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


FROM: The Chairman, CTSAMM


DATE: 23 March 2018

**SUBJECT: CTSAMM REPORT 2018/10 – VIOLATIONS OF THE ACOH IN THE
PAJOK AREA, EASTERN EQUATORIA STATE**

Your Excellencies,

Please find attached a CTSAMM report on violations of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017) which took place in the PAJOK area of southern Eastern Equatoria State on 19 January 2018.


Major General Ibrahim Abduljelil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 2018/10
CLASHES IN THE PAJOK AREA

Executive Summary

On the morning of 19 January 2018 a clash took place between SPLA forces based in PAJOK and SPLA-IO (RM) forces from POGEE. PAJOK has been under control of the Government since the SPLA occupied it in April 2017; POGEE is under the control of the SPLA-IO (RM). The two towns are about 15 Km apart. There are few civilians in the area as most have fled to a refugee camp in Uganda, which is only a few Km south of POGEE.

The area had been calm for a long time, and it was apparent the clash came as a surprise to both Parties.

Both Parties claimed their forces were all in defensive positions at the time of the incident, and it was they who had been attacked. There were no independent witnesses.

CTSAMM considers the incident to be a clear violation of the ACOH but unlikely to be the result of a pre-planned deliberate attack. It is impossible to determine which of the Parties fired the first shot and was therefore responsible for the violation. However, both Parties have been negligent in that they have failed to ensure their forces not only freeze in place but also disengage where in close proximity.



CLASHES IN THE PAJOK AREA

1.0 Introduction

1.1 Background:

- PAJOK is a town about 16 Km north of the Ugandan border. In April 2017 the SPLA mounted an operation to clear SPLA-IO (RM) units from the area and in doing so occupied the town. Some civilians were killed during the attack and most fled to Uganda. This incident was the subject of CTSAMM Report 038 – Killing and Displacement of Civilians in Pajok dated 15 May 2017. PAJOK is now largely depopulated, although civilian refugees from the camp in Uganda (just over the border from POGEE) regularly visit in the hope that the situation is improving. Most report there is nothing for them to return to.
- The SPLA maintain a garrison of about 300 troops in PAJOK. They are from the 2nd Battalion of what was described to CTSAMM as the 'Special Operations Division' from Juba. The troops are commanded by Colonel Kulang Tarif Chuol.
- POGEE is a town just north of the Ugandan Border. It is under the control of SPLA-IO (RM) forces commanded by Brigadier Okeny George Lam, known as 'Oniek', acting Divisional Commander Sector 9.
- The area has been relatively peaceful. Both Parties admit to maintaining checkpoints on the road between PAJOK and POGEE.
- Incident:
 - On 20 January 2018 the MVT based in TORIT received information that there had been a clash in the area between PAJOK and POGEE on 19 January.

- Initial information from the SPLA-IO (RM) was that their forces had ambushed SPLA-IG forces at the LAWACI RIVER between PAJOK and POGEE. The SPLA Divisional Commander confirmed that the clash had taken place.
- On 22 January CTSAMM received a list of alleged violations from the SPLA-IO (RM) which included an allegation that SPLA-IG forces in PAJOK “attacked the SPLA (IO) Anyanya Division base of POGEE”

1.2 Aim: The purpose of this report is to summarise the findings of the CTSAMM investigation into the incident, apportion responsibility where possible and make recommendations.

1.3 Methodology:

- On 30 January 2018 the MVT based in TORIT visited PAJOK, where they spoke with the SPLA-IG commander, the County Commissioner and community representatives including those from Women’s, Youth and Church groups.
- On 6 February 2018 the MVT visited POGEE, where they were able to meet with the SPLA-IO (RM) commander and his officers.

2.0 Findings

- 2.1 Both the SPLA-IG and SPLA-IO maintain outposts between PAJOK and POGEE road. According to the SPLA they have one on the road about 5 Km south of PAJOK, and the SPLA-IO (RM) claim they maintain one about 2 Km north of POGEE. The purpose of these outposts is to give early warning of attack and provide an outer ring of defence. The SPLA commander insisted his forces maintained a purely defensive posture.
- 2.2 The SPLA-IO (RM) said they have freedom of movement up to about 6 Km north of POGEE. There is a seasonal river roughly equidistant between PAJOK and

POGEE which the MVT was told marks an unofficial boundary between SPLA-IG and SPLA-IO (RM) forces.

