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

FROM: The Chairman, CTSAMM

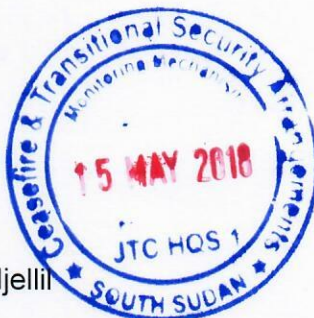
DATE: 15 MAY 2018

SUBJECT: **CTSAMM REPORT 2018/20 – FIGHTING AT PAGAK, 5 AND 9 MAY 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 PAGAK, Upper Nile State on 5 and 9 May 2018.

Major General Ibrahim Abduljelli
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/20

FIGHTING AT PAGAK

EXECUTIVE SUMMARY

PAGAK was the military Headquarters of the SPLA-IO (RM) until it was taken by the SPLA in August 2017.

On 5 May 2018 CTSAMM received an allegation from the SPLA that its positions at PAGAK had that morning been attacked by SPLA-IO (RM) forces. Allegations were also received from the SPLA-IO (RM) that its positions around PAGAK had been attacked by the SPLA forces stationed there, and that having repulsed them it had followed up and taken the majority of PAGAK from the SPLA.

A further allegation was received from the SPLA claiming there had been another attack during the early morning of 9 May 2018.

CTSAMM carried out two patrols to the area, on 8 and 10 May 2018, in order to investigate these allegations. The investigating team visited the SPLA-IO (RM) at MAIWUT, the SPLA in PAGAK and also spoke with Ethiopian Border Police officers who witnessed the fighting.

CTSAMM concludes that the SPLA-IO (RM) prosecuted a deliberate planned attack against three established SPLA positions at PAGAK on 5 May 2018, and another attack against one SPLA position early on 9 May 2018, and in doing so blatantly violated the ACOH. Furthermore, when the CTSAMM investigating team was approaching PAGAK on 10 May 2018 in a fixed-wing aeroplane it witnessed the firing of a vehicle-mounted machine gun from an area under control of the SPLA-IO (RM), and after landing heard several mortar rounds being fired from the same area. This is considered to be a further violation.

FIGHTING AT PAGAK

1.0 Introduction

1.1 Background:

- PAGAK is in south eastern Upper Nile State on the border with Ethiopia. Soon after the beginning of the current conflict it was established as the Headquarters of the SPLA-IO.
- In July 2017 SPLA and (as they were then known) SPLA-IO (TD) forces advanced from the ADAR area towards PAGAK. These forces passed through and took – but did not hold – the SPLA-IO (RM)-held towns of MATHIANG and MAIWUT.
- The SPLA took PAGAK from the SPLA-IO (RM) on 6 August 2017. This was the subject of CTSAMM Report number 048 dated 4 September 2017. The SPLA have occupied PAGAK ever since. It is heavily garrisoned and surrounded by a system of defensive trenches. The SPLA holds 3 positions: PAGAK village and the airstrip, what is known as WAY STATION JUNCTION which connects the PAGAK to MAIWUT road with JOKOW BRIDGE on the Ethiopian border, and JOCKOW BRIDGE itself.
- The area around PAGAK is under the control of the SPLA-IO (RM). There have been several skirmishes reported since the SPLA took PAGAK, and there have also been allegations from the SPLA that aircraft flying into PAGAK airstrip have been engaged by SPLA-IO (RM) forces. The situation has remained tense.
- The last visit by CTSAMM had been on 3 March 2018 when a team visited MAIWUT and PAGAK as part of the exercise to verify forces.
- The PAGAK area comes under SPLA-IO (RM) Sector 4, which is, so far as CTSAMM understands, commanded by General [REDACTED]

