



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


FROM: The Chairman, CTSAMM

DATE: 7 July 2018

**SUBJECT: CTSAMM REPORT 2018/22 – VIOLATIONS AGAINST CIVILIANS,
INCLUDING SGBV, IN SOUTHERN UNITY STATE APRIL-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 in southern Unity State between 21 April and 11 May 2018.


Major General Ibrahim Abduljamil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/22
VIOLATIONS AGAINST CIVILIANS, INCLUDING SGBV, IN SOUTHERN UNITY
STATE APRIL-MAY 2018
EXECUTIVE SUMMARY

Southern Unity State has been a turbulent area since shortly after the signing of the ACOH on 21 December 2017.

There were extensive allegations of attacks by SPLA on SPLA-IO on villages in the area from 21 April 2018. CTSAMM conducted multiple patrols to the area from 18 April until 4 June 2018 to investigate the allegations.

Fighting and attacks on the villages of RUBKUAY, THAKER, TUTNYANG, MEER and DHIOH resulted in the deaths of civilians, rape, displacement of civilians and denial of humanitarian access. The impact of the fighting has fallen particularly on women, children and the vulnerable.

CTSAMM finds the SPLA have failed in their obligations under the ACOH, and are in clear violation of all those prohibited actions in the ACOH which pertain to the Cessation of Hostilities, Protection of Civilians and provision of Humanitarian Access.



VIOLATIONS AGAINST CIVILIANS IN SOUTHERN UNITY STATE

1.0 Introduction

1.1 Background:

- Southern Unity state has been very unstable since the signing of the ACOH on 21 December 2017, with frequent violations of the ARCSS and ACOH as a result of fighting between the SPLA and SPLA-IO (RM). In particular, the area around LEER has been a trouble spot throughout the current conflict, with numerous instances of provocation, attack and counter attack. In the past the SPLA failed to clear SPLA-IO (RM) from ADOK and other towns they control, and SPLA-IO (RM) forces failed to take LEER. The drivers for conflict have yet to be resolved. CTSAMM has submitted two violation reports arising from fighting in the area since 21 December 2017: Report 2018/05 found the SPLA-IO (RM) to be in violation by committing deliberate attacks on SPLA positions which resulted in civilian deaths and casualties. Report 2018/17 found the SPLA to be in violation by attacking SPLA-IO (RM) positions.
- The SPLA continues to occupy and control LEER and KOCH, while SPLA-IO (RM) forces control the surrounding areas in what is known as Southern Liech state. These areas have been held by the SPLA-IO (RM) since before the signing of the ACOH. Within LEER is a site known as the Temporary Protection Arrangement (TPA) located alongside the UNMISS Camp. The TPA was created in 2016 as a result of violations of the ARCSS by both the SPLA and SPLA-IO (RM). The IDP's at the TPA come from various communities in the area. The number of the IDP's at the TPA varies according to the situation. Due to the scale and frequency of attacks in the area there is constant displacement which often overwhelms the support infrastructure of the TPA.
- The deteriorated security situation has greatly hampered humanitarian assistance. This has led to humanitarian agencies considering taking



remedial measures such as requesting a "truce or ceasefire" between 18 Jun and 8 Jul to facilitate "urgent humanitarian assistance".

1.2 Allegations:

- From the SPLA-IO (RM): That on 21 April 2018, the SPLA attacked civilian targets and the SPLA-IO in both Leer and Mayendit counties on a mission to gain ground, and that as a result of this intensified fighting innocent civilians were affected with cases of killing, sexual violence, destruction of property and displacement of civilians.
- From Additional Sources: In the course of CTSAMM investigations the team were also made aware of allegations that SPLA forces conducted widespread attacks from 1-10 May 2018 at RUBKUAY, THAKER, TUTNYANG, MEER and DIOH resulting in 20 civilian deaths in DHIOH.

1.3 Aim: The aim of this report is to describe the findings of CTSAMM investigations into events which took place between 21 April and 11 May 2018 in southern Unity State, to attribute responsibility for violations of the ACOH where appropriate and to make recommendations.

1.4 Methodology:

- CTSAMM created a composite team to investigate the allegations comprising International Observers from MVTs with gender and humanitarian support from HQ CTSAMM.
- CTSAMM conducted the following patrols to investigate the allegations:
 - Vehicle patrol with UNMISS Force Protection (FP) to LEER and ADOK from 18-23 April 2018.
 - Vehicle Patrol with UNMISS FP to LEER town, THONYOR, DHIOH, ADOK Port and surrounding villages from 9-13 May 2018.



