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TO: The Chairman, IGAD Council of Ministers
The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 26 July 2018

**SUBJECT: CTSAMM REPORT 2018/24 – MILITARY MOVEMENT AND
OFFENSIVE MILITARY OPERATIONS IN THE WAU AREA**

Your Excellencies,

Please find attached a report submitted for remedial action and accountability in accordance with Article 14 (1) of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017), concerning a violation of the agreement specifically military movement and offensive military operations which took place at WADHALELO in the WAU area on or about 11 June 2018.

CTSAMM would appreciate feedback on the actions taken as the result of this report, in order that it can be relayed to the investigating team and stakeholders on the ground.

Major General Ibrahim Abduljelil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/24

MILITARY MOVEMENT AND OFFENSIVE MILITARY OPERATIONS

IN THE WAU AREA

EXECUTIVE SUMMARY

CTSAMM visited WADHALELO in January and March 2018. During these visits they observed a community of about 1,000 people and verified a headquarters of the SPLA-IO (RM) with a Major General and about 40 soldiers.

During what was described by the SPLA 5th Division Commander as “disarmament operations” WADHALELO was taken by the SPLA on or about 11 June 2018. When visited by a CTSAMM MVT on 29 June 2018 the village was observed to be occupied by about 100 SPLA soldiers and there were only a few inhabitants remaining. Most houses were destroyed, and the school was being used as a barracks by the SPLA.

The SPLA 5th Division Commander told CTSAMM that he does not need to be guided by the ACOH as ongoing operations are against “criminals” and there were no SPLA-IO (RM) units in the area. He also told the CTSAMM that they were denied any access to the area south west of WAU whilst operations were ongoing.

CTSAMM finds that by undertaking unauthorised military movement, prosecuting offensive operations which led to the mass displacement of civilians and denying access to CTSAMM the SPLA acted – and is continuing to act - in clear and blatant violation of the ACOH.



MILITARY MOVEMENT AND OFFENSIVE MILITARY OPERATIONS IN THE WAU AREA

1.0 Introduction

1.1 Background:

- WADHALELO is a community approximately 38 Km south south east of WAU, about 7 Km east of the TAMBURA road. The inhabitants are mainly from the Luo tribe. Prior to the current conflict, there was some friction between the 'Fertit' communities south and south west of WAU and the government authorities in WAU, and there is traditional enmity between Dinka cattle-herders from Warrap State and the farming Fertit communities.
- During the current conflict in Western Bahr el Ghazal state WADHALELO has long been under the control of the SPLA-IO (RM).
- A CTSAMM MVT visited WADHALELO on 17 January 2018 and found that it was an SPLA-IO (RM) HQ commanded by a Major General. There was evidence of child soldiers deployed there which resulted in part of CTSAMM Report 2018/09 dated 23 March 2018. During the visit of 17 January 2018 the MVT observed about a thousand civilians in the community. At that time the overall situation was relatively calm, and had been (according to what the MVT was told) since August 2017. The MVT observed a basic primary school and a clinic, although there was no proper teacher and (at the time) very few if any medicines for the clinic.
- On 8 March the MVT returned to WADHALELO do undertake a verification of the forces stationed there, in accordance with what was agreed at the Addis Ababa ACOH workshop on 22-23 January 2018. This verification confirmed that WADHALELO was the headquarters of 4 Brigade of Division 6A of the SPLA-IO (RM) under the command of Major General [REDACTED]. The MVT observed about 40 SPLA-IO (RM) soldiers in WADHALELO and hundreds of civilians.



- During the first part of 2017 there was considerable conflict in the area south and west of Wau. According to the inhabitants of WADHALELO they had been subject to attacks by Government Forces and “Dinka cattle keepers” up until August 2017. From the signing of the ACOH on 21 December 2017 until June of 2018 the overall situation in the WAU area was calm; indeed CTSAMM commended the Parties on the efforts made to adhere to the ACOH and avoid any actions which could lead to conflict.

