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

FROM: The Chairman, CTSAMM

DATE: 23 March 2018

SUBJECT: CTSAMM REPORT 2018/08 – ALLEGATIONS IN JONGLEI STATE

Your Excellencies,

Please find attached a CTSAMM report on allegations on violations of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017) concerning events in Jonglei State in early January, particularly the visit to YUAL by the First Vice President.



Major General Ibrahim Abduljellil
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 2018/08
ALLEGATIONS IN JONGLEI STATE

Executive Summary

ALLEGATIONS IN JONGLEI STATE

1.0 Introduction

1.1 Background:

- 1.2 The situation in the area of Jonglei State between YUAI and WAAT has been tense throughout the latter part of 2017, with several clashes reported around WAAT. The Government hold WAAT and YUAI, but much of the area to the east is dominated by the SPLA-IO (RM), which also holds AKOBO on the border. The SPLA-IO (RM) hold WALGAK.
- 1.3 On 7 January 2018 the First Vice President (FVP) left JUBA to visit YUAI and other towns in Jonglei State. He stayed in BOR for a night and then visited a number of towns: PANYAGOR on 8 January then PAJUT until 11 January then he moved to YUAI on 12 January. He then visited DUK and AYOD before returning to BOR on 20 January and thence back to JUBA.
- 1.4 The SPLA did give CTSAMM notice of this move in accordance with the ACOH, but the notification arrived after the convoy had left. He was accompanied by his bodyguards, and it alleged his convoy was joined by an unconfirmed number of other troops as he travelled in Jonglei State. The SPLA did not at any time disclose the number of bodyguards and other troops accompanying the FVP.

1.5 Allegations:

- Following the FVP's arrival in YUAI allegations were made by the SPLA-IO (RM) that prior to his arrival there were offensive military operations by the SPLA in the area between YUAI and WAAT.
- There were further allegations made about the FVP being accompanied by large numbers of troops he collected on the way.
- Allegations were received by CTSAMM that the FVP was in YUAI to "influence the Lou Nuer to join the fight against Dr Riek Machar."

1.6 Aim: The purpose of this report is to summarise the findings of the CTSAMM investigation into events in Jonglei State between 7 and 20 January 2018, particularly the visit by the FVP to YUAI, and make recommendations.

1.7 Methodology:

In order to investigate the allegations surrounding the visit to Jonglei State, CTSAMM MVT's deployed to a number of locations as follows:

- On 16 January Pibor MVT deployed to AKOBO in order to talk with the SPLA-IO (RM) authorities there, and to try to obtain information about allegations of fighting between YUAI and WAAT.
- On 18 January Bor MVT visited YUAI where they were able to speak with the local military and civil authorities and local people. They were also introduced to several SPLA-IO (RM) officers who had changed sides and joined the Government.
- On 24 January the Pibor MVT carried out a follow-on patrol to AKOBO where it was able to get some information from civilians who had fled there from the area between YUAI and WAAT.
- On 30 January the Pibor MVT visited WALGAK (east of WAAT) and interviewed the SPLA-IO (RM) authorities and people.

2.0 Findings

- 2.1 CTSAMM was not informed of the move by the FVP prior to his departure from Juba. Whilst the movements of the FVP are of no concern to CTSAMM, the movement of troops is, and the FVP had a substantial number of bodyguards. The Government did not give CTSAMM any advanced notice as required by the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (December 2017) ("ACOH"), and when the notice did arrive it was perfunctory. When the Chairman of CTSAMM wrote to the SPLA about this, the reply was negative and uncooperative.
- 2.2 CTSAMM was not able to confirm the number of troops which joined the FVP's convoy up to YUAI. SPLA commanders in YUAI refused to give any information, and local people were able to say nothing more than "many".
- 2.3 CTSAMM found no evidence to suggest that the FVP said anything in YUAI that went against the ACOH, and indeed many sources confirmed that he spoke in support of the peace process.
- 2.4 There is evidence to suggest some sort of clashes took place in the area between YUAI and WAAT. The SPLA in YUAI claimed an administrative convoy had been attacked on 14 January and the SPLA-IO (RM) claimed troops had come out from YUAI and attacked villages in the area.
- 2.5 In mid-January about 2,000 people from the PIERI and AKOBO WEST area (between YUAI and WAAT) fled and took refuge in AKOBO. IDP's interviewed by CTSAMM said they had fled "fighting between the SPLA-IG and SPLA-IO" on around 17-18 January, and that houses had been burned and civilians killed. It is considered possible that the movement of the FVP with alleged military assets towards YUAI caused fear and influenced civilian movement. At the time of the second CTSAMM visit to AKOBO, about 100 IDPs were arriving daily.

