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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 2018/18 – FIGHTING AT RUBKUAY, NEAR
LEER, 21 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 incidents that took place at RUBKUAY near LEER, Unity State, on 21 April 2018.


Major General Ibrahim Abduljelil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/18

FIGHTING AT RUBKUAY

EXECUTIVE SUMMARY

RUBKUAY is a village about 11 Km North West of LEER. It has been under the control of the SPLA-IO (RM) since before the signing of the ACOH.

Early on the morning of 21 April 2018 vehicle-mounted SPLA forces from LEER mounted a deliberate attack on RUBKUAY. By their own admission this attack was part of a wider operation involving SPLA troops from LEER and KOCH.

The SPLA did not stay in RUBKUAY; it was re-occupied by the SPLA-IO (RM) later that day.

By mounting an attack against RUBKUAY on 21 April 2018 the SPLA acted in clear violation of the ACOH.



FIGHTING AT RUBKUAY

1.0 Introduction

1.1 Background:

- The situation in the LEER area has been tense throughout the current conflict, with troops from both sides being in close proximity. LEER is under the control of the SPLA, whereas the surrounding areas are under the control of the SPLA-IO (RM) with their headquarters based in THONYOR.
- There have been many incidents in the LEER area during the current conflict, from minor clashes between the SPLA-IO (RM) and the SPLA to significant offensive operations. The last significant event reported by CTSAMM took place in November 2017 when the SPLA-IO (RM) took RUBKUAY from the SPLA (CTSAMM Report 2018/06).
- Tensions have been increasing in recent months, with several reports of clashes between the SPLA-IO (RM) and the SPLA. An incident which took place at PAYAK near LEER on 10 April 2018 was the subject of CTSAMM report 2018/17.
- Neither of the Parties have made any effort since the signing of the ACOH to disengage their forces in close proximity.

- 1.2 Incident: At about 07.20 Hrs on 21 April 2018 gunfire was heard to the north west of LEER. A CTSAMM MVT which had been deployed to LEER were immediately called by the SPLA-IO (RM) and told that RUBKUAY had come under attack from the SPLA.



1.3 Aim: The aim of this report is to describe the incident which took place at RUBKUAY on 21 April 2018, and attribute responsibility for violations of the ACOH where appropriate.

1.4 Methodology:

- A CTSAMM MVT was deployed in LEER at the time of the incident, and having heard the fighting from the direction of RUBKUAY was able to contact the military leadership of both the SPLA-IO (RM) in THONYOR and the SPLA in LEER.
- CTSAMM interviewed eyewitnesses to the incident from NGO personnel who were in RUBKUAY at the time.
- CTSAMM interviewed the SPLA Battalion Commander based in LEER.

2.0 Findings

- 2.1 Fighting started in the RUBKUAY area at about 07.20 Hrs on 21 April 2018. The SPLA-IO (RM) Commissioner in THONYOR called the CTSAMM MVT in LEER claiming that the SPLA had attacked their positions in RUBKUAY and that fighting was ongoing.
- 2.2 The MVT spoke to the SPLA Battalion Commander in LEER, who stated that SPLA forces from KOCH had attacked SPLA-IO (RM) areas in THAKAR, RUBKUAY, BUR, and MIRNYAL. The Battalion Commander claimed that these operations were in response to the actions of youths from KOCH who had attacked SPLA positions under the cover of looking for grazing for their cattle.
- 2.3 At about midday on 20 April 2018 an NGO based in RUBKUAY received information about an imminent attack. According to a statement given by the NGO Team Leader he tried to evacuate his staff that day but was prevented from doing so by the SPLA-IO (RM). Due to rising tension the NGO Team Leader took the decision to evacuate his staff early on the morning of 21 April 2018, and took them away from the village into the bush.



- 2.4 The NGO personnel were able to observe RUBKUAY from where they had taken refuge. They witnessed 2 SPLA armoured vehicles and 1 pick-up with a mounted machine-gun approaching from the direction from LEER and firing at the village. They reported then seeing SPLA troops arriving from the direction of KOCH at which point the fighting intensified. The NGO personnel were evacuated by UNMISS and arrived in LEER at about 13.20 Hrs.
- 2.5 By late morning a number of people displaced by the fighting to the north and west of LEER entered the town. The SPLA brought in at least 400 head of cattle claiming they had come with their owners who had fled the fighting; the MVT, however, received conflicting reports from the IDP's about this. Some youths were arrested and those carrying weapons disarmed.
- 2.6 CTSAMM learned that the SPLA did not hold RUBKUAY, and that it was re-occupied by the SPLA-IO (RM) later that day.

3.0 Assessment

- 3.1 CTSAMM was unable to get a clear picture about the fighting at MIRNYAL, BUR and THAKAR that had been mentioned by the SPLA commander in LEER together with the incident at RUBKUAY.
- 3.2 CTSAMM obtained first hand witness statements from NGO personnel confirming an attack by SPLA troops at RUBKUAY.
- 3.3 The SPLA Battalion Commander in LEER told CTSAMM that SPLA forces had attacked RUBKUAY as well as other locations. RUBKUAY is approximately 11 Km North West of LEER. To attack RUBKUAY the SPLA would have had to mount a deliberate operation to move to and prosecute an attack on the village.
- 3.4 Although it is clear that the SPLA mounted an attack against RUBKUAY on 21 April 2018, events in the wider LEER area require further investigation.

4.0 Civilian impact

- 4.1 The humanitarian situation in the area is fragile. Some NGO's have left because of security considerations, and free movement is limited. Any fighting is going to lead to further displacement and suffering.



5.0 Conclusion

By mounting a deliberate dawn attack which included the deployment of vehicle mounted machine-guns, the SPLA in LEER were in clear violation of the ACOH particularly:

- Article One, Paragraph 2: "...forces shall immediately freeze in place.."
- Article Three, Paragraph 2 "All hostile military actions".

6.0 Observations and Recommendations

- 6.1 The situation in the LEER area is critical, and unless something is done at the political level to get the Parties to implement the freezing of forces in place and disengagement there is likely to be more violence.
- 6.2 CTSAMM calls on the IGAD Council of Ministers and JMEC to encourage the Parties to address the situation in the LEER area by implementing both the spirit and word of the ACOH.



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.