1.2 Allegations: On 14 June 2018 the MVT based in WAU visited the SPLA-IO (RM) 2nd Division commander in GADI, about 40 Km south of WAU. He claimed that after a period of calm following the signing of the ACOH the SPLA had once more started offensive operations, and had attacked KPAILLE, MBORO and BAGARRI on 11 and 13 June 2018. He also stated that WADHALELO was in the hands of the SPLA.

1.3 Aim: The aim of this report is to describe the findings of investigations into the alleged offensive operations by the SPLA in the area south of WAU on or about 11-13 June 2018, specifically the taking of WADHALELO, and attribute responsibility for violations of the ACOH where appropriate.

1.4 Methodology:

- CTSAMM employed *reasonable grounds to believe* standard of proof in making factual determinations on violations and incidents and patterns of conduct by perpetrators.
- The MVT in WAU recorded and reported instances of denial of access. Following reports of fighting in the area to the south and south west of WAU. The MVT with UNMISS Force Protection attempted to access The BAGGARI area on 19 June, WADHALELO on 20 June and BAGGARI again on 26 June 2018 but were stopped at SPLA checkpoints (at NATABU whilst trying to get to BAGGARI and BUSSERI BRIDGE whilst attempting to get to WADHALELO).



- On 28 June 2018 the MVT based in WAU met with the newly-appointed commander of 5th Division SPLA, Major General [REDACTED]
- On 29 June 2018 the MVT based in WAU was able to eventually visit WADHALELO together with UNMISS Force Protection. At WADHALELO the MVT met with the SPLA Commanding Officer and the area Paramount Chief. The team was able to observe the situation in WADHALELO.

2.0 Findings

- 2.1 5th Division Commander told the MVT that he would not be “directed by the ACOH because there are no SPLA-IO (RM) in the area”. He went on to say that ongoing operations in BAGARRI, MBORO and BISSELIA involved the “disarmament of criminals”, and that CTSAMM (and UNMISS) were denied access to these areas on the order of the State Governor. He said that permission for access would not be given whilst “disarmament operations” were ongoing.
- 2.2 In WADHALELO the MVT observed about 100 SPLA soldiers. There were very few civilians. From what they could see most houses that were not destroyed were occupied by soldiers and the school was being used as a barracks. Living conditions were described by the MVT as “extremely poor”: Civilians were short of food, clean water, medicines (the clinic was non-operational) and shelter.
- 2.3 The SPLA commander in WADHALELO – Major [REDACTED] (Company Commander) - told the MVT that it had been taken by the SPLA on 11 June 2018 following orders to conduct disarmament operations in the area. He went on to say that “the SPLA-IO’s are criminals who are killing and looting civilians and therefore the attack was justified”. The SPLA-IO (RM) reportedly offered little resistance and withdrew to GADI. There were, according to the SPLA, no casualties on either side during the fighting.
- 2.4 The area Paramount Chief reported that the humanitarian situation was very bad, especially many houses had been destroyed. He said a meeting was held

with the local community and SPLA leadership on 28 June during which he tried to persuade local people not to run away because the "Government Forces would not harm them". According to the Chief there were about 5,800 people in the community and 700 had been displaced by the fighting. However, the MVT saw only about 10 civilians in WADHALELO, and almost all houses had been destroyed – either burnt to the ground or without roofs. The Payam appeared almost deserted, and the MVT was of the opinion that far more than 700 people had been displaced by the fighting. The Chief said that the people would return, but the MVT saw no evidence of any returnees or indeed anything they could return to.

2.5 The MVT was closely guarded by armed SPLA troops during the visit to WADHALELO, and their UNMISS Force Protection was not allowed to accompany them into the village. They were not allowed to take any photographs of the destruction or the occupied school, and had no meaningful interaction with the few remaining civilians. The MVT reported what they described as a tense atmosphere in between what remained of the Luo civilian population and the SPLA soldiers, who were predominantly Dinka.

2.6 The MVT reported seeing what appeared to be a number of child soldiers amongst the SPLA troops in WADHALELO, but were unable to confirm this at the time.