2.6 The SPLA-IO (RM) authorities in WALGAK indicated there was a high level of tension in the area, and alleged that the Government Commissioner in WAAT was planning attacks on SPLA-IO (RM) positions. They claimed SPLA forces had attacked communities in KAIKUINY and TANGYANG on 24 and 25 January.

3.0 **Assessment and conclusion:**

- 3.1 The Government failed to give CTSAMM advance notice of the movement of troops connected with the visit of the FVP to Jonglei State. However, there was the intention to do so, and CTSAMM acknowledges that the system to manage such notifications had not been discussed at that time, and in this case does not consider the failure constituted a clear violation of the ACOH.
- 3.2 CTSAMM could find no evidence to suggest that the FVP did anything or made any statements contrary to the ACOH, and indeed all the information gathered suggests that he spoke in support of the agreement. He should therefore be commended for promoting the ACOH as all Parties have committed to do.
- 3.3 The visit by the FVP to YUAI was, however, seen by the SPLA-IO (RM) as provocative. Civilians in the SPLA-IO (RM)-held areas around YUAI fled in the fear that his visit was the prelude to some sort of military action.
- 3.4 It is evident there were some sort of clashes in the area between YUAI and WAAT at around or just after the time the FVP was in YUAI, and that these clashes contributed to civilian movement away from the area and towards AKOBO. CTSAMM has so far been unable to get any substantial evidence about the nature and scope of these clashes, and is certainly unable to attribute responsibility to either of the Parties. CTSAMM acknowledges that ongoing issues with the Murle people could provide a further dimension to any conflict in this area.



3.5 It is evident from CTSAMM patrols to AKOBO, YUAI and WALGAK that tension and mistrust continue to prevail between SPLA and SPLA-IO (RM) military and civil authorities in the YUAI/WAAT/AKOBBO areas despite the signing of the ACOH.

3.3 Conclusions:

- In this instance the failure by the Government to give advance notification of the movement of troops is not recorded as a violation of the ACOH because the notification did eventually arrive and the system to handle such notifications had not been discussed and agreed. However, CTSAMM would like to emphasise to the IGAD Council of Ministers and JMEC that subsequent correspondence between the Chairman of CTSAMM and the SPLA indicated a negative attitude towards CTSAMM and the commitment to provide advanced notification of military moves. Also at no time did the Government disclose to CTSAMM the number and nature of the troops accompanying the FVP
- According to Article Fifteen Paragraph 1 of the ACOH the Parties are responsible for promoting the agreement. If the primary aim of the FVPs visit to YUAI was to do this he can only be commended. However, there is little doubt that the visit was seen as provocative by the SPLA-IO (RM), and it did cause fear amongst the civilian population living outside of YUAI in areas controlled by the SLA-IO (RM).
- Although CTSAMM has been able to obtain little substantial evidence about the alleged clashes that took place between YUAI and WAAT it is apparent that something happened, as evidenced by the 2,000 people who fled to AKOBBO. Clashes between the SPLA and SPLA-IO (RM) indicate that either one or both of the Parties have failed in their obligations under Article 1

Paragraph 2 of the ACOH to freeze their forces in place, and under Article 3 Paragraph 2 to cease any military actions.

4.0 Observations and Recommendations:

- 4.1 There has been considerable tension in the WAAT/YUAI area for over 6 months, with fighting reported around WAAT in the latter part of last year. These tensions still exist despite the signing of the ACOH. Both the SPLA-IG and the SPLA-IO (RM) have failed in their duty to observe the fundamental principles of the ACOH, particularly in terms of freezing their forces in place and disengaging where in close proximity.
- 4.2 If the intention of the FVP was to promote the ACOH, sadly the effect of his visit to YUAI has been to raise tension and has led to further civilian displacement. It would have been helpful to have delayed the visit until after the CTSAMM workshop of 24-26 January or the HLRF meeting of 5 February in order to discuss it with other signatories of the ACOH and therefore dispel any misunderstanding.
- 4.3 CTSAMM calls on the IGAD Council of Ministers and JMEC to impress on the SPLA that it has a duty under Article Eleven Paragraph 6 of the ACOH to give CTSAMM "advance notification of any of its personnel and equipment for CTSAMM to verify and monitor". CTSAMM stands ready to work with the SPLA and all other signatories of the ACOH to ensure that this provision – which is a key confidence-building measure within the ACOH – is implemented in a way that works for all. CTSAMM would like to express disappointment with the SPLA in the negative spirit in which they approached this commitment in this instance.
- 4.4 Urgent measures need to be taken at both the political and local levels in order to reduce tension between the Parties in the YUAI/WAAT area of Jonglei State.

The fact that 100 people a day have been fleeing the area is an indictment on both Parties commitment to the ACOH.

