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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 2018/26 – ATTACK AGAINST A CIVILIAN
COMMUNITY IN NORTHERN JONGLEI STATE**

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 an attack against a civilian community at KUERNYUON near WAAT on 26 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 Abduljellil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/26

ATTACK AGAINST A CIVILIAN COMMUNITY IN NORTHERN JONGLEI STATE EXECUTIVE SUMMARY

On 26 June 2018 SPLA troops supported by at least one tracked armoured vehicle attacked the village of KUERNYUON near WAAT, killing and wounding a number of civilians, burning houses and killing and stealing livestock. KUERNYUON is now empty. All the inhabitants have fled.

Earlier that day two SPLA soldiers from WAAT had been killed by youth from the KUERNYUON area who had allegedly found them raping a woman.

CTSAMM was unable to discover the truth about the killing of the two SPLA soldiers, but by prosecuting what had all the features of a punitive attack against KUERNYUON the SPLA acted in clear and blatant violation of the ACOH.



ATTACK AGAINST A CIVILIAN COMMUNITY IN NORTHERN JONGLEI STATE

1.0 Introduction

1.1 Background:

- There has been considerable tension in the WAAT area for a long time: recent CTSAMM reports about incidents were 2018/14 concerning an SPLA-IO (RM) attack against WAAT on 29 March 2018, and 2018/16 about SPLA attacks against MOTOT on 19 and 21 April 2018 during operations to resupply the SPLA garrison in WAAT. However, the situation in Northern Jonglei State had been relatively calm since then.
- WAAT is under the control of the SPLA, and the headquarters of what is known as Bieh State. Most of the area surrounding WAAT is under the control of the SPLA-IO (RM). The SPLA maintain a strong garrison in WAAT.
- The community of WECJAL is about 12 Km north east of WAAT. The village of KUERNYUON is about 5 Km east of WAAT near and to the north of the WALGAK road. KUERNYUON, WALGAK and WECJAL are all under the control of the SPLA-IO (RM).

1.2 Allegation: On 27 June 2018 CTSAMM received a call from the SPLA-IO (RM) Acting Governor of what is known as Bieh State, claiming that SPLA soldiers from WAAT attacked KUERNYUON on 26 June 2018 and killed 11 civilians. According to the Acting Governor this incident took place after two youths from the area killed two SPLA soldiers they allegedly found raping a local woman.

1.3 Aim: The aim of this report is to describe the findings of investigations into the alleged killing of civilians reported in KUERNYUON area on 26 June 2018.



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.
- A CTSAMM MVT visited WECJAL and WAAT on 29 June 2018.
- At WECJAL the team met with the SPLA-IO (RM) County Executive Director, [REDACTED] and other members of the local administration.
- At WAAT the MVT met with the Commanding Officer of the SPLA garrison, Colonel [REDACTED], the Government Commissioner of what is known as Akobo County [REDACTED] and various others. The MVT was shown the grave of the soldiers who had been killed.
- The MVT was not able to visit KUERYUAON because the aircraft was not cleared to land there, but the pilot flew over it and the MVT was able to observe burnt tukuls and the general state of the village.

2.0 Findings

2.1 Killing of 2 SPLA soldiers:

- 2 SPLA soldiers were killed in the area of what is known as WUNBIL FOREST near KUERYUAON on the morning of 26 June 2018. The SPLA Commanding Officer said that his soldiers were ordered not to leave WAAT as they would be killed by the SPLA-IO (RM), but despite this the two soldiers concerned had gone hunting and been ambushed.
- The CTSAMM MVT was shown a grave in WAAT which they were told contained the bodies of the two soldiers. It was a recent grave and the tools used to dig it were still around, as was a stretcher used for carrying the bodies. The grave was next to that of another SPLA soldier who the MVT was told had been killed by the SPLA-IO (RM) on 25 June 2018, but the SPLA provided no details. (See Photograph 1 at Annex A).



- The SPLA-IO (RM) Acting Governor of what is known as Bieh State originally claimed that the two soldiers had been discovered by some local youths raping a woman, and were shot as a result. The SPLA-IO (RM) County Executive Director and other officials interviewed by the MVT in WECJAL claimed that the youths – who were guarding cattle - only fired in the air to scare the soldiers away.

2.2 Incident at KUERNYUONG:

- The SPLA Commander claimed that a woman reported finding the body of one of his soldiers at about 10.00 Hrs on 26 June 2018. He said a squad-sized patrol was sent on foot to investigate; when they found the body they also found a blood trail to the second body. He said the patrol was then attacked by SPLA-IO (RM) and they fought back until the attack was repulsed. They then recovered the two bodies and returned to camp. The Commander clearly stated that no vehicles were used for the patrol.
- The SPLA-IO (RM) Executive Director at WECJAL said that after the shooting incident with the two SPLA soldiers everything went on as normal in KUERNYUONG until about 14.00 Hrs on 26 June when the SPLA attacked the village. He claimed that there were two tracked armoured vehicles, two Land Cruisers and a truck involved. He said the attack lasted 2 hours and 11 civilians were killed (the MVT was given the names of 10: 4 children, 1 woman and 5 youths), 100 cattle killed and 134 stolen, 12 houses burnt and other livestock taken. The MVT was shown a list of those killed, and was told that the survivors had all left the village and were with relatives or friends in FADOI, DELORI and WECJAL. None of those in the WECJAL area were available for the MVT to interview. 7 people were reportedly injured and taken to the clinic at BOUNG.