- Vehicle patrol to BUAW Payam, KOCH County 4 June 2018.
- Helicopter patrol to MEER (10 km South of ADOK) on 6 June 2018.
- Meetings and Interviews.
 - In LEER: The MVT met the Deputy Governor for what is known as Southern Liech State, Brigadier [REDACTED] the state Security Adviser, [REDACTED] the Commander of 137 Bn SPLA, Col [REDACTED] the Sultan of the Temporary Protected Area (TPA) and civilians. The MVT also had discussions with personnel from UNMISS and various NGO's.
 - In THONYOR: The MVT met Brigadier [REDACTED] the SPLA-IO Commissioner for Leer County; the Deputy Commissioner [REDACTED] civilian staff and Community Leaders.
 - Community Engagement: The MVT conducted discussions and interviews with civilians affected by the recent fighting at LEER, THONYOR, THAKER, BUAW, DHIOH and MEER.

2.0 Findings

2.1 Cessation of Hostilities:

- On 21 April 2018 an MVT was in LEER when gunfire was heard. The SPLA-IO (RM) contacted the MVT and informed them that their positions at RUBKUAY were under attack by SPLA forces. The MVT contacted the SPLA Commander in LEER who confirmed that government forces from KOCH had attacked areas of THAKER, RUBKWAY, BUR and MIRNYAL.
- When the MVT returned to LEER 9-13 May 2018 to conduct follow up investigations the SPLA and Deputy Commissioner denied any involvement in the attacks of 21 April 2018. It was asserted that the fighting was caused by SPLA-IO (RM) encountering armed youth from KOCH who were

intending to steal cattle. The Deputy Commissioner and SPLA Commander claimed not to know the leaders of the KOCH armed youth, however they and the State Security Adviser all stated that SPLA soldiers and equipment were deployed in support of the armed youth in case they "were defeated and the SPLA-IO (RM) attempted to occupy any positions they vacated"

- During the MVT patrol to LEER 9-13 May 2018 a wide range of witnesses reported attacks by the SPLA on DHIOH, THAKER and THONYOR on 10 and 11 May. The SPLA-IO (RM) reported that their position at THONYOR was attacked on 11 May.
- Witness statements were taken by the MVT which clearly indicated that attacks were conducted by the SPLA as well as by armed youth. There was evidence that tracked armoured fighting vehicles were used in the attacks on RUBKUAY, DHIOR and MEER. MVT observers saw fresh imprints of tracked vehicles in RUBKUAY on 12 May 2018. There were multiple sightings of tracked vehicles operating from BENTIU driving south towards LEER and KOCH. The SPLA-IO (RM) are not known to possess heavy vehicles in southern Unity State. In DHIOR empty cartridge cases were found indicating the use of heavy weapons up to 14.5mm which are unlikely to be used by poorly trained armed youth groups. The UNMISS Commander in LEER confirmed that during the period of the alleged attacks SPLA foot patrols and APC patrols were frequently observed operating between LEER and GANDOR.
- On 12 May in DHIOH the MVT observed 3 recently prepared shallow graves. The team saw the corpse of a soldier, possibly SPLA-IO (RM) still awaiting burial. A village elder provided a list of the civilians killed in the village and stated that there were an additional 15 bodies awaiting burial which would take some time as he was the only person available. The MVT was unable to view the remaining bodies due to time constraints but did observe vultures circling the area where the elder indicated the bodies were collected.



2.2 Protection of Civilians:

- SGBV: Rape and gang rape is prevalent in southern Unity State. However, the behavior of the SPLA and affiliated armed youth in particular was raised in all of the meetings held during the MVT patrols between 9-13 May and on 6 June. In regards to SGBV reliable professional sources confirmed an increase in reported cases, especially of rape and gang rape. It is assumed that cases are under reported due to the lack of medical facilities, and also the reluctance of some victims to report instances due to the perceived shame and humiliation involved. In one area reliable professional sources reported an estimated 35 cases of rape were before and after the attacks in April 2018. There were widespread accounts of gang rape being used to terrorise communities. It is impossible to get an accurate picture of the scale of rape, but the MVT was able to obtain a number of first-hand accounts as examples, including the following:

- A young woman, the mother of two children, was gang raped by three SPLA soldiers (in uniform and armed). The three soldiers forced their way into the house she shared with her father and the children. They forced her out of the house and took her to another empty house in the same compound. She carried her baby with her. They raped her one after another and in front of her baby.
- A woman (50-60 years) was gang raped by the armed Youth affiliated to SPLA forces during the attack in one of the villages in South Liech State.
- On 21 April 2018 armed Youth affiliated to SPLA forces raped a 15-20 year old woman and then murdered her.
- On 16 April 2018, armed Youth affiliated to SPLA forces attacked 10 women, raped 9 of them and then killed the last of the women when she resisted.



