



**Summary of Latest Reports of Violations of the Permanent Ceasefire
Investigated and verified by the IGAD Monitoring and Verification Mechanism in South Sudan
As at 28 October 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. Since The Agreement on the Resolution of the Conflict in the Republic of South Sudan was signed on 26 August 2015 the MVM reports violations of the Permanent Ceasefire which forms part of the Agreement and which includes all provisions of the COHA.

| Reference | Date of Violation | Location | Nature of Violation | Responsible Party |
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| V050 | 27 September 2015 | Near Lelo Upper Nile State | <p>Incident: A Government Forces reconnaissance patrol was involved in an incident which led to the deaths of two people working in their fields near Lelo (including a woman) and the wounding of another.</p> <p>Background: Even since the signing of The Agreement on the Resolution of the Conflict in the Republic of South Sudan in August tensions have remained high between Government Forces based in Malakal and SPLM/A-IO Forces on the west bank of the Nile.</p> <p>Incident: On 27 September a Government Forces patrol was in the area of Lelo. There was some</p> | Government Forces |

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| | | <p>sort of engagement. In the engagement two people working in their fields were killed (one of whom was a woman) and another man injured. The MVT could find no evidence to suggest any SPLM/A-IO Forces were involved.</p> <p>Assessment: The MVT interviewed the Government Forces acting 2 Division Commander, Major General Kisikia Ruet Puot, who claimed that a Government Forces patrol involved with “reconnaissance duties” had been attacked by SPLM/A-IO Forces. He denied any civilians were hurt. On a visit to Wau Shilluk the MVT was able to interview local people and the injured man. They could find no evidence to suggest that SPLM/A-IO Forces had been involved. The locals claimed that the Government Forces soldiers had taken food and livestock, and that those killed and injured were civilians working in the fields.</p> <p>It was the assessment of the JTC that by sending out patrols into areas under the control of the SPLM/A-IO Government Forces were in violation of the PCTSA. The fact that one of those killed was a woman – and therefore definitely a non-combatant – demonstrated in the very least a failure by the Government Forces involved to protect civilians</p> <p>Articles of the Permanent Ceasefire violated:</p> <p>1.2 The GRSS and SPLM/A-IO shall disseminate the provisions of this Agreement to all forces under their command or influence, and allies, <i>to ensure compliance immediately upon signing.</i></p> <p>1.4 Within seventy two (72) hours of the signing of this agreement, the Parties shall embark on a series of Permanent Ceasefire Arrangements including Cessation of Hostilities, disengagement and withdrawal of forces.....</p> <p>1.6 The GRSS and SPLM/A-IO shall refrain from prohibited actions under the Cessation of Hostilities Agreement of 23 January 2015</p> <p>The articles of the COHA violated by the SPLM/A-IO were Articles 1 and 3, particularly:</p> | |
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| | | | <p>1.1 The Parties hereby agree to cease all military actions aimed at each other and any other action that may undermine the peace process.</p> <p>3.1 The Parties will refrain from attacks on the civilian population. ...</p> <p>3.3 The Parties shall not engage in any acts of violence against children, girls, women and the elderly.....</p> <p>Recommendations and observations:</p> <p>The JTC recommends that the Special Envoys impress upon the leadership of the Government Forces the importance of promulgating and enforcing all provisions of the PCTSA. The fact that Government Forces freely admitted they had been involved in “reconnaissance duties” suggests they either do not understand the PCTSA or they are unwilling to comply with it.</p> <p>Incidents such as the one that took place near Lelo on 27 September and which resulted in two people including a woman losing their lives would not happen if both Parties complied with the PCTSA and kept their forces in place and separated.</p> <p>The JTC further recommends that both Parties are reminded of their responsibilities under the Geneva Convention (or which the Republic of South Sudan is a signatory), especially those protocols that specifically prohibits attacks against civilians.</p> | |
| V051 | 29 September to 5 October 2015 | Leer Unity State | <p>Incident: On 29 September fighting broke out in the area of Leer. The town was taken by SPLM/A-IO Forces on 2 October but subsequently re-taken by Government Forces who looted medical supplies and equipment from the premises of an international medical NGO. Hostilities continued in the area until 5 October. On 8 October a joint MVM/UNMISS patrol was prevented from leaving on a patrol from Bentiu to Leer by Government Forces, and it was not until 15 October that the MVM was able to get a team to Leer to investigate.</p> <p>Background: Tension has remained high in Unity State, with both Parties blaming each other for continued violence. At the time of the signing of the PCTSA on 29 August the town of Leer was under the control of Government Forces, whilst the surrounding payams and Adok Port have been under the control of the SPLM/A-IO.</p> | Government Forces |

