

**CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM  
(CTSAMM)**



TO: The Chairman, Joint Monitoring and Evaluation Commission  
Juba, South Sudan

FROM: Chairman, Ceasefire and Transitional Security Arrangements Monitoring  
Mechanism, Juba, South Sudan

DATE: 18 December 2015

**SUBJECT: VIOLATIONS AND CONFIDENCE BUILDING MEASURES IN UNITY STATE**

Sir,

The situation in Unity State is complex. Since earlier this year, and especially since Government Forces operations in April, there has been a cycle of violence with the conflict between Government Forces and SPLM/A-IO Forces overlaid by inter and intra tribal clashes, cattle raids and revenge attacks.

Recent violations reported by JTC/CTSAMM include an attack against Government Forces by SPLM/A-IO Forces in Guit in mid-September, and offensive actions by Government Forces in SPLM/A-IO areas in Leer County at the end of September and beginning of October. There have been other incidents, especially fighting in the Nihaldiu area in November, which has been investigated by CTSAMM but the incident was so confused that it was impossible to prove which of the Parties was responsible. The last report submitted by CTSAMM was that concerning Rape and Murder in Unity State.

Killing in Leer: The MVT received allegations that about 50 people were killed in Leer on about 22 October by being put in a shipping container by Government Forces and suffocating to death. This has proved to be a difficult incident to investigate, but now we feel that sufficient evidence has come to light to be able to say with confidence that it did take place, although further investigation is required in order to discover the exact details and the individuals responsible. A report is attached.

Ambush in Guit County: On 16 November there was an ambush of a civilian vehicle which in the opinion of CTSAMM constituted a violation of the PCTSA by SPLM/A-IO Forces. A report of this incident is attached. The delay in being submitted was because we felt it important to submit it with the other report from Unity State in order to put it in context. It is possible that the ambush was in revenge for the killing of civilians in Leer.



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Confidence building measures: In response to an earlier request for mediation by representatives of both Parties, the MVT from Bentiu, together with UN Civil Affairs (CAD), visited Leer and Adok between 30 November and 2 December. They were able to obtain an agreement from the Government and SPLM/A-IO Commissioners that both sides would meet the following week. This meeting, facilitated by the MVT and UN CAD, took place on 10 December and involved elders from both sides and resulted in an agreement on the free movement of civilians, the free movement of cattle to grass and water sources without raiding and the free movement of humanitarian agencies. Both Parties expressed what the MVT described as a genuine desire to come to terms over key issues of contention and stop any escalation of conflict.

Local agreements and initiatives such as the one facilitated by the MVT and UN CAD in Leer/Adok could have a significant and positive impact on the reduction of violence and implementation of the peace agreement. MVT's will be encouraged to facilitate such confidence-building measures where possible.



Major General (Rtd) Mohammed Amin Eltinay  
Deputy Chairman

**Ceasefire and Transitional Security Arrangements Monitoring Mechanism**





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TO: The Chairman, Joint Monitoring and Evaluation Commission  
Juba, South Sudan

FROM: Chairman, Ceasefire and Transitional Security Arrangements Monitoring  
Mechanism, Juba, South Sudan

DATE: 18 December 2015

**SUBJECT: Report on violations in Unity State**

Your Excellency,

Please find attached a CTSAMM report on the violations of 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) in Unity State, specifically the killing of civilians in Leer County



Major General (Rtd) Mohammed Amin Eltinay  
Deputy Chairman

**Ceasefire and Transitional Security Arrangements Monitoring Mechanism**



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**JOINT TECHNICAL COMMITTEE (JTC)**

**KILLING OF CIVILIANS IN UNITY STATE  
(V054)**

**PRESENTED TO:**

**THE CHAIRMAN  
JOINT MONITORING AND EVALUATION COMMISSION  
JUBA, SOUTH SUDAN**

**18 December 2015**



**JTC/JMEC CONFIDENTIAL**

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**Executive Summary**

On 23 October 2015 the MVT based in Bentiu received information from both sides of clashes in the Leer area. On 26 October 2015 an official from the SPLM/A-IO claimed that a large number of civilians had been killed in Leer.

The MVT conducted an initial investigation on 2 November 2015. Further visits in mid-November and at the beginning of December provided more information, and together with corroborative information from other trusted sources it became apparent that there is no doubt that about 50 civilians were killed as a result of the actions of Government Forces in Leer on or about 22 October 2015, and that this killing constitutes a clear violation of the PCTSA, International Humanitarian Law and International Human Rights Law and that further investigations should take place in order to find the exact details of the incident and identify the individuals responsible.





