Protection and mobility by UNMISS.
- The MVT met with military leaders and witnesses from the Government on 28 October. Subsequently the MVT met SPLM/A-IO representatives on 10 November 2016.

- Locations: During the course of the investigation, the MVT visited Government Forces in Warjowk and Lelo and SPLM/A-IO forces in Wau-Shilluk.

2.0 Fighting in the Malakal Area

- 2.1 On 14 October there were clashes between SPLM/A-IO forces and Government Forces at Warjowk and Lelo. There are witness reports from Government Forces sources which state that a ground assault was preceded by a bombardment involving heavy weapons from 1630-1900 hours. There was a confirmed assault by the SPLM/A-IO on defensive positions held by units of a Government Forces Brigade between 1930-2200. Government Forces witnesses state that the heavy weapons were mounted on boats during the assault, and that there were 500-700 attacking troops. Attempts to photograph alleged damage caused by heavy weapons were prevented by the government. There were casualties on both sides with accounts ranging from single figures to 33 killed by Government Forces, although the SPLM/A-IO made no mention of casualties on the attack of 14th Oct but did state that they had suffered minor casualties the day before.
- 2.2 The statements provided by the SPLM/A-IO provide corroboration that the ground attack took place and was authorised by the chain of command. There was no admission that heavy weapons were employed.
- 2.3 It is contended by SPLM/A-IO that the attack they conducted at Lelo and Warjowk was a response to an earlier attack on their own forces in Warcho village on 13 October, the day before the attack referenced above. It is not possible to confirm whether this earlier attack took place. The SPLM/A-IO have not made any allegation of a violation, and the villages which were attacked are

defensive positions occupied by the Government Forces, and there are no civilians in the area who could verify any attack, either on 13 or 14 October.

- 2.4 The SPLM/A-IO also contend that in a response to their attack on 14 Oct Government Forces fired heavy weapons on Wau-Shilluk where some shells fell within a densely populated IDP community causing serious injuries.

3.0 Assessment

- 3.1 An attack was conducted by SPLM/A-IO forces on Government held positions at Warjok and Lelo on 14 Oct 2016. It likely that both sides suffered losses.

- 3.2 The contention that the government conducted an attack on SPLM/A-IO positions on 13 Oct cannot be verified and has not been raised as an alleged violation.

- 3.3 The contention that the Government Forces used heavy weapons as a response to the ground attack on 14 Oct cannot be verified.

- 3.4 The opposing forces in the Malakal area are in relatively close proximity to each other. The area has been a flashpoint since at least February 2016 with multiple allegations and actual breaches of the ceasefire. The likelihood of continued outbreaks in the area remains high.

4.0 Conclusion

It is the opinion of CTSAMM that the attacks conducted by SPLM/A-IO on Government Forces positions in Lelo and Warjowk on 14 Oct 2016 were 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 There have been multiple ceasefire violations in the Malakal area throughout 2016. The area is largely depopulated with large numbers in the UNMISS POC Site. There is no significant separation of forces and the risk to civilians by use of heavy weapons remains high.
- 5.2 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 Malakal area and enable civilians to return to their homes.

6.0 Comments by Government representatives at the CTSAMM meeting

- 6.1 At the CTSAMM meeting of 25 January 2017 the Government representatives stated that the issues of Malakal “lie with JMEC”.