1.2 Allegations:

- From the SPLA-IO (RM): On 5 May 2018 the SPLA-IO (RM) Military Spokesperson, Brig Gen William Gatjiath published a press release alleging that on 05 May 2018 at around 05:45 Hrs, SPLA-IO (RM) forces responded in self-defence to an attack by the SPLA on their positions in TUROW, NGUANKEI and PINYTHOOR. He claimed that SPLA-IO (RM) repelled the attack and pursued the SPLA into Pagak, and that “95% is now under their full and complete control, including Jokowi Bridge in the South, Way station in the West, Nguankei in the East and Pinythoor in the North; with more than 54 of them killed”. He further alleged that the SPLA are now being confined in Pagak Military Garrison “as the SPLA-IO (RM) Forces continue to pursue them”.
- From the SPLA:
 - CTSAMM received a letter dated 5 May 2018 from Maj Gen Majier Deng Kur SPLA, Co-Chair JMCC, which alleged that SPLA-IO Forces under Dr Riek Machar attacked their “position in Pagak on 05 May 2018 at around 05:15 Hrs and the fighting went on for about 45 minutes where the SPLA defeated the SPLA-IO (RM) killing 09 of them in front of their trenches”.
 - CTSAMM received a further letter dated 9 May 2018 from Maj Gen Majier Deng Kur SPLA, Co-Chair JMCC that alleged: “today at 01.00 AM the Force of Riek Machar I.O. carried out an attack on the SPLA base at Pagak in their fatal attempt to overrun that base. The I,O Forces were defeated...”

- 1.3 Aim: The aim of this report is to describe the findings of a CTSAMM investigation into events which took place at PAGAK on 5 and 9 May 2018, and to attribute responsibility for violations of the ACOH where appropriate.

1.4 Methodology:

- CTSAMM deployed an MVT to MAIWUT and PAGAK on 8 May 2018.
 - At MAIWUT the MVT was able to meet with the SPLA-IO (RM) Chief of Operations and one of his senior Operations Officers, and the Chief of Administration and Finance together with several civilian women described as “witnesses”.
 - At PAGAK the MVT met with the Commander of 18 Brigade SPLA and his deputy, the head of Military Intelligence and the Governor of what is known as Maiwut State.
- The MVT returned to Pagak on 10 May 2018 in order to interview the Ethiopian Border Police, which they did. During this visit they also met again with the SPLA Head of Military Intelligence and the commander of the SPLA outpost at JOKOW BRIDGE.

2.0 Findings

- 2.1 Statements made to the MVT by the SPLA-IO (RM) officers in MAIWUT were contradictory and did not fully accord with allegations in the Press Release. The three places they alleged had been attacked (TUROW, NGUANKEI and PINYTHOOR) were not positions they declared as being military positions during the verification visit of 3 March 2018. TUROW is a village approximately 5km WEST of JOKOW BRIDGE, situated on both sides of the border. NGUANKEI is around 8km EAST of JOKOW BRIDGE situated in Ethiopia and PINYTHOOR is, according to locals, situated 3km NORTHEAST of JOKOW BRIDGE and also considered to be a shared town between South Sudan and Ethiopia.
- 2.2 The SPLA-IO (RM) in MAIWUT claimed their positions had been attacked simultaneously at 07.00 Hrs on 5 May; the allegation said it was 05.45 Hrs. The SPLA-IO (RM) in MAIWUT also claimed they had stayed in their trenches after the attacks, whereas the allegation stated that SPLA-IO (RM) forces had followed the attacking forces back into PAGAK and “taken 95% of it”.

- 2.3 The SPLA-IO (RM) in MAIWUT claimed that after the alleged attacks against their positions on 5 May they had been subject to an artillery bombardment by "BM21, heavy artillery, tanks and light and heavy mortars". Members of the MVT who had visited PAGAK on 3 March 2018 were able to confirm that SPLA artillery and armoured vehicles that they had seen then had not been moved since. The Ethiopian Border Police also confirmed that they had heard no heavy artillery.
- 2.4 Independent witnesses, namely the Ethiopian Border Police at JOKOW BRIDGE reported they had seen no SPLA soldiers leaving PAGAK on the morning of 5 May 2018.
- 2.5 The SPLA-IO (RM) reported that 8 of their wounded soldiers arrived in MAIWUT on 5 May 2018 and were transferred to ADAR for treatment.
- 2.6 The Ethiopian Border Police reported seeing a group of SPLA-IO (RM) soldiers moving from the TUROW area eastwards on the Ethiopian side of the border, before crossing back into South Sudan and attacking the southern side of the main SPLA position at PAGAK at approximately 05.15 Hrs to 06.00 Hrs on 5 May 2018. They said that there were then other attacks on the WAY STATION and JOKOW BRIDGE positions.
- 2.7 During the fighting a mortar round (estimated as a 60 mm) impacted on the Ethiopian side of the border near JOKOW BRIDGE. The CTSAMM MVT was able to confirm from the crater that it had been fired from the north west, from areas under control of the SPLA-IO (RM).
- 2.8 The SPLA in PAGAK claimed that their barracks had been attacked from the south east from the area of the JOKOW RIVER (which is the border with Ethiopia) at about 05.45 Hrs. WAY STATION JUNCTION was then reportedly attacked from the north at about 05.55 Hrs and JOKOW BRIDGE from the south east at 06.00 Hrs. The fighting lasted 25 to 30 minutes.
- 2.9 The CTSAMM MVT counted 7 bodies that they were told by the SPLA were SPLA-IO (RM) soldiers who had taken part in the southern attack on the SPLA barracks. They were told there were two more which they did not see. The SPLA reported they had suffered no casualties during the 5 May 2018 incidents.