- Abductions: On the 25 April 2018, a number of girls and women were abducted by armed youth affiliated to the SPLA. The incident occurred in the early morning when women and girls were fetching water at one of the water points outside the LEER TPA. Witnesses in the TPA raised the alarm to the protection force (Ghanaian Battalion) who then informed the state leadership. The women and girls were released following an intervention by government officials in LEER. This required negotiation with the armed youth from KOCH which undermines the claims by the Deputy Commissioner and Commander of the SPLA in LEER that they had no contact with the armed youth from KOCH.

- Displacement of Civilians: CTSAMM personnel witnessed widespread evidence of civilian displacement in southern Unity State. Villages are largely empty with only the elderly or infirm and disabled remaining. Tukuls have been burned to the ground. During the patrol from 9-13 May the MVT observed tukuls being burned in villages near to their patrol route and were informed that this was the result of SPLA activity. There are multiple reports from witnesses in the IDP community in LEER that the burning of homes is widespread, deliberate, and carried out by SPLA and affiliated armed youth. On 4 May 2018 the occupancy of the TPA amounted to a total of 1403 civilians (1152 children; 34 men; 66 Youth; 151 Elderly and 341 women). The violations in April 2018, led to 700-800 IDP's accessing the TPA. The majority were women, children, teenage girls and the elderly. Many lacked shelter and spent nights under the trees and in the rain. Some decided to go back to their communities, while others occupied a nearby school for shelter. In addition to the TPA influx further assessment by local and international bodies indicated that thousands of other civilians have been displaced in southern Unity State, especially in the case of those fleeing violence in the vicinity of MEER. As ever the vast majority of those displaced are women and children.

- Looting of Property: UNMISS LEER report that there have been occasions when soldiers have returned to their base in LEER carrying items which



appear to have been looted from civilian homes. The MVT patrol from 9-13 May also observed armed personnel carrying what appeared to be looted items towards their base. Such activity was also confirmed by the victims of displacement and looting who were interviewed by the MVTs in LEER and MEER.

- Cattle Theft: Cattle have been seized by armed youth from KOCH, and cattle raids have been a trigger for violence. However the activity is also undertaken by the SPLA. On 21 April 2018 International Observers witnessed 400 head of cattle being brought into LEER town. It was initially claimed by the SPLA that the cattle had come with their owners who had escaped from the fighting which had erupted in the surrounding villages on that day. However the team received information that the civilian herders had been forced to move with their cattle from those areas and were being labelled as rebels.

2.3 Humanitarian Access:

- As a result of the frequent attacks and scale of violence Humanitarian Assistance delivered by NGOs has been seriously disrupted. In particular an organisation operating in the area providing medical support was forced to close operations and only reopened in mid-June.
- Food security in the southern Unity State area is extremely vulnerable. No sustained agriculture has been possible and communities are dependent on food relief from aid agencies. Some grain stocks were destroyed when tukuls were burned, and there was evidence – seen by CTSAMM - that food aid had been deliberately contaminated. Witnesses confirmed that the SPLA were responsible for such wanton destruction. Both physical evidence and witness statements were collected as evidence of such activity.
- Medical facilities in all villages visited by the MVTs had been looted and supplies of medicines or materiel were often destroyed or rendered



unusable. The impact of reduced medical cover falls mainly upon women and children.

