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



TO: The Chairman, JMEC
FROM: The Chairman, CTSAMM
DATE: 19th February 2016
REFERENCE: CM/2016/02/036

**SUBJECT: Violations of the PCTSA in Western Equatoria State: Protection of
Civilians**

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 Western Equatoria State.


Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism

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

**CTSAMM VIOLATION REPORT NUMBER 057
PROTECTION OF CIVILIANS IN WESTERN EQUATORIA STATE**

Executive Summary

The situation in the MUNDRI area has been unstable since May 2015 with conflict developing between local people, several armed groups and Government Forces. Recent allegations given to CTSAMM by SPLM/A-IO have been investigated by an MVT deployed to the area.

The results of the investigations were wide-ranging. Much information was gathered, although not all was either clear or corroborated.

Sufficient evidence was gathered, however, for the JTC to assess that Government Forces have acted in violation of the provisions of the PCTSA and COHA covering the protection of civilians in the MUNDRI area in the past few months.

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM (CTSAMM)

VIOLATION IN WESTERN EQUATORIA STATE

1.0 Introduction

1.1 Background:

- There have been reports of unrest in the Mundi area going back to May 2015, which resulted in an outbreak of clashes starting in September, involving Government Forces and local armed groups some of whom claim allegiance with the SPLM/A-IO. The situation is complex. The perception of local people in the area is that the conflict is driven by the actions of Dinka cattle keepers.
- In December 2015 CTSAMM deployed a Monitoring and Verification Team (MVT) to Mundri in order to investigate specific allegations. However, the MVT was denied freedom of Movement by Government Forces and had to be withdrawn. Following further allegations raised by the SPLM/A-IO at the end of December and given to CTSAMM in January, a further patrol was sent to Mundri in order to investigate. Several of these allegations referred to the killing and detention of civilians by Government Forces.

1.2 Allegations: The allegations that the MVT investigated specific to this report come from the SPLM/A-IO letter 'Ceasefire Violation Reports' dated 31st December 2015 and given to CTSAMM at the meeting of 6 January 2016. They are quoted as follows:

- Allegation 1: 24th December 2015: SPLA- Juba forces killed Nine (9) people, arresting Twenty Six (26) villagers and carried out looting in Lanyi village.
- Allegation 2: 25th December 2015: The SPLA Juba soldiers went to Lozu payam on 27 December in search of youth who were fighting under Maj. Gen. Wesley Welebe. After they were resisted by the local community the SPLA- Juba went back to Lui and killed 10 youths under detention. Their bodies were burned and later thrown into river Okoo (a local dump site in Lui).
- Allegation 3: 28th December 2015: SPLA Juba forces established a new base in Lanyi (between Jambo and Lui) in Mundri East County. Sources on ground said that the SPLA-Juba forces were moving towards Jambo from Buagyi, adding that the forces were randomly firing guns while moving.

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM (CTSAMM)

1.3 Incidents: Referring to the allegations outlined in paragraph 1.2, the MVT identified the following incidents which they investigated and relate to the allegations as follows:

- Between 20 December 2015 and 20 January 2016 a number of civilians were killed in the areas of MUNDRI, LUI and LANYI. (Allegations 1 and 2).
- Government Forces are occupying LUI and LANYI, both of which are almost empty of civilians (Allegation 3).

1.4 In addition to the allegations the MVT also found that a number of civilians have been forcibly detained and remain in detention, and that civilians were living in fear and many are still in hiding.

1.5 Aim: The aim of this report is to outline the details of the incidents and investigations for the members of CTSAMM with assessments and recommendations.

