

IGAD

INTERGOVERNMENTAL
AUTHORITY
ON DEVELOPMENT



OFFICE OF THE SPECIAL ENVOYS
FOR SOUTH SUDAN

Summary of Latest Reports of Violations of the Cessation of Hostilities Agreement (COHA) Investigated and verified by the IGAD Monitoring and Verification Mechanism in South Sudan Reporting Period: 27 April 2015– 7 July 2015

Background: The IGAD Monitoring & Verification Mechanism (MVM) was set up in February 2014 to monitor implementation of the COHA by the two Parties to the Agreement, the Government of the Republic of South Sudan (GRSS) and the SPLM/A In Opposition, as well as any armed groups under their control or invited to support them. The MVM has 6 Monitoring and Verification Teams (MVTs) deployed to the states of Jonglei, Upper Nile and Unity, where hostilities have occurred. The Teams monitor violations through direct observation and investigation, including information-gathering from varied sources. There is an extensive process of fact-checking before each violation is verified and submitted to the Office of the IGAD Special Envoys for South Sudan, who carry out a further review. The following is a report of the most recent verified violations.

Reference	Date of Violation	Location	Nature of Violation	Responsible Party
V043	27 April – 31 May 2015	Rubkona, Mayom, Guit, Koch, Leer, Mayendit, Panyijar counties, Unity State	<p>Incident: Government Forces carry out gross human rights violations during multiple offensives in Unity State</p> <p>Background: In Violation report V039, the IGAD MVM found that the Government had committed violations of the Cessation of Hostilities Agreement by launching multiple offensives on towns south of Bentiu, Unity State, held by SPLM/A (IO) Forces. These took place from late April 2015 onwards. In that report, the IGAD MVM stated that it would further investigate accounts of killings of civilians, burning of homes and stealing of cattle by Government Forces and other violations during these attacks. However, at that time, the IGAD Monitoring and Verification Team was denied freedom of movement by Government Forces. When these restrictions were lifted in late May, the MVT was able to continue its investigations.</p> <p>Assessment: The MVT carried out interviews with many different sources, including IDPs from the affected areas, UN organisations, humanitarian agencies, local Government officials</p>	GRSS Forces

		<p>and military representatives. The MVT also visited various sites in the affected counties and gathered photographic evidence.</p> <p>As a result of this, IGAD MVM was able to conclude that there was credible evidence to show that Government Forces carried out gross violations of Protection of Civilian obligations, on various dates between 27 April and 31 May 2015, in several counties across Unity State. These consisted of attacks against the innocent civilian populace including indiscriminate killings, abduction, rape, destruction of property, looting and theft of livestock, and destruction of social infrastructure.</p> <p><u>Violation Detail</u> Article 3: Protection of Civilians</p> <p>The following violations of Article 3 of the COHA, took place during Government Force offensives into SPLM/A (IO)-controlled areas of Rubkona, Mayom, Guit, Koch, Leer, Mayendit and Panyijar Counties.</p> <p>Overall, the offensives caused mass civilian displacement and human suffering: thousands of people were forced to flee to the bush where they lacked food and water. Many ultimately fled to the UNMISS POC site in Bentiu in May and June.</p> <p>IGAD MVM found substantial evidence that during attacks on villages the following types of abuses took place :</p> <ul style="list-style-type: none">• Indiscriminate killings of civilians• Entire villages razed to the ground such as Tayar, Panyijiar County, and Chalual village, Rubkona County, among others• Houses were burned, sometimes with occupants inside• Women were raped by Government Forces and young girls and boys abducted• Cattle and other animals were driven away or stolen• Other property was looted, including NGO assets• Key infrastructure such as schools and hospitals was destroyed or vandalised by Government Forces, for example, school buildings in Nhialdiu and Koch <p>Some of the worst affected areas investigated by the MVT included Nhialdiu, Ngop and Koch and Tayar. Evidence suggested that other villages were also affected.</p> <p>It was also confirmed to IGAD MVM by a local Government official that a</p>	
--	--	--	--

