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

FROM: The Chairman, CTSAMM

DATE: 26 July 2018

**SUBJECT: CTSAMM REPORT 2018/25 – FIGHTING AT THONYOR, UNITY
STATE, 19 JUNE 2018**

Your Excellencies,

Please find attached a report submitted for remedial action and accountability in accordance with Article 14 (1) of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017), concerning a violation of the agreement specifically fighting which took place at THONYOR on and about 19 June 2018.

CTSAMM would appreciate feedback on the actions taken as the result of this report, in order that it can be relayed to the investigating team and stakeholders on the ground.

Major General Ibrahim Abduljellil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/25

FIGHTING AT THONYOR

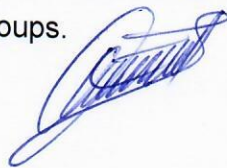
EXECUTIVE SUMMARY

Cattle raiding is a significant issue in southern Unity State as has been described in previous CTSAMM reports. There have been allegations that cattle stolen by the SPLA or affiliated armed youth have been taken to LEER.

On 18 June 2018 a number of armed youth from areas under the control of the SPLA-IO (RM) undertook a raid in LEER. They took cattle which they (rightly or wrongly) thought were theirs and captured a nephew of the Governor based in LEER.

The following day there were attacks by armed youth supported by the SPLA (the latter is believed to have used tracked armoured vehicles) at THONYOR and other nearby villages the aim of which appeared to be to recover the captured man and the 'stolen' cattle. During this action civilians were killed and women raped. Two SPLA soldiers were killed. The Governor's nephew was eventually released on 28 June 2018.

By prosecuting an attack against THONYOR and other villages on 19 June 2018 – for whatever reason – the SPLA acted in clear violation of the ACOH. By failing to control armed youth operating out of areas under their control on 18 June 2018 the SPLA-IO (RM) failed in their obligations under the ACOH to protect civilians from attacks by armed groups.



FIGHTING AT THONYOR

1.0 Introduction

1.1 Background:

- The situation in the area around LEER was unstable and violent during April and May 2018. Two CTSAMM reports have been submitted: 2018/18 "Fighting in the Leer area" and 2018/22 "Violations against civilians in Southern Unity State April/May 2018."
- Both reports specifically refer to the problems caused by cattle raiding in the area, and the support given by the SPLA to armed youth from KOCH who have been heavily implicated in this respect. Many cattle have been taken to LEER; this has been observed by CTSAMM.

1.2 Reported incidents: CTSAMM received the following reports:

- Information was received from a source in LEER that on 18 June 2018 the nephew of the Governor in LEER had gone missing together with a number of cattle. SPLA forces were dispatched to find him.
- On 19 June 2018 information was received from SPLA-IO (RM) contacts in MEER ISLAND that SPLA forces had attacked THONYOR that morning and were advancing on other areas.
- On 19 June 2018 CTSAMM received unconfirmed reports from UNMISS that the SPLA were advancing in the PILLING – THONYOR - MEER area and there were clashes with the SPLA-IO (RM).
- On 19 June 2018 reports were received that humanitarian staff involved with a planned food distribution in THONYOR were evacuated and 2 SPLA soldiers were reportedly killed and 2 wounded in operations in the THONYOR area.



1.3 Aim: The aim of this report is to describe the findings of investigations into the fighting reported in the THONYOR area on 19 June 2018, and to attribute responsibility for violations of the ACOH where appropriate.

1.4 Methodology:

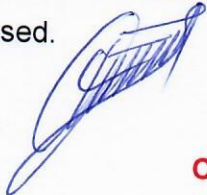
- CTSAMM employed *reasonable grounds to believe* standard of proof in making factual determinations on violations and incidents and patterns of conduct by perpetrators.
- The MVT interviewed Colonel [REDACTED] the commander of SPLA 137 Battalion in LEER, and the Governor of what is known as Southern Liech State [REDACTED]
- On 28 June 2018 the MVT met and interviewed the abducted nephew of the Governor who by then had been released.
- On 29 June 2018 the MVT based in LEER visited THONYOR with UNMISS Force Protection. In THONYOR the team met with SPLA-IO (RM) officers and spokesman, and interviewed a rape victim.

2.0 Findings

2.1 It is apparent that on 18 June 2018 there was a raid by "youth" from THONYOR with the aim of recovering cattle allegedly stolen by the SPLA in LEER. During this raid a nephew of the Governor of what is known as Southern Liech State was abducted.

