

CTSAMM CONFIDENTIAL
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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 2018/28 – FIGHTING AT THAKER, NEAR LEER**
30 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 THAKER, Unity State, on 30 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 2018/28

FIGHTING AT THAKER 30 JUNE 2018

EXECUTIVE SUMMARY

On 30 June 2018 CTSAMM received allegations from both the Governor of what is known as Southern Liech State and SPLA HQ in Juba that the SPLA-IO (RM) had attacked their position at THAKER. The allegation from Juba also stated that RUBKUAY had been attacked.

There was no attack at RUBKUAY, but on the early morning of 30 June 2018 SPLA-IO (RM) forces attacked THAKER (about 14 Km North West of LEER). THAKER was being held by SPLA-aligned SPLA-IO (TD) forces who fought off the attack, losing one officer killed. There were no civilian casualties, but houses were burnt and property lost.

CTSAMM finds that by attacking THAKER the SPLA-IO (RM) were in clear violation of the ACOH. However, it was found that THAKER – which had for a long time been under the control of the SPLA-IO (RM) - had been occupied by SPLA-aligned SPLA-IO (TD) forces on 27 June 2018, and by moving troops in this way without informing CTSAMM and by acting in a provocative manner, the SPLA also acted in violation of the ACOH.



FIGHTING AT THAKER, NEAR LEER

30 JUNE 2018

1.0 Introduction

1.1 Background:

- The situation in the area around LEER has been unstable and violent since the signing of the ACOH on 21 December 2017. Recent CTSAMM reports that have been submitted are: 2018/18 "Fighting in the Leer area", 2018/22 "Violations against civilians in Southern Unity State April/May 2018" and CTSAMM 2018/25 "Fighting at Thonyor".
- In these reports the activities of armed youth from KOCH have been outlined. The armed youth are affiliated to the SPLA and act in support of and often supported by the SPLA. Their allegiance is to the Government-aligned SPLA-IO (TD) and their commander is reportedly Lieutenant General [REDACTED].
- RUBKUAY is approximately 12 Km North West of LEER; THAKER is about 3.5 Km to the west of RUBKUAY.

1.2 Allegations: CTSAMM received the following allegations:

- On the morning of 30 June 2018 the Governor of what is known as Southern Liech State, Mr [REDACTED], called the MVT based in LEER and told them that there has been an attack at THAKER.
- Later 30 June 2018 CTSAMM received a letter titled "Gross Violations of Permanent Ceasefire" from Lieutenant [REDACTED], Assistant Chief of the Defence Staff for Administration, Personnel and Finance. This letter outlined four alleged violations, including that: "on 30th June 2018 SPLA-IO attacked our positions in Thakker at 2:00am and Rupkuai at 4:00am, both locations are in Southern Liech State. They were repulsed".

1.3 Aim: The aim of this report is to describe the findings of investigations into the alleged attacks at THAKAR and RUBKUAY on 30 June 2018, to attribute

responsibility for violations of the ACOH where appropriate and to make recommendations.

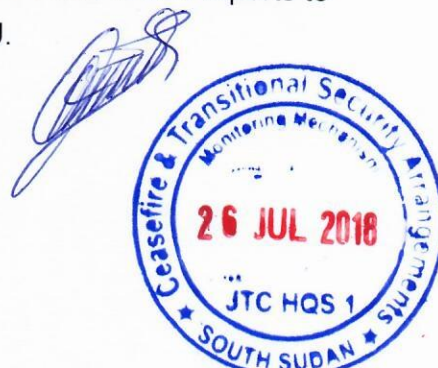
1.4 Methodology:

- CTSAMM employed *reasonable grounds to believe* standard of proof in making factual determinations on violations and incidents and patterns of conduct by perpetrators.
- On 30 June 2018 the MVT witnessed a wounded soldier who was taken originally taken to the UNMISS clinic then to a medical NGO where he died.
- The MVT met with the SPLA Commander in LEER, Colonel [REDACTED], commanding 137 battalion SPLA.
- On 2 July 2018 the MVT conducted a patrol – with UNMISS Force Protection – to TUTNYANG, RUBKUAY and THAKER. During the patrol the MVT was able to get witness statements from local people in RUBKUAY and TUTNYANG and from local people, military and civil authorities in THAKAR.
- On 4 July 2018 the MVT contacted the SPLA-IO (RM) spokesman in THONYOR in order to get a statement on the events of 30 June 2018.

2.0 Findings

2.1 In THAKAR:

- The (Government) Acting Deputy Commissioner, Mr [REDACTED] told the MVT that it was decided to occupy the village on 27 June 2018 because there was no SPLA-IO (RM) presence at that time. He stated that the forces who reoccupied it were SPLA-IO (TD) under the command of Major General [REDACTED] who in turn reports to Lieutenant General [REDACTED] in BENTIU.



