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CTSAMM Headquarters

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM



TO: The Chairman, JMEC
FROM: The Chairman, CTSAMM
DATE: 31 March 2016

SUBJECT: CTSAMM report 012 – Violations of the PCTSA in Nassir, 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 26 August 2015) that took place in Nassir, Upper Nile State.

This report was discussed with CTSAMM members at a meeting on 30 March 2016.

Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 012
VIOLATIONS IN NASSIR UPPER NILE STATE

Executive Summary

On 7 March 2016 a Government Forces soldier based at the garrison in Nassir went over to the SPLM/A-IO. This precipitated an exchange of fire. The following morning a 300-strong force left the garrison and moved east through Nassir town towards the area of Kedbeck, which is under the control of SPLM/A-IO Forces.

As the Government Forces passed through the market area of Nassir town a number of traders, who were setting up their stalls, were rounded up by Government Forces soldiers who then opened fire on them. At least 5 were killed.

The advance continued past the UNMISS compound to Kedbeck, which resulted in some heavy fighting which went on for 4 hours and resulted in the deaths of about 5 Government and 6 SPLM/A-IO soldiers.

It is the opinion of the CTSAMM that in leaving their garrison in such numbers and advancing on SPLM/A-IO positions Government Forces were in clear violation of the PCTSA. Furthermore, the apparent killing of civilians in the market place constitutes not only a violation of the PCTSA, but also of international law.

VIOLATIONS IN NASSIR, UPPER NILE STATE

1.0 Introduction

1.1 Background:

- Up until March 2015 there was considerable tension in the Nassir area, with several clashes between SPLM/A-IO forces and those of the Government based in the town. Most clashes took place to the east of Nassir in the Kedbeck area, which is regularly patrolled by Government Forces but under the observation and fire of SPLM/A-IO Forces.
- The town itself has been deserted since the start of the current crisis, although in recent months some civilians have returned to the market, against the wishes of the SDPLM/A-IO.
- Since March 2015 the area has been quiet. There was no reported build-up of tension prior to the incidents which took place on 7-8 March 2016.

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

- Allegation by the SPLM/A-IO: *Outlined in a letter from the SPLM/A-IO (Lt Gen James Koang Choul Ranley) dated 8 March 2016 titled "GRSS Forces Attacking SPLM/SPLA (IO) Forces in Nasir":*

8 March: GRSS-SPLA Forces marched out of their base 5 Km west of Nasir town and attack our [SPLM/A-IO] positions and forces in Ketbeck 8 Km east of Nasir town at about 07.00 Hrs.

- Allegation by Government Forces: *Outlined in a from SPLA DCOGS Lt Gen James Ajongo dated 11 March titled "SPLA I-O Attacks on Nasir Town on March 7 and 8 2016":*

On 7 March IO forces launched a major attack on Nasir town. The attackers mobilised in Mandeng – I-O HQ which is about 33.5 Km SE of Nasir. They repeated the attack the next day.

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 in Nassir was not there at the time of the incidents, having been deployed to Juba to assist with other investigations and verifications. The Nassir team had been selected because Nassir had been quiet for so long. The MVT returned to Nassir soon after the incidents in order to investigate. The investigation lasted from 10-14 March 2016.
- The MVT was able to interview a wide range of witnesses, including Government Forces officers and soldiers, SPLM/A-IO Forces Officers and soldiers, a civilian witness to alleged killings in Nassir, a Government Forces soldier who had defected to the SPLM/A-IO and SPLM/A-IO civil officials. The MVT was also able to gain information from UNMISS personnel who had witnessed the clashes.
- Locations: During the course of the investigation, the MVT visited the Government Forces HQ, the market in Nassir and also the area in Kedbeck where the fighting took place and near where they met SPLM/A-IO representatives.

2.0 VIOLATIONS IN NASSIR, UPPER NILE STATE

2.1 Between 7 February and 7 March 2016 the Government Forces garrison at Nassir lost 5 soldiers to the SPLM/A-IO. The Government Forces claim that they were kidnapped by the SPLM/A-IO, but this is denied by the SPLM/A-IO who claim the soldiers defected. On the evening of 7 March a soldier from the garrison went over to the SPLM/A-IO. This precipitated an exchange of fire during which two SPLM/A-IO soldiers were reportedly wounded. The MVT was able to interview the soldier who went over to the SPLM/A-IO on the evening of 7 March: he gave his name and number and stated he was not kidnapped but defected to the SPLM/A-IO of his own free will (see Annex A Photograph 1). The SPLM/A-IO claimed that the other 4 missing Government soldiers were serving in their ranks, although the MVT cannot confirm this as they did not see them. The defector they interviewed claimed to have seen two of them.