3.0 Assessment:

3.1 It is clear by their own admission that the SPLA took WADHALELO on 11 June 2018 in blatant violation of the ACOH, and that operations are ongoing in other parts of the area, specifically BAGARRI, MBORO and BISSELIA

3.2 There is a contradiction between what the Divisional Commander said about there being no SPLA-IO (RM) in the area, only criminals, and the statement by the Company Commander in WADHALELO who clearly said he had been fighting SPLA-IO (RM) forces as part of a "disarmament operation".

3.3 WADHALELO was clearly under the control of the SPLA-IO (RM) as verified by CTSAMM in March 2018. It is now under the control of the SPLA following "disarmament operations".



- 3.4 The ACOH was being largely observed in the WAU area until about 11 June 2018. From what was said by 5th Divisional Commander, he either does not understand the ACOH, is deliberately ignoring it or had been ordered to ignore it by a higher level of command. The most obvious provisions of the ACOH being flouted are those pertaining to the movement of troops and offensive military operations.
- 3.5 SPLA troops were observed by the MVT to be occupying the school in WADHALELO, in blatant violation of the ACOH.
- 3.6 The clear denial of unfettered access to BAGARRI, MBORO and BISSELIA by 5th Division SPLA to CTSAMM constitutes a further violation of the ACOH.
- 3.7 Reports of what appeared to be child soldiers employed by the SPLA in WADHALELO are disturbing. These reports need to be followed up in coordination with the relevant agencies.

4.0 Civilian impact

- 4.1 The taking of and occupation of WADHALELO by the SPLA has had a negative impact on a community which was already experiencing harsh conditions and subject to severe food shortages. CTSAMM is unable to confirm how many civilians have been displaced from the WADHALELO area but the MVT reported about 1,000 people in the village on previous visits in January and March 2018, and on 29 June 2018 they saw only about 10.

5.0 Conclusion

- 5.1 It is the conclusion of CTSAMM that in prosecuting deliberate offensive operations against an established SPLA-IO (RM) position at WADHALELO, the SPLA were in clear violation of the following provisions of the ACOH:
- Article One (2) & 11 (6) Failing to freeze its forces and moving without notification or authority of CTSAMM.
 - Article Three (2) Carrying out hostile military actions prohibited under this Article by attacking WADHALELO on 11 June 2018.
 - Article Three (3) "...any actions that could lead to military confrontations including unauthorised movement of forces..."



- Article Four (2) "The Parties shall not occupy or damage any public or community property..." This pertains to the occupation by the SPLA of the school in WADHALELO.
- Article Eleven: All provisions pertaining to the free movement of and cooperation with CTAMM.

6.0 Observations and Recommendations:

- 6.1 It is difficult to understand how a senior SPLA commander – in this case Major General [REDACTED] commanding 5th Division SPLA in WAU – can remain ignorant of or choose to ignore the most basic provisions of the ACOH, namely the freezing of forces in place and the cessation of any offensive or provocative military operations. It is disappointing that the WAU area, which since the signing of the ACOH has been used as an example by CTSAMM of where efforts were made by both the SPLA and SPLA-IO (RM) to observe the ceasefire, is now once again beset by conflict. Although the MVT have yet to meet and discuss this issue with the State Governor [REDACTED] it would appear from what Major General [REDACTED] said that he is also involved with the decision to deny CTSAMM access to the area where "disarmament operations" are ongoing.
- 6.2 The reasons given by the SPLA for ongoing offensive operations against SPLA-IO (RM) positions – disarmament operations against criminals – is not credible, nor is the assertion that there are no SPLA-IO (RM) forces in the area. CTSAMM verified these forces in March 2018 following the ACOH workshop in Addis Ababa.
- 6.3 Reports of child soldiers being employed by the SPLA require further investigation.
- 6.4 CTSAMM recommends that JMEC and the IGAD Council of Ministers addresses the issues raised in this report at the political level.



Abbreviations:

ACOH: Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access signed 21 December 2017.

MVT: CTSAMM Monitoring and Verification Team

SPLA: Sudan People's Liberation Army. Military forces under the command and control of the Transitional Government of National Unity, including those opposition forces under the First Vice President Taban Deng Gai now with the Government.

SPLA-IO (RM): Sudan People's Liberation Army in Opposition and under the command and control of Dr Riek Machar.

