

**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: Report on alleged violations and the situation in Unity State

Your Excellency,

Please find attached a CTSAMM report on a violation 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 Unity State.



Major General (Rtd) Mohammed Amin Eltinay
Deputy Chairman
Ceasefire and Transitional Security Arrangements Monitoring Mechanism



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JOINT TECHNICAL COMMITTEE (JTC)

**CIVILIAN VEHICLE AMBUSH UNITY STATE
(VO55)**

PRESENTED TO:

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

18 December 2015



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Executive Summary

On 17 November 2015 the MVT in Bentiu received information from a variety of sources that a car carrying civilians had been attacked at a place called Duar in Koch County, Unity State, and that 8 people had been killed and others injured.

Following an investigation which included a visit to the site of the incident and interviews with survivors, the MVT concluded that the ambush had taken place, and that all the evidence suggested that it was carried out by uniformed personnel who were either part of or allied to the SPLM/A-IO.

It is the opinion of CTSAMM that by allowing this attack the SPLM/A-IO violated the PCTSA.



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INVESTIGATIONS INTO ALLEGED VIOLATIONS IN UNITY STATE

1.0 Introduction

1.1 Background:

- The situation in Unity state has been unstable for a long time, with continued clashes between the Parties or their allied armed groups, as well as tribal and clan-based cattle-raiding and revenge attacks.
- Allegations had been made about the killing of a significant number of civilians by Government Forces at the end of October in the Leer area, which did much to raise tensions in the area. These allegations are the subject of a separate report.
- There have been increasing reports of general lawlessness in Unity State, especially concerning attacks against civilians. The area the incident took place was on the only open resupply road south from Bentiu to Koch and Leer. The road is used by Government Forces, although much of the area is under the influence or control of SPLM/A-IO Forces and allied armed groups.

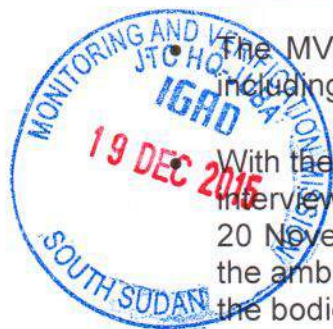
1.2 Incident: On 16 November 2015 a civilian land cruiser was ambushed on the Koch to Bentiu road about 50 Km from Bentiu. At least 4 women were injured and up to 8 people killed, including women and children.

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

1.4 Methodology:

The MVT based in Bentiu heard about the incident from several sources, including from civilians in the market.

With the assistance of the local Government authorities the MVT was able to interview the wounded survivors in the hospital on 18 November 2015. On 20 November 2015, four days after the incident, the MVT visited the site of the ambush together with elements of UNMISS, where they were able to see the bodies of those killed and the vehicle involved.



 4

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

- The MVT submitted an investigation report on 21 November 2015. The original intention was to submit this report to JMEC as part of a wider report into violations in Unity thus placing it more in context, which explains the delay.

2.0 Ambush and killing of civilians in Unity State

- 2.1 At about 14.00 Hrs on 16 November 2015 a commercial passenger-carrying land cruiser vehicle was ambushed whilst travelling from Koch to Bentiu. There were at least 11 or 12 passengers including 5 women, 4 men and 2 children plus the driver. One of the women was pregnant.
- 2.2 The ambush took place in Guit county about 50 km from Bentiu. The vehicle was fired at from in front; the driver reportedly tried to drive off the road into the bush but was not successful. The fate of the driver is unknown, although one witness said he escaped into the bush with several other men.
- 2.3 The witnesses – 4 injured women interviewed in the hospital – all reported that the attackers were in uniform, and were in the SPLM/A-IO not just armed civilians. They reported that they recognised some of them and even gave names, saying that they were from the SPLM/A-IO Forces at Buaw.
- 2.4 Following the ambush the vehicle was set ablaze and anything of value looted. At least 7 people were killed: the MVT saw the bodies of two children, one woman and 4 men. There was also a fresh grave which indicated there could have been a further person killed.

3.0 Assessment:

- 3.1 There is no doubt that the attack took place and that civilians were killed. Whilst the motivation for the attack appeared to be looting it is quite probable that there it could also have been a revenge attack following alleged Government Forces killings in southern Unity State. This is unconfirmed, but the MVT did receive information to this effect from their Community Liaison Officers and other local sources. Sadly the MVT were unable to get a comment from their SPLM/A-IO contacts about the incident.
- 3.2 The credibility of the witness statements is open to question, as they all clearly stated that the SPLM/A-IO Forces were involved, and as they were all in a



CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM
(CTSAMM)

Government hospital it could be that they were told what to say. Having said this, it was obvious that they had been seriously injured and traumatized as a result of the ambush, and the MVT had no reason to disbelieve the basic facts and circumstances of the incident.

- 3.3 The area where the attack took place is one where SPLM/A-IO Forces and their allied armed groups do operate. It is the opinion of CTSAMM that it is beyond reasonable doubt that the people who perpetrated the ambush were SPLM/A-IO Forces or from an armed group under their control of influence, and that even if it was not ordered by SPLM/A-IO Forces commanders they remain responsible for this violation of the PCTSA.

4.0 Conclusion

- 4.1 It is the clear opinion of CTSAMM that this incident did take place as described by the witnesses, and that it was perpetrated by uniformed members of the SPLM/A-IO or allied militias.
- 4.2 The incident represents a clear violation of the PCTSA by the SPLM/A-IO, 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 The situation in Unity State is complicated, with violence taking place at different levels and for different reasons. The battle between Government Forces and those of the SPLM/A-IO is overlaid by many inter and intra tribal skirmishes, cattle-raids feuds and revenge attacks. CTSAMM recommends that JMEC does all in its power to encourage the Parties to restore discipline to their forces in Unity State, and to separate and canton them in accordance with the PCTSA as soon as possible in order that the ongoing violence can be contained.
- 5.2 CTSAMM recommends that JMEC remind the Parties in the strongest terms that attacks against civilians constitute not only a violations of the PCTSA but also of



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**CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM
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International Humanitarian Law and International Human Rights Law, and that they are responsible and accountable for the actions of all forces under their command, control or influence.



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