2.2 On 19 June 2018 SPLA forces from LEER mounted an attack on THONYOR and surrounding villages. The SPLA Commander in LEER, and the Governor of what is known as Southern Liech State said that these operations were carried out by armed youth wanting to recover 'stolen' cattle and rescue the abducted man. However, the SPLA were involved: two SPLA soldiers were killed and the MVT clearly observed the track marks of armoured vehicles in THONYOR. The SPLA are the only forces in the area with armoured tracked vehicles.

- 2.3 The SPLA-IO (RM) in THONYOR claimed that 3 civilians had been killed in the fighting, 10 had been injured and 15 women were raped. The MVT was unable to see any of the wounded as they had been evacuated for treatment and the dead buried in their home villages. They were, however, able to interview one of the rape victims, who said she had been dragged from her house to that of a neighbour by two SPLA soldiers and raped by one of them. She later complained to who she described as the commander of the operation, Colonel [REDACTED] who asked her to identify her attacker which she did: an armoured vehicle driver.
- 2.4 The SPLA-IO (RM) did not give any information about any military casualties on their side.
- 2.5 The MVT were not able to visit MEER, but the epicentre of the fighting appeared to be THONYOR.
- 2.6 The SPLA-IO (RM) alleged that during the attack a large number of cattle were taken.
- 3.0 Assessment:**
- 3.1 The situation around LEER in what is known as Southern Liech State has been tense for a long time, with frequent outbreaks of violence. This situation is exacerbated by the cattle-raiding activities of armed youth from both sides.
- 3.2 There is evidence to suggest that some of the cattle at LEER had been taken from the surrounding areas by armed youth supported by the SPLA (see CTSAMM report 2018/and previous reports). It would appear that the 19 June 2018 incident was precipitated by armed youth from SPLA-IO (RM)-held areas raiding LEER to take cattle they considered to be theirs. During the raid they abducted a relative of the Governor of what is known as Southern Liech State.
- 3.3 The SPLA based in LEER and under the command of Colonel [REDACTED] supported armed youths who attacked THONYOR in order to recover the abducted man and the cattle that had been taken. There is clear evidence that the SPLA were involved with the attack, and that tracked armoured vehicles were used.



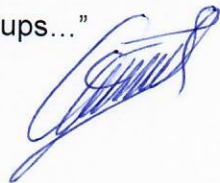
- 3.4 Civilians suffered during the attack at THONYOR. It is the assessment of CTSAMM that several civilians were killed, and at least one woman was raped.
- 3.5 The catalyst for the incident was the raid by armed youth from SPLA-IO (RM) areas. By allowing the raid to go ahead, the SPLA-IO (RM) leadership in THONYOR, failed to exercise control over armed groups in their area. Thus, they failed in their obligations under the ACOH.

4.0 Civilian impact

- 4.1 The civilian population living in and around THONYOR has experienced conflict before, however the community was traumatised by the attack of 19 June 2018. People were killed and women raped.
- 4.2 The population in Unity State suffer from severe food shortages. The attack led to an NGO involved with food distribution to be evacuated, with the concomitant delay to the food supplies getting to those who need it.

5.0 Conclusion

- 5.1 It is the conclusion of CTSAMM that despite the provocation of the raid on 18 June 2018, by prosecuting an attack against THONYOR on 19 June 2018 the SPLA were in clear violation of the following provisions of the ACOH:
- Article 1 (2) & 11 (6) Failing to freeze its forces and moving without notification or authority of CTSAMM.
 - Article 3 (2) Carrying out hostile military actions prohibited under this Article by attacking THONYOR on 19 June 2018 and sexual violence against women.
- 5.2 Furthermore, it is the conclusion of CTSAMM that by failing to control armed youth in areas under its control, the SPLA-IO (RM) has failed in its obligations under Article 7 (1) of the ACOH to protect civilians "from any form of attacks by other armed groups..."



6.0 Observations and Recommendations:

- 6.1 The tense situation in the southern part of Unity State is exacerbated by cattle raiding by armed youth groups affiliated to or under the control of the SPLA and SPLA-IO (RM). This has led to – and continues to lead to- incidents such as the one described in this report which impact on the ACOH.
- 6.2 This issue needs to be addressed at the political level, and practical mechanisms developed to enable the Parties to manage the problems raised by cattle raiding without military escalation.
- 6.3 Whatever the provocation, there can be no excuse for the employment of military forces in what was a punitive attack against a civilian community, which resulted in the death and abuse of civilians.

Abbreviations:

- ACOH: Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access signed 21 December 2017.
- MVT: CTSAMM Monitoring and Verification Team
- SPLA: Sudan People's Liberation Army. Military forces under the command and control of the Transitional Government of National Unity, including those opposition forces under the First Vice President Taban Deng Gai now with the Government.
- SPLA-IO (RM): Sudan People's Liberation Army In Opposition and under the command and control of Dr Riek Machar.