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| | | | <p>Incident: Fighting broke out in the area around Leer on 29 September. All the evidence suggests that the fighting was initiated by Government Forces soldiers going out from Leer into the surrounding area where they took crops and livestock. The villages the Government Forces went to included Pilling, Pawiny and Pullguare. SPLM/A-IO forces interdicted some of the Government Forces and there was fighting which reportedly resulted in some civilian casualties. In response to these forays by Government Forces SPLM/A-IO Forces attacked Leer on 2 October, briefly occupying it before being ejected by Government Forces. When Government Forces re-took Leer they looted medical supplies and other equipment belonging to an international medical NGO. Sporadic fighting continued in the Leer area until 5 October. When the MVT based at Bentiu first tried to get to Leer with a joint 4-day UNMISS patrol they were prevented from doing so by Government Forces who stopped the whole joint patrol.</p> <p>Assessment: It is difficult to get a clear picture of exactly what happened in and around Leer between 29 September and 5 October. However, the MVT was able to interview a wide range of witnesses, many of whom were ordinary civilians, some of whom they met on the road making their way to the POC camp at Bentiu. Two clear facts which emerged during the investigation were firstly that the fighting started outside Leer in an area under the control of the SPLM/A-IO between Government Forces soldiers who were taking crops and livestock and SPLM/A-IO Forces. This foraging by Government Forces started a sequence of events which led to SPLM/A-IO Forces attacking Leer. The MVT interviewed numerous witnesses who attested that when Government Forces re-took Leer they looted the compound of an international medical NGO. It is the clear opinion of the JTC that the balance of evidence suggests that the actions of Government Forces were in violation of the PCTSA in the area of Leer, and furthermore the refusal of Government Forces to allow the joint UNMISS/MVT patrol to leave Bentiu on 8 October also constitutes a violation of the PCTSA.</p> <p>Articles of the Permanent Ceasefire violated:</p> <p>1.2 The GRSS and SPLM/A-IO shall disseminate the provisions of this Agreement to all forces under their command or influence, and allies, <i>to ensure compliance immediately upon signing.</i></p> | |
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| | | <p>1.6 The GRSS and SPLM/A-IO shall refrain from prohibited actions under the Cessation of Hostilities Agreement of 23 January 2015</p> <p>The articles of the COHA violated by the SPLM/A-IO were Articles 1,3 and 7 particularly:</p> <p>1.1 The Parties hereby agree to cease all military actions aimed at each other and any other action that may undermine the peace process.</p> <p>1.2 (all provisions – cessation of all military operations)</p> <p>3.1 The Parties will refrain from attacks on the civilian population...</p> <p>3.4 The Parties shall cease all acts of violence...as prohibited by applicable national, continental and international instruments</p> <p>7.2 (b) The MVT shall...enjoy complete freedom of movement..</p> <p>Recommendations and observations:</p> <p>The JTC recommends that the Special Envoys impress upon the Parties they must stop interfering with the Freedom of Movement of the MVM as this is against both the spirit and the word of the PCTSA which they are committed to enforce.</p> <p>The JTC recommends that the Special Envoys impress upon the leadership of the Government Forces the importance of promulgating and enforcing all provisions of the PCTSA.</p> <p>The JTC recommends that both Parties be reminded of their responsibilities under international law to refrain from attacking health institutions and or actions that hinder the provision of health care.</p> <p>The JTC further recommends that both Parties be reminded of their obligations to respect International Humanitarian Law and International Human Rights Law and other relevant provisions that specifically prohibit attacks against civilians and civilian property.</p> | |
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Attribution and Type of Violations for the entire period of 8 February 2014 to 22 September 2015

As of 22 September 2015, in the past 19 months the MVM has reported a total of 51 incidents which resulted in violations of the Cessation of Hostilities Agreement (or after the 26 August the Permanent Ceasefire). This includes 26 violations by the GRSS and 29 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.

Since the signing of the permanent Ceasefire, there have been 3 Violation by the GRSS (V048 on 2 September, V050 on 27 September and V051 on 29 September – 5 October) and 1 Violation by the SPLM/A-IO (V049 on 13 September).

A change to the way in which Violations are reported is anticipated as the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) becomes operational.

| 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 |
|--------------------------------|--------------------------------------|---------------------------|------------------------------------|---|-----------------------------------|-------------------------------|---------------------------------|
| 51 | 26 | 29 | 43 | 1 | 27 | 6 | 8 |
| Violation by Location | | | UPPER NILE | UNITY | JONGLEI | JUBA | |
| | | | 29 | 19 | 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