- 2.3 There was a clash between SPLA-IG and SPLA-IO (RM) forces at about 08.30 Hrs on 19 January. Some reports suggested it lasted about 10 minutes. It took place on the road between PAJOK and POGEE and resulted in the SPLA-IG deploying an armoured vehicle and reinforcements. According to the SPLA-IG one of their soldiers was wounded and eventually evacuated to Juba.
- 2.4 The original information given to the MVT by the SPLA was that their forces had been 'ambushed', which would indicate that they were moving at the time of the incident. However, the military and civil authorities in PAJOK all claimed that there was an attack by the SPLA-IO (RM) on one of their checkpoints on the road south towards POGEE.
- 2.5 The SPLA-IG claimed their outpost near the Health Centre about 5 Km from the middle of PAJOK had been subject to a deliberate attack by an unknown number of uniformed men. They also claimed that three men in civilian clothes had visited PAJOK on 17 January before charging their phones at the Health Centre. The following day the same three men were again seen charging their phones at the Health Centre and the SPLA-IG claimed they had been scouts reconnoitring the position.
- 2.6 Community leaders reported that civilians came into PAJOK from the direction of the Health Centre in some panic and saying that PAJOK was under attack. It was not possible to hear the fighting from the centre of PAJOK due to the distance involved. At the first report of the incident SPLA-IG troops in PAJOK took up defensive positions and deployed their armoured personnel carrier, which headed off south down the road towards POGEE.
- 2.7 Following the incident the NSS and SSNPS arrested 4 men in PAJOK suspected of aiding the alleged attackers. One was a clinical officer at the Health Centre

and another the brother of a local traditional leader. On 24 January they were taken to Magwi.

2.8 The SPLA-IO (RM) claimed that their outpost had been attacked by the SPLA-IG at a place called Red Mountain north of but not far from POGEE. They said there were about 15 attackers supported by others they could not see and that they killed 7 including an officer.

2.9 The SLA-IO (RM) commander was adamant that his position had been attacked by the SPLA-IG, and that his forces were purely in defensive positions.

3.0 **Assessment:**

3.1 A clash between SPLA and SPLA-IO (RM) forces did take place on the morning of 19 January somewhere between PAJOK and POGEE. At least one SPLA soldier was wounded; this was confirmed by civilian witnesses. The SPLA-IO (RM) claimed to have inflicted other casualties on the SPLA but this is not verified.

3.2 Both Parties involved in the incident claim to have been attacked by the other. Both Parties claim the incident took place in territory considered to be under their control, and that their troops were deployed in purely defensive positions at the time.

3.3 The CTSAMM MVT was unable to identify any independent civilian witnesses to the incident. However, several witnesses in PAJOK said that the SPLA-IG troops in PAJOK reacted with surprise when reports of the clash reached the town, which would suggest it was not a pre-planned operation by the SPLA-IG.

3.3 Conclusion:

- It is not possible to verify which of the Parties was responsible for firing the first shot in this incident. Both of the Parties blame each other, and there are

no independent witnesses. However, there is no evidence to suggest the incident was the result of a pre-planned deliberate attack by either of the Parties.

- It is probable that soldiers from one of the Parties for whatever reason approached or entered territory considered to be under the control of the other and shooting broke out. If the Parties froze their troops in place and disengaged where in close proximity such incidents would not occur.
- CTSAMM concludes that the incident constitutes a clear violation of the ACOH, but is unable to attribute responsibility, other than to determine that both Parties have been negligent by failing to disengage their troops in the area.

4.0 Observations and Recommendations:

- 4.1 The PAJOK/POGEE area had been calm for a long time prior to the incident. Civilian movement to and from PAJOK from the camp in Uganda appeared to be relatively free, although the depredations wrought by the SPLA in PAJOK have resulted in very few refugees returning to the town.
- 4.2 Both Parties appeared surprised that the clash took place. Incidents such as this are inevitable where troops from the Parties are in close proximity and elements amongst them fail to stay frozen in their positions.
- 4.3 CTSAMM calls on the IGAD Council of Ministers and JMEC to remind the Parties of their obligations under the ACOH to not only freeze their forces in place, but also to actively disengage where in close proximity.

- 4.4 CTSAMM urges the SPLA-IG and SPLA-IO (RM) in the PAJOK/POGEE area to open a dialogue in order to develop local initiatives to stop such incidents from happening again.

A handwritten signature in blue ink, appearing to be 'Guzman', is written over the text of the list item.