- 2.10 During the visit on 10 May 2018 the MVT were told there had been a further attack against WAY STATION JUNCTION by the SPLA-IO (RM) at about 01.00 Hrs on 9 May 2018. This was corroborated by the Ethiopian Border Police who had heard the attack go in. Two SPLA soldiers were wounded in the attack, one critically. CTSAMM saw the wounded men.
- 2.11 Before visiting PAGAK on 10 May 2018 CTSAMM coordinated with the SPLA and also with the SPLA-IO (RM), telling them when they would be arriving (between 09.30 and 10.00 Hrs), and details of the aircraft they would be using. As the CTSAMM fixed-wing aircraft approached PAGAK on 10 May 2018 muzzle flashes were seen from a vehicle-mounted machine gun in the SPLA-IO (RM) held area to the north west of the airstrip. When the aircraft landed SPLA officers in PAGAK said they had heard the firing and it lasted “about 2 minutes”. Just after the aircraft landed a small-calibre mortar was heard firing three or four rounds from the same general area as the vehicle-mounted machine gun. The MVT did not hear or see where the rounds landed. The MVT contacted the SPLA-IO (RM) Sector Commander who denied any knowledge of the incident, however the vehicle-mounted machine gun and mortar were without doubt fired from an area under the control of the SPLA-IO (RM).

3.0 Assessment

- 3.1 Allegations by the SPLA-IO (RM) that they were attacked by the SPLA from PAGAK proved not to be credible. The SPLA-IO (RM) officers interviewed by CTSAMM were vague about both the time and location of the attacks, and independent witnesses – the Ethiopian Border Police – reported seeing no SPLA forces leaving their positions. If there had been attacks by the SPLA against the villages mentioned, there would have been civilian displacement, and CTSAMM could find no evidence of this.
- 3.2 Claims by the SPLA-IO (RM) that they had been shelled by heavy artillery, tanks and rockets following the fighting on 5 May 2018 also proved not to be credible. Having verified the SPLA position at PAGAK on 3 March 2018 CTSAMM could confirm that none of the SPLA heavy weapons had moved

since then, and certainly could not have been fired without leaving signs of movement.

- 3.3 It is the assessment of CTSAMM that the SPLA-IO (RM) did attack the three SPLA positions at PAGAK on the morning of 5 May 2018. The information given by the SPLA to CTSAMM was corroborated by the Ethiopian Border Police, and the observations of the investigating MVT itself. The three positions were attacked at roughly the same time, indicating that this was a pre-planned, coordinated attack.
- 3.4 It is also the assessment of CTSAMM that the SPLA-IO (RM) prosecuted a further attack on one of the SPLA positions – WAY STATION JUNCTION – at about 01.0 Hrs on 9 May 2018. Again this was corroborated by the Ethiopian Border Police and the fact that two SPLA soldiers – observed by CTSAMM – had been wounded.
- 3.5 A vehicle-mounted machine-gun was fired from areas controlled by the SPLA-IO (RM) as a CTSAMM aircraft was approaching the airstrip at PAGAK on 10 May 2018. Several small-calibre mortar rounds were also fired from the same area after the aircraft landed. The SPLA-IO (RM) Sector Commander had been informed about the flight. There is no evidence that the machine gun or mortar were being fired directly at the CTSAMM aircraft. The firing of weapons for whatever reason in the vicinity of another Party constitutes a hostile military act.

