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TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 15 May 2017

SUBJECT: CTSAMM REPORT 037 – FIGHTING IN THE MALAKAL AREA

Your Excellency,

Please find attached a CTSAMM report on violations of the Permanent Ceasefire and Transitional Security Arrangements (Chapter II of the Agreement on the Resolution of the Conflict in the Republic of South Sudan of 26 August 2015) that took place in Malakal area in January and February 2017. This report was discussed at the 11th CTSAMM meeting on 5 May 2017, and follows on from the interim report (CTSAMM Interim report 035) presented at the 10th CTSAMM meeting on 9 March 2017.


Major General Molla Hailemariam
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT NUMBER 037
VIOLATIONS IN THE MALAKAL AREA

Executive Summary

Fighting broke out on the west bank of the Nile opposite Malakal on 25 January 2017 when Government Forces attacked Bukieny. It spread to Dolieb Hill south of the town and continued sporadically until 6 February. On about 1 Feb 2017 Government Forces began to attack SPLM/A-IO forces in and around Wau-Shilluk, and declared that they had taken control of Wau-Shilluk on 4 Feb 2017.

Attempts to verify the situation Wau-Shilluk were persistently obstructed by Freedom of Movement violations imposed on CTSAMM monitors. Access to Wau-Shilluk was only achieved on 3 March by which time the IDP camp had been cleared. Follow up investigations were conducted in Kodok and Aburoc.

Government Forces are held to be responsible for extensive violations of the ARCSS and COHA.

VIOLETIONS IN THE MALAKAL AREA

1.0 Introduction

1.1 Background: MVT Malakal reported extensive fighting in the Malakal area on 25 Jan 2017. HQ CTSAMM tasked the team to conduct an investigation along the corridor between Malakal and Renk. Attempts to investigate the violence were frustrated by Freedom of Movement (FOM) restrictions imposed by Government Forces as reported in the Interim Report (CTSAMM report 035) presented at the CTSAMM meeting of 9th March 2017). MVT Malakal conducted investigations in the Malakal once these FOM issues were resolved.

1.3 Aim: The purpose of this report is to describe the incidents, provide an assessment of the circumstances, attribute responsibility and make recommendations.

1.4 Methodology:

- HQ CTSAMM formed a composite MVT to investigate the allegations. The team were tasked in January but were unable to verify the situation in Wau-Shilluk until 3 March. During the investigation the MVT conducted interviews with commanders from a wide range of stakeholders: Government Forces, SPLM/A-IO, County Officials, UNMISS, MLOs, UN Agencies, NGOs, Community Leaders, Police and most importantly displaced civilians. Patrols were conducted by boat and helicopter with Force Protection provided by UNMISS.
- 3 March: MVT Malakal gained access to Wau-Shilluk, interviewed Government Forces and civilians.
- 13 March: MVT gained access to Kodok, interviewed SPLM/A-IO.
- 15 March: MVT Malakal gained access to Abrouc, interviewed IDPs and relief agencies.

2.0 Violations of the PCTSA

Timelines

- 2.1 25-28 January 2017: On 25 Jan between 0600hrs and 1000hrs, fighting erupted between SPLA/IO and Government Forces in the Deitang area (2 to 3 kilometers from the Airport). Several mortar or artillery rounds landed a few metres from the airport fence and flights were cancelled. Malakal town was also shelled in the late morning; no casualties were reported. There was subsequent fighting in the Dietang area, particularly on the 27th and Warjuak on the 28th. Reports from local sources suggested that Government Forces shelled Wau Shilluk.
- 2.2 29-30 January: Fighting in the areas on the west bank on the Nile opposite Malakal (Detang, Leleo and Warjuak) reduced, but there continued to be sporadic clashes around Dolieb Hill. MVT Malakal reported the presence of Government Forces reinforcements in the Malakal area.
- 2.3 31 January – 1 February: The Malakal area appeared relatively calm. However, it was apparent that Government Forces had reinforced the area and tensions built up in Dolieb Hill and Kaldak/Canal as both Parties appeared to be concentrating their forces.
- 2.4 1-2 February: There were reports of the shelling of Wau Shilluk causing civilian casualties. The MVT tried to contact Government Forces commanders, but their calls went unanswered. IDPs started to move out of Wau –Shilluk to places of relative safety and began occupying Abrouc.
- 2.5 3 – 6 February: There was a further outbreak of fighting on the west bank of the Nile opposite Malakal in the morning of 3 February, but it soon died down. By 4

February Government Forces were in control of Wau Shilluk and the MVT received information to suggest that Government Forces were continuing to concentrate in Dolieb Hill and might prosecute offensive operations to the south. Despite numerous attempts, the MVT was unable to contact Government Forces for comment.