1.6 Methodology:

- An MVT deployed to the Mundri area from 27 January to 1 February 2015 with the aim of investigating various allegations outlined above, several of which involved claims that civilians had been killed or detained.
- The situation in the area is complex, with several armed groups (with various allegiances) operating as well as Government Forces. Although the MVT was primarily focused on allegations given by the SPLM/A-IO and implicating Government Forces, it was apparent that there are allegations concerning the activities of other armed groups. Complaints were received by the MVT from Government Forces and also from civilians which will require further investigation.
- The MVT interviewed members of Government Forces, UNMISS, civilians, including those who had fled into the bush or taken refuge in the POC site; church, community and youth leaders. They also witnessed at first hand villages which were empty or nearly empty because the people were scared and had fled to the bush.
- The MVT received a great deal of information, some of which was

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM (CTSAMM)

corroborated and some of which was not. There was much contradictory information, and also much that was vague. This report contains summaries of sample incidents which the JTC is confident to report as having happened beyond any reasonable doubt.

2.0 VIOLATIONS OF THE PCTSA DIRECTED AT THE CIVILIAN POPULATION

2.1 Occupation of villages by Government forces:

- Government Forces established bases in LUI and LANYI in November 2015. The MVT visited these bases and can confirm they are there, but they could find no evidence of the movement and random shooting described in the allegation
- The civilian population in the MUNDRI area is in a state of fear. Many have fled to the bush, and the MVT witnessed the villages of LANYI and LUI that are almost completely empty of civilians. According to local officials, about 66,000 people have been displaced. MUNDRI itself remains only partially occupied with many citizens either hiding in the bush or in the POC camp seeking the protection of UNMISS. Schools are empty, and indeed the girl's secondary school in LUI is occupied by Government Forces soldiers.
- The usually-busy roads from MUNDRI to LANYI and MUNDRI to KOTOBI are nearly empty of traffic.
- The MUNDRI clinic has been looted and left without any stock. Generator batteries had been taken and the facility was inoperable.

2.2 Killings: The MVT received a lot of information about killings, much of which was contradictory in terms of numbers and dates. However, it was possible to determine beyond any reasonable doubt that the following did take place:

- In the LUI/LANYI area on or about the 21 December 2015 there was an outbreak of hostilities. During these hostilities a number of local people were detained by Government Forces, and some were later killed. All the evidence suggests that at least 7 young men were killed by Government Forces in LUI on or about 24 December 2015. Government Forces claim that they were attacked at LUI on this date.

2.3 Detention: The MVT received information from a number of sources including a several officials, traditional leaders and elders that between 12 to 20 young men

CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM (CTSAMM)

remain in the custody of Government Forces in MUNDRI. This was denied by the Government Forces commander, but based on the information available the MVT assessed that there was sufficient credible evidence that Government Forces have arrested and detained a number of people.

3.0 Assessment:

- 3.1 The complexity of the situation in the MUNDRI area makes investigation of alleged violations of the PCTSA particularly difficult, especially as so many civilians have fled to the bush and as a result finding witnesses is not easy. However, it is clear that many violations have taken place; it is also clear that there are several groups involved and the attribution of responsibility is not always easy.
- 3.2 Despite the challenges of investigating allegations in the MUNDRI area, the JTC is satisfied that there is sufficient evidence to confirm that Government Forces have not protected civilians as they are obliged to do under the agreements, but have taken measures that are against both the spirit and word of the agreements and are thereby in violation of the PCTSA.

4.0 Conclusion

- 4.1 It is the opinion of the JTC that Government Forces have violated Article 1.7 of the PCTSA in the MUNDRI area, particularly:
- :
- Article 1.7.5: Acts of hostility, intimidation, violence or attacks against the civilian population.....

5.0 Recommendations and observations:

- 5.1 The actions of Government Forces in the MUNDRI area were in violation of the PCTSA in that they have failed to protect civilians, and also Government Forces have engaged in actions against the civilian population that are prohibited by the PCTSA and COHA.
- 5.2 However, the JTC acknowledges that there is evidence from a variety of sources to suggest that violations might have also been committed by other Parties. The MVT received unsubstantiated allegations that Government Forces were subjected to provocation. Whilst if true this in no way absolves Government Forces from accountability for their actions, it does illustrate the complexity of the situation and importance of resolving the underlying issues involved.

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

- 5.3 CTSAMM recommends that action be taken by all Parties to restore order in the MUNDRI area so the civilian population has the confidence to return to their homes and continue with their lives.