4.0 Conclusions

- 4.1 It is the clear opinion of CTSAMM that by prosecuting deliberate attacks against established SPLA positions at PAGAK on 5 and 9 May 2018, the SPLA-IO (RM) was in blatant violation of the ACOH, specifically:
 - Article Three, Paragraph 2: “All hostile military actions”.
- 4.2 By firing a vehicle-mounted machine gun as the CTSAMM aircraft approached the airstrip at PAGAK on 10 May 2018, and a mortar after it landed, the SPLA-IO (RM) again violated Article Three, Paragraph 2 of the ACOH.

5.0 Observations and Recommendations

- 5.1 This was a three-pronged deliberate attack by the SPLA-IO (RM) against established SPLA positions. The taking of and occupation of PAGAK by the SPLA in August 2017 was in itself a clear violation of the ARCSS, but since then the ACOH has been signed and the SPLA were holding PAGAK at the time. The prosecution of such an offensive operation demonstrates a clear disregard by the SPLA-IO (RM) for the ACOH that should be addressed at the political level.
- 5.2 PAGAK is one of a number of isolated SPLA garrisons surrounded by areas controlled by the SPLA-IO (RM). These garrisons can act as flashpoints, especially as the Parties are in close proximity and there has been no disengagement, as there should have been under Article One Paragraph 3 of the ACOH. CTSAMM recommends that action be taken at the political level to get the Parties to implement the most basic provisions of the ACOH, including the commitment to disengage where in close proximity. CTSAMM suggests it might be useful to revisit the concept of 'Special Arrangement Areas' discussed and agreed to at the COH Implementation Workshop in Addis Ababa on 15-16 November 2014.

Annex:

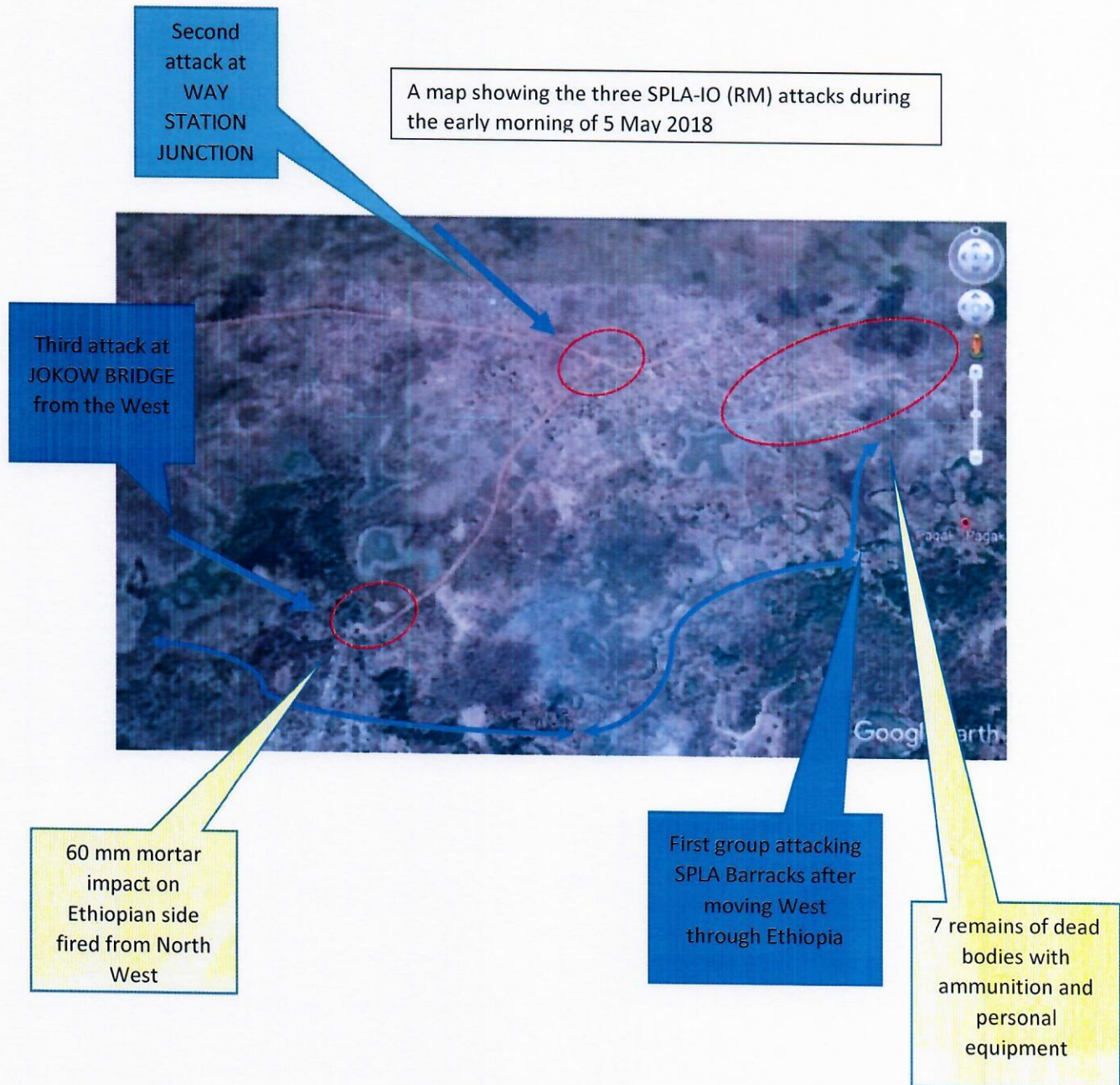
A: map of PAGAK showing locations of attacks.