- The military commander in THAKAR had gone to LEER, but a junior officer called [REDACTED] had been left in charge. He reported he had been in THAKAR when it was attacked on 30 June, and said one man (a Brigadier) had been killed and 5 wounded. According to the officer the SPLA-IO (RM) had attacked from three directions and none of the attacking force had been killed or captured. He also said that the SPLA commander in LEER had sent reinforcements.
 - The MVT observed several burnt tukuls in THAKAR resulting from the attack, and an unexploded RPG7 round. Civilian witnesses confirmed the attack happened in the early hours of 30 June 2018, and that they were confused especially as the SPLA, the SPLA-IO (TD) and SPLA-IO (RM) all look the same. There was tension in THAKAR because it is an area that was controlled by the SPLA-IO (RM) and is now under control of the Government and occupied by allied SPLA-IO (TD) soldiers or militia. The people were scared because they did not know what might happen next.
- 2.2 In RUBKUAY: The MVT found no evidence of any attack at RUBKUAY. They spoke to local civilians. RUBKUAY remains under the control of the SPLA-IO (RM), and has been since April 2018 after it was attacked and briefly held by the SPLA. There was reportedly further fighting at RUBKUAY in May 2018 (see CTSAMM report 2018/22). During the visit on 2 July the MVT observed no soldiers in RUBKUAY.
- 2.3 At TUTNYANG (about 3-4 Km north west of LEER): The MVT met a woman who reported that on 30 June 2018 SPLA troops returning to LEER after the fighting at THAKAR on 30 June 2018 passed through the village and stole goats.
- 2.4 SPLA-IO (RM): The MVT called the spokesman, Colonel JAMES, of the SPLA-IO (RM) Sector 2 based in THONYOR. He denied that the SPLA-IO (RM) had been involved with the attack saying that the allegation was made to "tarnish the name" of the SPLA-IO (RM).



3.0 Assessment:

- 3.1 It is the assessment of CTSAMM that there was an attack against Government-affiliated SPLA-IO (TD) forces in THAKAR on 30 June 2018, and this attack led to the death of an SPLA-IO (TD) officer. All the evidence suggests that the attack was carried out by SPLA-IO (RM) forces, and the aim of the attack was to dislodge the SPLA-IO (TD) forces which occupied THAKAR on 27 June 2018. This attack was in clear violation of the ACOH.
- 3.2 SPLA troops from 137 Battalion in LEER deployed to reinforce the SPLA-IO (TD) troops in THAKAR after the attack started and then returned to LEER later that day.
- 3.3 Until 27 June 2018 THAKAR was under control of the SPLA-IO (RM). On this date there were no SPLA-IO (RM) troops in THAKAR and it was occupied by SPLA-IO (TD) forces. By allowing affiliated SPLA-IO (TD) forces to move to and occupy THAKAR the SPLA was in violation of the ACOH.

4.0 Civilian impact

- 4.1 The MVT found no evidence of any civilians killed or raped. However, several tukuls had been burnt in THAKAR with the concomitant loss of property, money and goods.
- 4.2 The civilian population in southern Unity State has been subject to long-term conflict and abuse as highlighted in CTSAMM report 2018/22 and in the recent UNMISS/OHCHR report "Indiscriminate attacks against civilians in Southern Unity". The MVT found the civilians at THAKAR traumatised, confused and scared there will be further attacks.

5.0 Conclusion

- 5.1 It is the conclusion of CTSAMM that despite the provocation of the 27 June 2018 occupation by the SPLA and affiliated armed groups of THAKAR, by



prosecuting an attack against this position on 30 June 2018 the SPLA-IO (RM) were in clear violation of the following provisions of the ACOH:

- Article One (2) & Eleven (6) Failing to freeze its forces and moving without notification or authority of CTSAMM.
- Article Three (2) Carrying out hostile military actions prohibited under this Article.
- Article Five: By attacking a position where there was a civilian community, the SPLA-IO (RM) failed in its obligation to protect civilians.

5.2 Furthermore, it is the conclusion of CTSAMM that by occupying THAKER on 27 June 2017 the SPLA were in violation of the ACOH, particularly:

- Article One (2) & Eleven (6) Failing to freeze its forces and moving without notification or authority of CTSAMM.
- Article Three (2)i: "Any provocative or deceptive actions".

6.0 Observations and Recommendations:

- 6.1 Southern Unity State has remained volatile throughout the current conflict. Forces are in close proximity, and with the engagement of affiliated forces and armed youth the threat of clashes between the Parties or their proxies remains high. The people continue to suffer as a result and many atrocities have been committed against the civilian population. The incident that took place at THAKAR is just another example of the sort of confrontation which continues to happen because the Parties have failed to implement even the most basic provisions of the ACOH.
- 6.2 The situation in the LEER area must be addressed if further conflict is to be avoided. CTSAMM recommends that initiatives be developed at the political level to ensure that forces in the area separate and freeze in place, and that the Parties exercise control over affiliated armed groups.



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.
- SPLA-IO (TD) Forces loyal to the First Vice President Taban Deng Gai. These forces are considered to be under the control and command of the Transitional Government of National Unity, but still sometimes identify themselves separately.
- SPLA-IO (RM): Sudan People's Liberation Army In Opposition and under the command and control of Dr Riek Machar.