2.2 On the morning of 8 March 2016 Government Forces moved out of their base in force. At about 07.45 hrs heavy gunfire was heard from the direction of the market in Nassir. It is apparent that a number of civilians were killed. The MVT

saw two dead bodies in the area used by traders and also three fresh graves (see Annex a photographs 2, 3 and 4). A local Community Liaison Officer reported he had helped dig the graves and bury three of the people who had been shot. One trader escaped to the SPLM/A-IO-held area and was interviewed by the MVT (see Annex A Picture5). He claimed 12 people – traders – were rounded up by Government Forces soldiers who suddenly opened fire on them. The story given by Government Forces officers varied: the Force Commander, Brigadier Peter Oyual Kor claimed he heard there had been an ambush in the market but denied any knowledge of casualties. The Battalion Commander, Lieutenant Colonel Juma Suileiman stated there had been no fighting and denied the existence of any dead bodies. The MVT can confirm that at least 5 people were killed (the two bodies they saw and the three fresh graves).

- 2.3 Following the incident in the market Government Forces moved east towards Kedbek. The troops were supported by two troop-carrying landcruisers, one landcruiser mounting a heavy machine gun and one armoured vehicle, also mounting a heavy machine gun. UNMISS estimated their numbers at about 300. They passed the UNMISS compound at about 0750 Hrs. UNMISS observers witnessed the Government Forces firing randomly towards the Kedbeck area.
- 2.4 Heavy firing was heard starting at about 08.00 Hrs and going on to about 12.00 Hrs from the area of Kedbeck. The Government Forces commanders admitted they had taken casualties during the fighting. SPLM/A-IO commanders claimed to have killed 5 Government soldiers and to have lost 6 of their own, with a proportionate number of wounded on each side. The MVT interviewed the SPLM/A-IO Acting Governor of 'Latjot State' Jundid Both Dukhan, Major General John Chuol Nguot, the operations officer of 3 Division SPLM/A-IO and Colonel Biel Gany Koang, a Brigade Commander of 3 Divisions SPLM/A-IO. They also talked to private soldiers. All claimed that they had been attacked by Government Forces, and that by fighting back they were defending themselves.

3.0 Assessment:

- 3.1 It is not possible to say whether or not the SPLM/A-IO had been involved in capturing Government Forces soldiers prior to the incidents described, but the soldier interviewed by the MVT who had gone to the SPLM/A-IO on the evening of 7 March without doubt defected of his own free will. He claimed that he had seen two of the other missing soldiers in the ranks of the SPLM/A-IO, and the names given by the SPLM/A-IO of those they claimed defected to them matched the list of missing soldiers provided by Government Forces.

- 3.2 No information was given by any of the Government Forces officers in Nassir to suggest there had been an actual attack by the SPLM/A-IO against their positions on 7 March 2016 as described in the allegation. There was an exchange of fire when the Government Forces soldier went over to the SPLM/A-IO.
- 3.3 Government Forces mobilised in strength on the morning of 8 March and moved east through the town. As they moved through the market area there was shooting, and a number of civilian traders were killed. MVT cannot confirm the number but two bodies and three fresh graves were seen. The bodies were in civilian clothes. There is no evidence to suggest that there had been any sort of ambush of Government Forces as they moved through the market area of Nassir. All the evidence suggests that Government Forces did for some reason shoot a number of civilian traders who had gone to Nassir to set up their stalls that morning. This constitutes a clear violation of the PCTSA.
- 3.4 The very fact that Government Forces moved in strength out of their garrison and towards an area which is occupied by SPLM/A-IO is in itself a clear violation of the PCTSA. If Government Forces believed that SPLM/A-IO Forces had been kidnapping their soldiers this should have been sent as an allegation to CTSAMM of JMCC.

4.0 Conclusion

- 4.1 It is the opinion of CTSAMM that on 8 March 2016 in Nassir Government 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...."
 - Article 1.7.5: "Acts of hostility, intimidation, violence or attacks against the civilian population.....".

5.0 Recommendations and observations:

- 5.1 CTSAMM recommends that Government Forces conduct an investigation into the incidents in Nassir.
- 5.2 CTSAMM notes that the allegations from the two Parties both came from members of JMCC, and that JMCC is the forum where issues that could or do lead to conflict should be addressed. In the spirit of the Peace Agreement there

should be dialogue between the Parties at the local level in Nassir to ensure incidents such as this will not happen again.

- 5.3 These violations are unacceptable, and those responsible should be held to account. Furthermore, CTSAMM calls upon the Parties to ensure that all their personnel are provided with relevant guidance and orders, so that those who do target civilians or engage in active hostilities understand they will be made to face the consequences.

PHOTOGRAPHS

Photograph 1



The Government soldier who defected to the SPLM/A-IO on the evening of 7 March.

Photograph 2



First dead body of civilian trader in the market place in Nassir

Photograph 3



Second dead body of a civilian trader in the market place in Nassir (note: this photograph is not very clear as the MVT had to be careful taking photographs due to the presence of Government soldiers).

Photograph 4



Graves in Nassir. The MVT spoke to someone – a community liaison officer – who stated he had helped bury 3 traders killed in the market.

Photograph 5



The trader who escaped the killing in the market place and who was interviewed by the MVT.