			<p>Government/SPLA directive had been issued to Government Forces that areas from where Government Forces were attacked, should be assumed to be military residences and burnt to the ground. It was confirmed that burning houses was normal practice during such operations. This specifically applied to Rubkona and Koch counties.</p> <p>Articles of COHA violated:</p> <p><i>1.1 The Parties hereby agree to cease all military actions aimed at each other...</i></p> <p><i>3.1 The Parties shall refrain from attacks on the civilian population and commit to the protection of human rights, life and property as provided by various national, continental and international instruments</i></p> <p><i>3.2 The Parties shall refrain from any acts of rape, sexual abuse and torture as prohibited by applicable national, continental and international instruments.</i></p> <p><i>3.3 The Parties shall not engage in any acts of violence against children, girls, women and the elderly...</i></p> <p><i>3.4 The Parties shall cease acts of violence including summary executions, displacement of populations, all forms of torture, destruction of property...or any other acts as prohibited by applicable national, continental and international instruments.</i></p> <p>Recommendations:</p> <p>The IGAD Joint Technical Committee (JTC) recommends that the Special Envoys condemn Government Forces in the strongest possible terms for violating the Cessation of Hostilities Agreement, and for its deliberate disregard of its obligations to protect civilians, as provided for by various national, continental and international laws.</p>	
V044	25 May – 9 June 2015	Panakuach, Lalop and Luony Luony, Unity State	<p>Incident: GRSS Forces attack and capture areas north of Unity Oil Fields</p> <p>Violation Detail</p> <p>After Government Force offensives in several counties of Unity State, as noted in Violation 043, it became clear to IGAD MVM that Government Forces sought to expand their operations by advancing towards the northern areas of Unity Oil Fields. Unity Oil Fields themselves have been held by Government Forces.</p> <p>On various dates after 25 May, the MVM observed a build-up of Government Forces in the northern areas of Unity Oil Fields, supported by units moving from Mayom towards Lalop. Fighting began on 2 June, culminating in the capture on 9 June by Government Forces, of Panakuach, Lalop and Luony Luony - areas north of Unity Oil Fields.</p>	GRSS Forces

			<p>The IGAD MVM gathered information from different sources, including Government officials, who confirmed that Government Forces sought to repel alleged frequent attacks by SPLM/A (IO) Forces on the oil fields, and establish defences in the general area of Panakuach. It was further stated that Government Forces aimed to clear several areas of Opposition Forces and then invite oil companies to safely resume their work.</p> <p>Conclusion As a result of the investigation and weight of credible evidence, the IGAD JTC (Joint Technical Committee) found that Government Forces violated the COHA by mounting a planned offensive against SPLM/A (IO) positions in Panakuach, Lalop and Luany Luany from 25 May - 9 June 2015.</p> <p>Articles of COHA Violated: <i>1.1 The Parties agree to cease all military actions aimed at each other</i> <i>1.2 The Parties commit to immediately cease all military operations and freeze their forces at the place they are in.</i></p> <p>Recommendations The JTC recommends that the Special Envoys condemn Government Forces in the strongest possible terms for violating the COHA.</p>	
V045	27 June 2015	Malakal, Upper Nile State	<p>Incident: SPLM/A (IO), with allied Shilluk Forces, attack and capture Malakal Town, Upper Nile State on 27 June 2015</p> <p>Background: As reported in Violation 040, on 15 May, SPLM/A (IO) and allied Shilluk Forces, under the command of Major General Johnson Olony, launched an attack and captured Malakal from Government Forces. On 19 May, SPLM/A (IO) and allied Shilluk Forces then proceeded northwards with an intent to further capture Paloich Oil Fields.</p> <p>Since then, Government Forces counter-attacked to recapture Melut on 20 May, and Malakal on 25 May.</p> <p>In the latest violation of the COHA, on 23 June, SPLM/A (IO) and allied Shilluk Forces attacked Dolieb Hill and then on 27 June, recaptured Malakal.</p>	SPLM/A (IO)