- 2.6 8 – 9 February: On 8th February the MVT met with the Acting Commander of 2 Division SPLA who agreed they could visit Wau Shilluk on the 9th provided there was no incidents. On the morning of the 9th artillery or mortar fire was heard to the north of Malakal and the visit was postponed.

3.0 Assessment:

3.1 The Government Forces Commander with responsibility for the Wau-Shilluk area asserted that the trigger for the violence was a murder of an SPLA soldier by SPLM/A-IO forces in Deitang sometime between 22 and 25 Jan 2017. The response by the SPLA was to attack Bukieny village which resulted in a concerted series of engagements over a wider area culminating in the attack on Wau-Shilluk on 27 Jan 2017. The SPLM/A-IO confirmed that the attack on Bukieny took place and that SPLM/A-IO did respond. The trigger incident was not recognised by SPLM-IO and could not be verified. Even if the murder did occur the Government Forces response is considered to be disproportionate.

3.2 Both parties allege the use of heavy weapons against each other. The Government Forces do have artillery and tanks in the Malakal area. The SPLM/A-IO had access to armoured vehicles because a damaged vehicle was verified in the Wau-Shilluk area. It is not possible to verify the types and numbers of weapons that were used during the fighting, however there is more corroborating evidence to indicate that the majority of heavy weapons were in

the hand of Government Forces and that they were responsible for conducting artillery strikes on SPLM/A-IO controlled areas.

3.3 Wau-Shilluk has been characterised as an IDP location since January 2014 when tens of thousands of predominately Shilluk fled the fighting in Malakal. It has long been recognised as under the control of SPLM/A-IO. It was an established settlement with good shelter, ready access to water, medical services and relief agencies. The attack on Wau-Shilluk resulted in the displacement of 27000-30000 IDPs, mainly Shilluk, from Wau-Shilluk. The clearance of Wau-Shilluk is clearly shown in the images at Annex A, especially the imagery which shows the settlement before and after the attack. Dwellings have been extensively destroyed by fire. It is alleged by Government Forces that the destruction was caused by incoming SPLM/A-IO munitions which started fires which were made worse as a result of the winds, dry weather and the presence of an SPLM/A-IO ammunition store. However there is compelling evidence from a range of witnesses that the dwellings were set on fire deliberately by Government Forces. The overhead imagery and photographs taken on the ground also indicate that specific areas and buildings in Wau-Shilluk have been targeted rather than destroyed an out-of-control fire.

3.4 There are widespread reports from witnesses of extensive looting of dwellings and aid agency property. Civilians were killed by shelling before and during the attack on Wau-Shilluk. There were also specific allegations of the rape of 15 women by Government Forces soldiers.

3.5 The displaced IDPs moved to Aburoc as a result of the attacks on Wau-Shilluk from 1 Feb 2017. The journey was completed on foot over two days. The camp recently created in Aburoc as a result of the displacement is poorly equipped to deal with the large influx. There is inadequate water and shelter compared to Wau-Shilluk. As at 15 March 2017 the WFP had recorded a head

count of 27000 in Aburoc although this will now be higher as a result of 3000 new IDPs arriving after the MVT visit.

4.0 Conclusion:

- 4.1 The attacks on Deitang and Wau-Shilluk were initiated by Government Forces and were conducted in areas which have long been recognised as under SPLM/A-IO control. By prosecuting these attacks Government Forces were in clear violation of the following provisions of Chapter II of the ARCSS: Articles 1.4, 1.7, 1.7.4, 1.2

5.0 Observations and Recommendations:

- 5.1 The attack on Wau-Shilluk is a serious violation which has once again impacted upon the weakest and most vulnerable communities in South Sudan. The concerted attempts by the Government to prevent and delay investigation indicate a low level of commitment to the ARCSS.
- 5.2 There was an ethnic dimension to the violence. Shilluk people felt were being deliberately targeted. The IDPs will only consider returning to Wau-Shilluk if Government Forces withdraw to Malakal.
- 5.3 CTSAMM recommends that JMEC pressure the Government to exercise much greater restraint on their forces, especially when operating in densely populated civilian areas.
- 5.4 CTSAMM further recommends to JMEC that any future dialogue is fully inclusive to ensure the security concerns of all communities are addressed.

- 5.5 It is recommended that the allegations of rape in Wau-Shilluk are investigated further by the SPLA and International Agencies.