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(CTSAMM)

INVESTIGATIONS INTO THE ALLEGED KILLING OF CIVILIANS IN LEER, UNITY  
STATE

1.0 Introduction

1.1 Background:

- Southern Unity State has been in ferment for some time. The last relevant violation concerned the actions of Government Forces at the end of September/beginning of October who 'raided' the nearby SPLM/A-IO-controlled areas causing ongoing clashes which saw the town of Leer changing sides before being re-taken by Government Forces (V051 dated 21 October 2015).
- The conflict between Government Forces and those of the SPLM/A-IO is overlaid by inter and intra tribal and clan cattle-raiding, and a destructive cycle of revenge attacks. It is often difficult to ascertain which Party is responsible for outbreaks of violence. Conflict is often localised.
- On 22 October 2015 the team in Bentiu received contradictory reports from both Government and IO sources about the outbreak of conflict in Leer County. The Government claimed that the SPLM/A-IO were preparing to attack, whilst the SPLM/A-IO claimed that Government Forces were attacking Gandor payam.
- The MVT was told by an SPLM/A-IO official that a number of civilians had been killed by Government Forces in Leer.

1.2 Incident: On or about 22 October 2015 approximately 50 people were put in a container in Leer by Government Forces where the majority suffocated to death.

1.3 Aim: The aim of this report is to outline the incident for the Chairman of JMEC, to attribute responsibility where appropriate and to make recommendations.

1.4 Methodology:

- Having received information about the 22 October 2015 alleged clashes and killing of civilians on 26 October 2015, the MVT joined a joint patrol to Leer



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from 2-3 November in order to investigate. The MVT were unable to reach a conclusion as to which of the Parties were responsible for any fighting, but they did get some information about the alleged killing of civilians and did see human remains on the Gandor road which could have been connected. The SPLA authorities were not cooperative and limited the movement of both the MVT and accompanying UN personnel.

- A further joint patrol took place from 13 to 16 November 2015 during which the MVT were able to gather more information, but were unable to get first-hand witness statements. Another visit to the area from 29 November to 02 December 2015 yielded more information about those killed, who the SPLM/A-IO claimed were cattle keepers.
- Further corroborative information was garnered from other reliable and trusted international sources who had interviewed family members of the victims and who had also seen some of the bodies.

**2.0 The Killing of Civilians in Unity State**

- 2.1 Between 20 and 22 October 2015 a group of Government Forces were involved in some sort of operation in Leer County, during which cattle were seized and about 50 people (reports vary between 53 and 60) were rounded up and put in a shipping container in Leer. The container is in the compound used by Government Forces as a headquarters.
- 2.2 A large number of these people suffocated. Their bodies were taken and thrown into the bush along the Gandor road. Many of the bodies were recovered by their families.
- 2.3 Unsubstantiated reports suggest that the few who survived suffocation were killed. There are further reports that the only survivor was an eight-year-old boy, but at time of writing the MVT has been unable to locate him.

**3.0 Assessment:**

- 3.1 There is a great deal of information from a wide range of sources about this incident. Some of the details remain unclear, but what is known is that a substantial number of people did die whilst under the control of Government Forces.



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- 3.2 The context in southern Unity state is complex. Whether the people killed were captured as a result of military operations or cattle raiding is not clear. However, they were in the custody of Government Forces when they died, either of negligence or as a result of being deliberately killed.
- 3.3 There needs to be further investigation in order to discover the truth about the incident

**4.0 Conclusion**

- 4.1 It is the considered opinion of the CTSAMM that about 50 civilians died whilst in the custody of Government Forces in Leer between 20 and 22 October 2015, and that this constitutes a clear violation of the PCTSA, specifically:

Article 1.7: The warring parties shall refrain from prohibited actions outlined in the COHA.....

Article 1.7.5 Acts of hostility, intimidation, violence or attacks against the civilian population.....

**5.0 Recommendations and observations:**

- 5.1 There is no doubt that the civilian population in southern Unity State has suffered considerably in the past months. The killing in Leer is one incident; there is evidence to suggest that there have been several others.
- 5.2 CTSAMM recommends that all parties cease all forms of violence, human rights violations and abuses, violations of International Humanitarian Law and International Human Rights Law.
- 5.3 CTSAMM recommends that JMEC does all in its power to persuade the Parties to impose discipline of all armed groups in Unity State, and that the cantonment of troops is expedited in order to create separation between the two sides.
- 5.4 CTSAMM further recommends that some sort of commission of enquiry is established to fully investigate the incident described in this report.



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A handwritten signature in black ink, appearing to be "J. 15".