			<p>Violation Detail The IGAD MVT, through direct observation, was able to substantiate the following information. In June, there was evidence of the movement and concentration of SPLM/A (IO)/Shilluk Forces in Kodok and areas to the west and south of Malakal, Upper Nile State. There was general intermittent direct and indirect fires heard in the area.</p> <p>On 23 June, SPLM/A (IO)/Shilluk Forces attacked and captured Dolieb Hill, located south of Malakal. On 27 June 2015, these Opposition Forces then attacked Government Forces in Malakal town, in a five hour battle, before ultimately capturing the town. As of 30 June 2015, Malakal was still under Opposition control.</p> <p>Conclusion: The IGAD Joint Technical Committee concluded that in attacking and capturing Malakal town and its environs on 27 June 2015, SPLM/A (IO) and allied Shilluk Forces violated the Cessation of Hostilities Agreement.</p> <p>Articles of COHA violated: <i>1.1 The Parties agree to cease all military actions aimed at each other</i> <i>1.3 The Parties commit to immediately cease all military operations and freeze their forces at the place they are in.</i></p> <p>Recommendation: The JTC recommends that the IGAD Special Envoys strongly condemn the SPLM/A (IO) and affiliated Shilluk Forces for violating the COHA.</p>	
V046	1 July 2015	Malakal, Upper Nile	<p>Incident: SPLM/A (IO) and Shilluk allied forces fire into Malakal POC (Protection of Civilians) site, killing one person and injuring seven</p> <p>Background As reported in Violation report V045, Malakal town came under the control of SPLM/A (IO) and Shilluk allied forces on 27 June 2015.</p> <p>Violation Detail In the days after 27 June, Opposition Forces were observed engaging in intermittent firing within Malakal town and surrounding areas. On 1 July, MVT Malakal heard gunfire in the area of the UN POC site in Malakal. After investigation, including several interviews and visits to the site, the MVT was able to conclude that Opposition</p>	SPLM/A (IO)

		<p>Forces had deliberately fired into the new area of the POC site, where members of the Dinka Community were sheltering. One person was killed and seven others injured. UNMISS peacekeeping forces had intervened and managed to repel the attackers, preventing further injuries.</p> <p>Article Violated: <i>3.1 The Parties shall refrain from attacks on the civilian population and commit to the protection of human rights, life and property as provided by various national, continental and international instruments.</i></p> <p>Conclusion: It is the assessment of the JTC that the SPLM/A (IO) and allied Shilluk Forces were in clear violation of the COHA, international humanitarian law and domestic law, by deliberately targeting civilians in the new area of the POC site, and displaying a complete disregard for the safety of civilians.</p> <p>Recommendation: The JTC recommends that the IGAD Special Envoys condemn the SPLM/A (IO) in the strongest possible terms and insist that they abide by their obligations to the Cessation of Hostilities Agreement.</p>	
--	--	--	--

Attribution and Type of Violations for the entire period of 8 February 2014 to 7 July 2015

As of 7 July 2015, in the past 17 months the MVM has reported a total of **46** incidents which resulted in violations of the Cessation of Hostilities Agreement. This includes **23** violations by the GRSS and **27** violations by the SPLM/A (IO). Some incidents include violations by both Parties and of more than one article and in more than one state.

Incidents including Violations	Attributed to Government Forces/GRSS	Attributed to SPLM/A (IO)	Article 1 Cessation of Hostilities	Article 2 Cessation of Hostile Propaganda	Article 3 Protection of Civilians	Article 4 Humanitarian Access	Article 7 Operations of the MVT
46	23	27	38	1	24	6	7
Violation by Location			UPPER NILE	UNITY	JONGLEI	JUBA	
			27	16	7	2	

NOTE: Summaries of all verified IGAD MVM violations are on the website of the Office of the IGAD Special Envoys www.southsudan.igad.int