

CTSAMM CONFIDENTIAL
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TO: The Chairman, IGAD Council of Ministers

The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 9 May 2018

**SUBJECT: CTSAMM REPORT 2018/17 – INCIDENT AT PAYAK, NEAR LEER,
UNITY STATE 10 APRIL 2018**

Your Excellencies,

Please find attached a report on violations of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017), specifically an incident that took place at PAYAK, near LEER in Unity State on 10 April 2018.

Major General Ibrahim Abduljellil

Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism



CTSAMM REPORT 2018/17

INCIDENT AT PAYAK

EXECUTIVE SUMMARY

SPLA and SPLA-IO (RM) forces in the LEER area are in close proximity. Since the signing of the ACOH neither Party has made any effort to disengage.

PAYAK is close to the airstrip at LEER. It is under the control of the SPLA-IO (RM). On 10 April 2018 SPLA forces went to PAYAK and there was a clash with SPLA-IO (RM) forces which resulted in the death of an SPLA-IO (RM) soldier.

By going into an area that was known and acknowledged to be under the control of the SPLA-IO (RM), the SPLA acted in a provocative manner in violation of the ACOH.



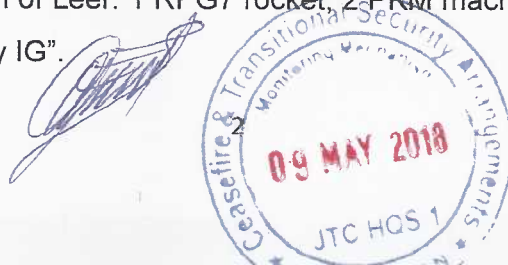
INCIDENT AT PAYAK

1.0 Introduction

1.1 Background:

- There have been tensions and outbreaks of fighting in the LEER area throughout the current conflict. The last CTSAMM report from the area was 2018/06 concerning incidents in the LEER/RUBKUAY area just after the signing of the ACOH.
- LEER is under the control of the Government. The areas surrounding LEER are under the control of the SPLA-IO (RM). SPLA and SPLA-IO (RM) forces exist in close proximity, and since the signing of the ACOH no effort has been made by either side to disengage as required by the Agreement.
- PAYAK is an area near the airstrip just a few kilometres from the centre of LEER. It is under the control of SPLA-IO (RM) forces. There was an incident reported there and investigated by CTSAMM in October 2016 (CTSAMM report 023 dated 17 February 2017).
- On 11 April 2018 the CTSAMM MVT in Bentiu received an unconfirmed report from community contacts indicating that: "on Monday 09 Apr 18, the SPLA attacked SPLA-IO positions in TUTNYANG, chased the soldiers and collected 03 AK47 guns and then proceeded to PAYAK which is an SPLA-IO (RM) position next to the airstrip and attacked their positions in there and killed 01 SPLA-IO soldier and collected his RPG and machine gun and returned back to LEER".

- 1.2 Allegation: It was alleged in a letter addressed to CTSAMM by the SPLA-IO (RM) Directorate of Military Intelligence dated 13 April 2018 that: "On 10 April 2018, IG forces left their trenches in Leer and made a surprise attack to IO forces in Payak, 1 IO soldier KIA (Killed in Action) and 1 RPG7 rocket was taken by IG. In the same day, IG forces made another surprise attack to IO position in Luohduel, North of Leer. 1 RPG7 rocket, 2 PKM machine guns and 1 AK 47 rifle were taken by IG".



1.3 Aim: The aim of this report is to describe the findings of a CTSAMM investigation into incidents which took place at PAYAK on and around 10 April 2018 and attribute responsibility for violations of the ACOH where appropriate.

1.4 Methodology:

- CTSAMM deployed an MVT to LEER from 18 to 23 April 2018. During this deployment the MVT was able to meet with military and civil leaders from both the Government based in LEER and the SPLA-IO (RM) based in THONYOR and ADOK.
- For the purposes of this particular investigation, the MVT interviewed the SPLA-IO (RM) commissioner in THONYOR on 19 April 2018 and the SPLA Battalion Commander on 20 April 2018. The MVT also spoke with UNMISS.

2.0 Findings

2.1 The MVT was not able to get to LUOHDUEL or TUTNYANG (as mentioned in the allegation and initial report from community sources). This was due to security reasons. However, the MVT was able to talk to those involved with the PAYAK incident.

2.2 The SPLA Battalion Commander clearly stated that his forces “were attacked by the SPLA-IO (RM) in PAYAK” and that they killed an SPLA-IO (RM) soldier and took his RPG. This indicates his troops must have gone to PAYAK. The SPLA-IO (RM) continued to claim their forces had been attacked at PAYAK

3.0 Assessment

3.1 The situation in the LEER area is complex, with troops from both the SPLA-IO (RM) and SPLA in close proximity. Any movement by either side, however limited, can at the very least be seen as provocative and will often result in violence.

3.2 There is no dispute that PAYAK is under the control of the SPLA-IO (RM). This is acknowledged by the SPLA.

3.3 It was not possible for CTSAMM to fully understand what happened prior to the incident at PAYAK. However, it is clear from what the SPLA Battalion



Commander in LEER stated and evidence from the SPLA-IO (RM) that the incident in PAYAK did take place.

- 3.4 CTSAMM is unable to confirm whether it was the SPLA or the SPLA-IO (RM) who fired the first shot in the engagement which took place in PAYAK, but it is evident that SPLA forces went into an area that was known to be under the control of the SPLA-IO (RM).

4.0 Conclusion

By entering an area under the control of the SPLA-IO (RM) on 10 April 2018 the SPLA acted in a provocative manner in violation of the ACOH, particularly:

- Article One, Paragraph 2: "...forces shall immediately freeze in place.."
- Article Two, Paragraph 2: "All Parties... shall ensure ... all forces under its command and control at all times observe the Agreement.."
- Article Three, Paragraph 2: "Hostile military actions", particularly (b) and (i):
"...reconnaissance and provocative actions.."

5.0 Observations and Recommendations

- 5.1 SPLA-IO (RM) and SPLA forces in the LEER area are in very close proximity. Until this is addressed, incidents such at the engagement that took place at PAYAK on 10 April 2018 are likely to continue.
- 5.2 CTSAMM recommends that the IGAD Council of Ministers and JMEC take action at the political level to encourage the Government and the SPLA-IO (RM) to implement the most basic provisions of the ACOH: the freezing of forces in place and the cessation of all hostile and provocative military actions.



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.