3.0 Assessment

- 3.1 It is the assessment of CTSAMM that there have been extensive attacks conducted by the SPLA and armed youth groups from KOCH supported by the SPLA during April and May in Southern Unity state. This assessment is supported by witness statements gathered from those effected by the violence, and also by statements of the SPLA civil and military leadership in LEER. Some of the violence may have been triggered by cattle raids, but there is overwhelming evidence that during the period covered by the report the SPLA prosecuted offensive operations against the SPLA-IO (RM) and particularly against the civilian population in areas under control of the SPLA-IO (RM) or sympathetic to it..
- 3.2 It is the assessment of CTSAMM that civilian settlements have been deliberately targeted by the SPLA in RUBKUAY, THAKER and DHIOH. There is little evidence of fighting between parties apart from the body of soldier at DHIOH who may have been either SPLA or SPLA-IO (RM). Instead the attacks have been primarily conducted against the civilian population. This has resulted in the killings of civilians, systemic rape, displacement (of thousands of people) and the denial of humanitarian access.
- 3.3 It is the assessment of CTSAMM that Humanitarian Access has been denied due to the looting of medical supplies by the SPLA.
- 3.4 Statements by the Deputy Governor and SPLA Battalion Commander in LEER are contradictory. The assertion that the violence is a result of cattle theft by armed youth groups is undermined by the very widespread evidence of SPLA involvement in direct attacks and in supporting the armed youth of KOCH. The presence of armoured vehicles in the attacks indicates significant SPLA involvement. The SPLA-IO (RM) are not known to have such equipment in southern Unity State, while there have been multiple verified reports by UNMISS and MVTs of the unauthorised movement of SPLA armoured vehicles in the area during the period of the violence covered in this report.



- 3.5 In it understood from reliable sources that the officer who commanded the armed youth from KOCH from is Major General [REDACTED]
- 3.6 There is no evidence that the violations reported and observed have been carried out by any party other than the SPLA operating from BENTIU, KOCH and LEER and the armed youth from KOCH whom they support.
- 3.7 The Deputy Governor, Brigadier John MATIP; the state Security Adviser, Wal YACH and the Commander 137 Bn SPLA , Col [REDACTED] are aware of the scale of the violence and the activities of SPLA personnel and the armed youth from KOCH.

4.0 Conclusions

- 4.1 CTSAMM finds the SPLA to be in clear violation of all those prohibited actions and obligations in the ACOH which pertain to the Cessation of Hostilities, Protection of Civilians and Provision of Humanitarian Access. Specifically:

- Article 1 (2) & 11 (6) Failing to freeze its forces and moving without notification or authority of CTSAMM.
- Article 2 (1) – failing to implement the agreement in full and in good faith by prosecuting attacks on civilians and the SPLA-IO (RM)
- Article 2 (4) and Article 3 (1) – failing to abide by international human rights law and humanitarian law that prohibits targeting and attacking civilians.
- Article 3 (2) Carrying out hostile military actions prohibited under this Article, against the SPLA-IO (RM) and civilians.
- Article 5 (1), (2), Article 6 (a),(b) (e) and (i) by attacking and killing civilians and perpetrating other human rights violations such as rape.
- Article 8 (1) by destroying medical and food relief provided by the UN and humanitarian agencies.

5.0 Observations and Recommendations

- 5.1 The violence in southern Unity State has been concerted and sustained over a period of months since the signing of the ACOH on 21 December 2017. Apart from LEER itself most of the area had been under the control of the SPLA-IO



(RM) until the attacks began on or about 21 April 2018. The violence is characterised by the deliberate targeting of settlements believed to be under the control or sympathetic to the SPLA-IO (RM). The violence was conducted by the SPLA and affiliated armed youth groups in what appeared to be a deliberate attempt to extend SPLA and Government dominance in the southern Unity State area. Atrocities have been committed.

- 5.2 The attack on the village of DHIOH saw 20 people killed, the majority of whom were civilians. The village is very small and has been all but wiped out of existence. It is the scene of a particularly vindictive attack but it is only one example of many such attacks in the area.
- 5.3 The armed youth from KOCH under the command of Major [REDACTED] need to be brought under control as a matter of urgency. The SPLA must cease the policy of supporting the armed youth, and need to be reminded that under the agreement Parties are responsible for the actions of all groups under their control or influence.
- 5.4 Those responsible for conducting or permitting the violence in southern Unity State must be held to account. As SPLA troops from BENTIU, KOCH and LEER were reportedly involved and armoured vehicle deployed, it is likely that the responsibility is at a senior level. CTSAMM is unable to confirm the level of command responsible.
- 5.5 The events described in this report provide yet more examples of how the civilian population – especially the most vulnerable members of society – suffer at the hands of undisciplined soldiers who appear to have no knowledge of their obligations under the ACOH. It is apparent that atrocities, particularly those involving SGBV, are committed with impunity.