2.3 Observations by the MVT:

- At KEURYUONG: As previously stated the pilot could not land at KUERNYUONG, but was instructed by the MVT to fly low over it. The MVT was able to observe a number of burnt tukuls and the bodies of dead cattle. The village was deserted. There were clear signs of vehicle tracks in and around the village (*See Photographs 2, 3 and 4 at Annex A*).



- At WAAT: The MVT observed fresh armoured vehicle tracks and tyre marks in the entrance to WAAT. They also observed a tracked armoured vehicle with fresh mud on its tracks and a Land Cruiser which also had fresh mud on its tyres. Both these vehicles showed the signs of recent use.

3.0 Assessment:

- 3.1 The motive behind the killing of the two SPLA soldiers near KEURYUONG could not be established immediately. Apart from what the SPLA-IO (RM) Governor and County Executive Director said there is no evidence that a woman was raped. What is clear is that the dead soldiers had left WAAT against orders and were killed. CTSAMM has no conclusive evidence about the identity of those who killed the soldiers.
- 3.2 KEURYUONG was attacked on 26 June 2018. The MVT saw clear evidence: dead cows, burnt tukuls and no people. Although the MVT was unable to find any first-hand witnesses to the incident, the team members were confident that civilians had been killed and wounded. They were shown lists by the County Executive Director and other officials in WECJAL. The MVT arrived at WECJAL without any prior notice being given to the SPLA-IO (RM) authorities, and they had not had an opportunity to gather first-hand witnesses: the survivors of the attack were widely spread.
- 3.3 The MVT saw clear vehicle tracks when they observed KEURYUONG from the air. These were recent tracks in and around the village which did not follow existing paths. The MVT also saw a tracked armoured vehicle and a wheeled vehicle at WAAT with signs of recent use (fresh mud) and fresh tracks going out from WAAT. It is the assessment of CTSAMM that despite what the SPLA commander said, vehicles were used by the SPLA at KEURYUONG.
- 3.4 The claim by the SPLA commander at WAAT that the squad he sent on foot to investigate the report of the dead soldier did nothing more than fight off an attack by SPLA-IO (RM) forces is not credible. The dead soldiers were near but not in the village of KEURYUONG, and if the SPLA had fought a purely defensive action whilst recovering the bodies the village would not have been destroyed with the loss of civilian lives and the killing of cattle. The vehicle



tracks observed by CTSAMM indicate that the SPLA went right into the village in vehicles.

3.5 It is the assessment of CTSAMM that the SPLA did attack KEURYUONG on the afternoon of 26 June 2018 following the killing of two of its soldiers that morning. Vehicles were used during the attack, which left a number of civilians dead and wounded. CTSAMM could find no evidence of any involvement by the SPLA-IO (RM) in any battle in KEURYUONG, or that the SPLA-IO (RM) had any troops in KEURYUONG at the time of the incident.

3.6 CTSAMM is unable to confirm who killed the two SPLA soldiers on the morning of 26 June 2018.

4.0 Civilian impact

4.1 The entire surviving population of KEURYUONG has fled to live in other villages. Yet another community in South Sudan has been dispersed, with concomitant suffering and loss which will only fuel hatred and make peace more difficult.

5.0 Conclusion

5.1 It is the conclusion of CTSAMM that in prosecuting an attack against a civilian community the SPLA were in clear violation of the following provisions of the ACOH:

- Article 1 (2) & 11 (6): Failing to freeze its forces and moving without notification or authority of CTSAMM
- Article 3 (2): Carrying out hostile military actions prohibited under this Article by attacking KEURYUONG.
- Article Six (a): Attacks on the civilian population.

6.0 Observations and Recommendations:

6.1 The attack against KEURYUONG has all the features of a punitive raid. It might be easy to understand the anger of the SPLA in WAAT following the killing of two of their soldiers – whatever the circumstances – but this can in no way justify a brutal attack against a civilian community which resulted in the



deaths of women and children. Once again the SPLA has failed to protect women and children as it is obliged to do under the ACOH.

- 6.2 Incidents such as the attack at KEURYUONG can only increase hatred, fuel conflict and impede the course of peace.
- 6.3 CTSAMM recommends that JMEC and the IGAD Council of Ministers discuss with the TGoNU how best this matter be dealt with in order to guarantee the remedial action and accountability required under article 14 of the ACOH.
- 6.4 This incident would not have happened if the SPLA soldiers had remained in their garrison 'frozen in place' as required under the ACOH.
- 6.5 This is the second apparent punitive attack against a civilian community near WAAT in a bit over two months (the last being at MOTOT on 21 April 2018).

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.



ANNEX A to CTSAMM REPORT 2018/26

Dated 20 JULY 2018

Photograph 1



Grave of the two SLA soldiers killed on 26 June 2018



Burnt tukuls and vehicle tracks





Vehicle tracks in the centre of the village



Tracks of a tracked armoured vehicle.

[Handwritten signature]