B: Photographs from PAGAK investigation.

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.

MAP



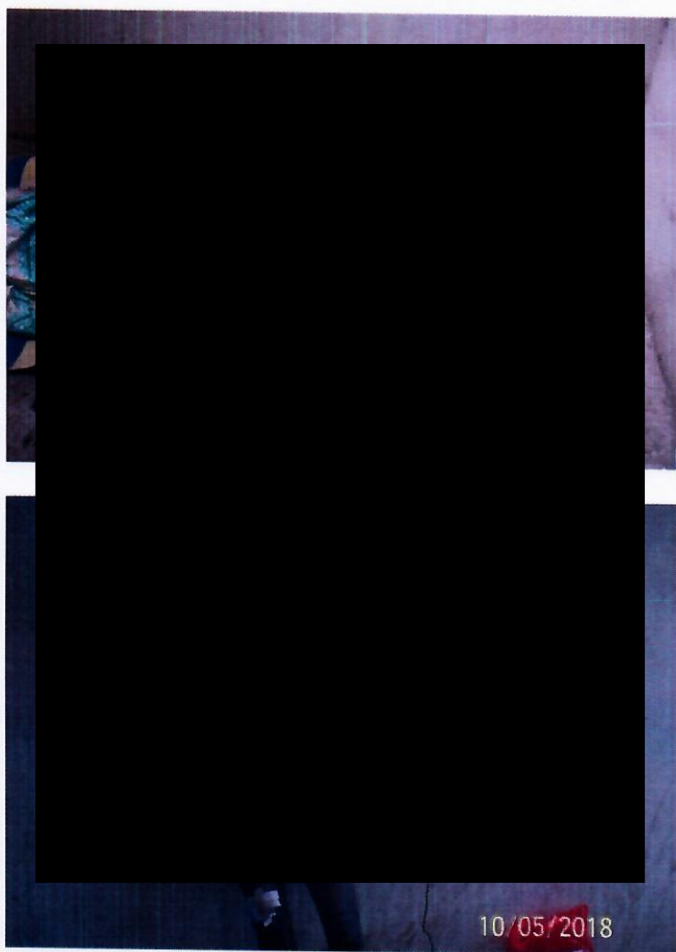
PHOTOGRAPHS TAKEN DURING INVESTIGATION



One of the bodies to the south of
the main SPLA position in PAGAK



View of PAGAK
showing the airstrip,
and the JOKOW River
to the south which is
the border with
Ethiopia



SPLA soldiers wounded
during the attack at WAY
STATION JUNCTION on 9
May 2018