Annex:

- A: Map of southern UNITY state showing locations of fighting.
- B: Photographs from investigation.



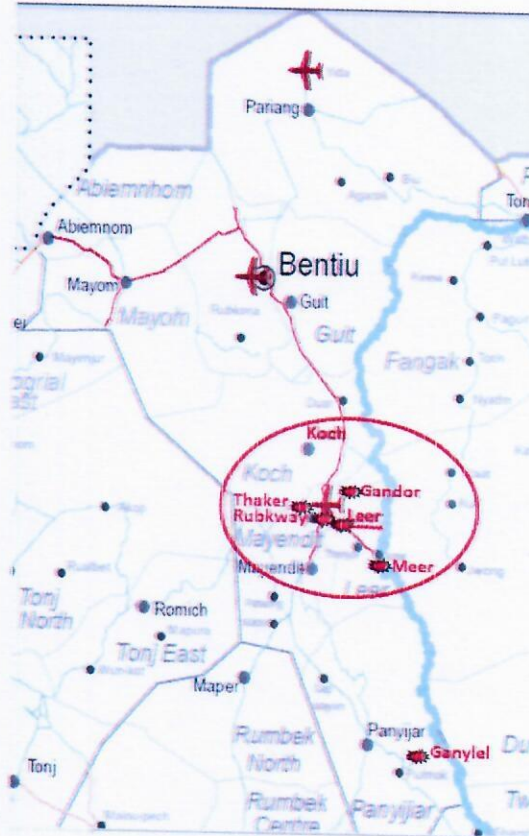
Abbreviations:

- 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



ANNEX A TO
CTSAMM REPORT 2018/22
Dated 2 July 2018

SOUTHERN UNITY STATE MAP



PHOTOGRAPHS TAKEN DURING INVESTIGATIONS

Figure 1 Contaminated Food Stocks RUBKUAY



Figure 2 Damaged Medical Supplies RUBKUAY

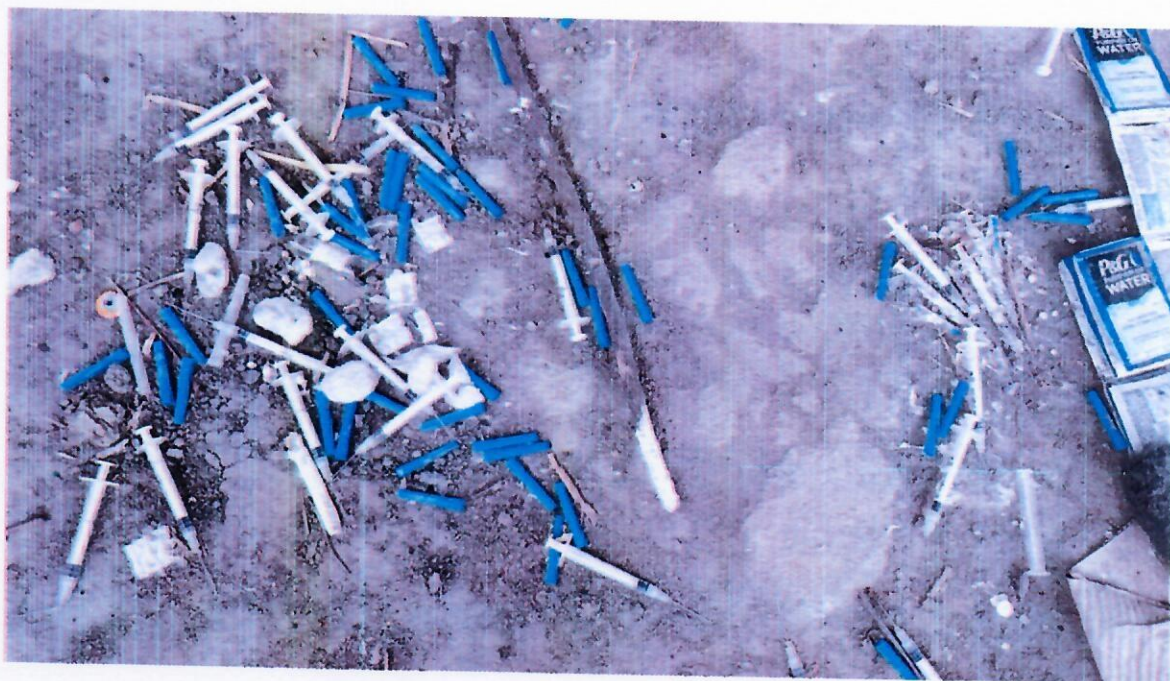
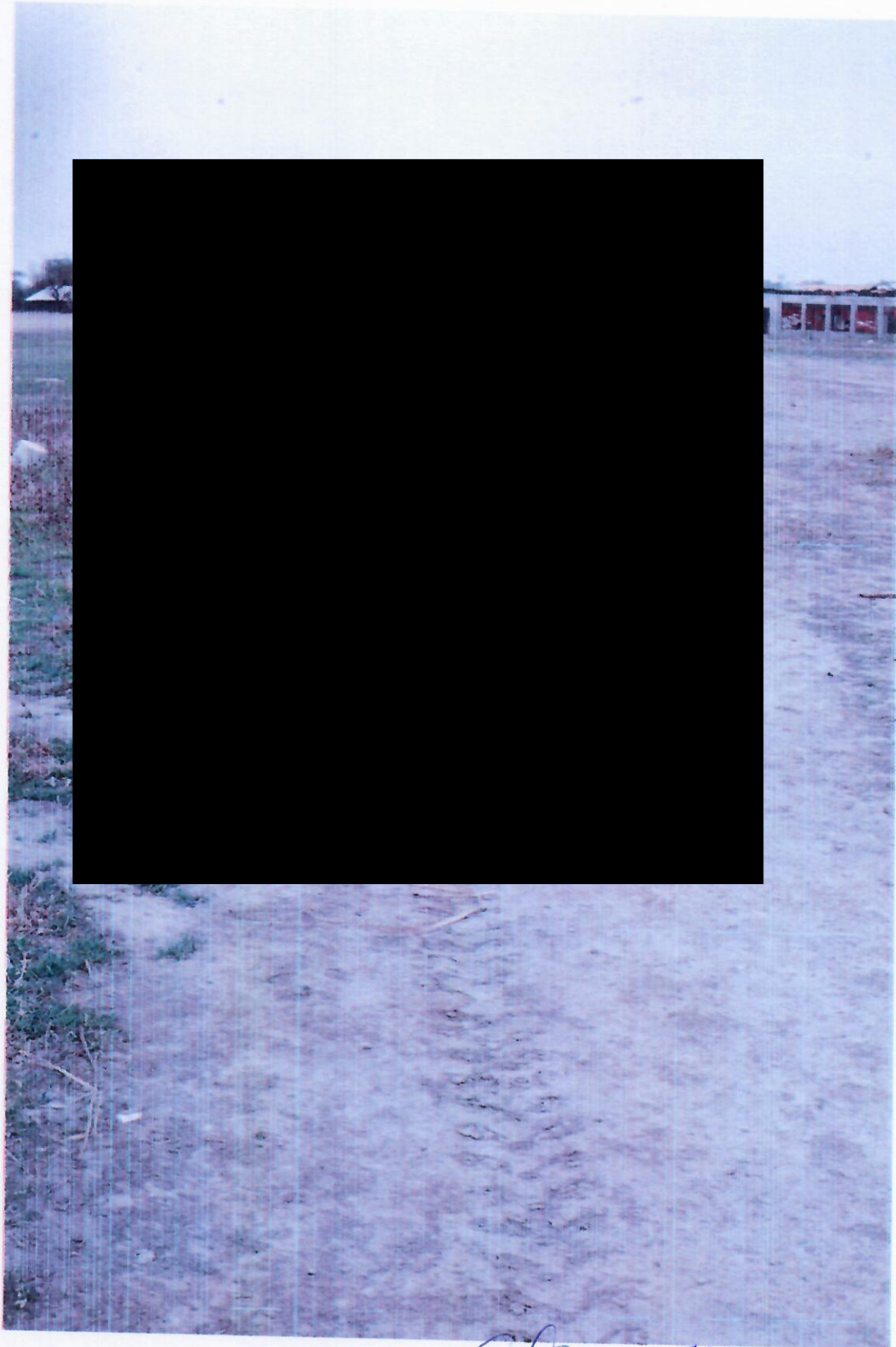


Figure 3 Displacement of Women and Children RUBKUAY



Figure 4 Evidence of Tracked Vehicle Use DHIOH



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Figure 5 Burned Tukuls



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