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TO: The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 27 July 2017

SUBJECT: CTSAMM REPORT 042 – MILITARY OPERATIONS IN KODOK

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 Upper Nile State on 25-26 April 2017.

This report was discussed at the CTSAMM meeting of 20 July 2017.


Major General Molla Hailemariam
Chairman

Ceasefire and Transitional Security Arrangements Monitoring Mechanism



CTSAMM REPORT NUMBER 042
MILITARY OPERATIONS IN KODOK

Executive Summary

On 25 April 2015 SPLA-IG in Wau Shilluk advanced towards Lul, and on the following day (26 April) took Kodok. There was no resistance from the SPLA-IO (RM).

Kodok was a refuge for IDP's who had fled when Wau Shilluk was taken by SPLA-IG on 4 February 2017. These people fled again as SPLA-IG advanced, causing yet another major displacement of over 20,000 vulnerable citizens and adding to the already dire humanitarian situation in Upper Nile State.

All the evidence indicates that this advance was a planned operation with the aim of clearing the west bank of the Nile. In mounting this operation SPLA-IG were in clear violation of the PCTSA.

MILITARY OPERATIONS IN KODOK

1.0 Introduction

1.1 Background:

- The situation in Upper Nile has been tense for some months. In late January there was an outbreak of fighting which culminated in SPLA-IG advancing to and taking Wau Shilluk on 4 February, as described in CTSAMM Report number 037. Wau Shilluk had been under control of the SPLA-IO (RM) for a long time and was home to tens of thousands of IDP's who were displaced by the Government offensive.
- There was further fighting reported in the Tonga area in early April. CTSAMM has been unable to investigate this due to access issues. On 25-26 April SPLA-IG advanced about 70 Km north of Wau Shilluk and seized Kodok.

1.3 Aim: The purpose of this report is to describe the incidents, attribute responsibility for violations of the PCTSA, and make recommendations.

1.4 Methodology:

- The MVT based in Malakal reported fighting on 25 April and were immediately directed to investigate and report. Plans were made to visit Kodok as soon as possible, and on 9 May the MVT together with UNMISS Force Protection patrolled to Kodok by river.
- The MVT was able to meet with SPLA-IG officers in Kodok. They were introduced to an alleged SPLA-IO (RM) defector. There were no civilians left in Kodok to interview, and since the SPLA-IO (RM) had fled the area there were no officers the MVT could talk with. The MVT no longer has a Liaison Officer connected with SPLA-IO (RM).

- The MVT arranged a follow-up meeting with the Government authorities in Malakal on 18 May, where they were able to discuss the situation with the Governor.

2.0 Findings

- 2.1 On 25 April 2017 SPLA-IG advanced from Wau Shilluk and took Lul. On the following day – 26 April – they continued the advance to Kodok, which they occupied. SPLA-IO (RM) forces did not stand and fight but abandoned Kodok.
- 2.2 The advance caused mass displacement of civilians. The Greater Kodok area served as one of the waystations for IDPs fleeing north to Aburoc and Sudan. An estimated 20,000 - moved through the area toward Aburoc as SPLA-IG advanced towards Kodok. With very little food or water readily available to an exhausted population, the humanitarian situation in the north of Upper Nile State and on the border with Sudan is critical following the mass displacement of IDPs from Wau Shilluk and Kodok. Likewise, the impending attack resulted in the evacuation of humanitarian personnel from Kodok, which interfered with the delivery of essential services, as well as the transport of water from the Nile to Aburoc where borehole levels could not sustain the population.
- 2.3 Kodok was empty of civilians when visited by the MVT on 9 May. The SPLA-IG commander described the operations leading to the occupation of Kodok: he said that the advance was in pursuit of SPLA-IO (RM) Forces and had not been planned. He also introduced an SPLA-IO (RM) sergeant who had been taken prisoner and defected to the Government side; there was another prisoner but the MVT was not allowed to meet him.
- 2.4 The fighting threatened the operations of several humanitarian organisations, so much so that 32 staff were evacuated from Kodok and Aburoc. During the patrol, the MVT observed that the ICRC hospital in Kodok had not been looted, but was in fact being occupied by the SPLA-IG.

- 2.5 SPLA-IG officers claimed that early on 25 April there was a clash between SPLA-IG and an SPLA-IO (RM) patrol about 8 kilometres north-east of Wau Shilluk in a village called Koryinka. They also alleged that later on 25 April SPLA-IO (RM) forces attacked their positions in Wau Shilluk with weaponised barges, one of which was sunk and another captured. Having no liaison with SPLA-IO (RM) forces in the area or access to civilian witnesses the MVT was unable to verify these claims. SPLA-IG offered no evidence to support their allegations.
- 2.6 The Governor of what is known as Central Upper Nile State told the MVT that SPLA-IG were conducting operations along the western Nile to “liberate the area from rebels”. This was a clear indication that the operations were planned and part of an overall strategy. He claimed that the displacement of civilians was due to the actions of the SPLA-IO (RM) who had been using them as “human shields”.

3.0 Assessment:

- 3.1 The MVT was unable to verify whether or not SPLA-IO (RM) forces had attacked SPLA-IG positions in Wau Shilluk. Even if they had attacked, the SPLA-IG response – an advance all the way to and occupation of Kodok – would be disproportionate.
- 3.2 The distance from Wau Shilluk to Kodok is approximately 70 Km. Logistic and operational pre-planning would be required to advance such a distance. The Governor of Central Upper Nile State made it clear that there were operations ongoing to “liberate” the western Nile which indicate the operations were not purely in response to SPLA-IO (RM) provocations.
- 3.3 The MVT found no evidence to suggest that the SPLA-IO (RM) had forced civilians to flee from advancing SPLA-IG. The MVT were not able to meet with civilians during this investigation as there were none in Kodok, but previous meetings in Kodok and Aburoc with those displaced following the SPLA-IG

occupation of Wau Shilluk found nothing to suggest the civilians had been forced to flee by anything other than fear of the SPLA-IG.

- 3.4 Up until the attack Kodok was an important humanitarian relief hub, as it is the conduit for relief arriving by barge or air to support the large IDP population of Aburoc and in smaller settlements on the river. The SPLA-IG offensive resulted in humanitarian operations being suspended. The ICRC have not returned to their facility in Kodok. The presence of a large SPLA-IG force in Kodok also threatens the security of the IDP population in Aburoc who were only recently displaced from Wau-Shilluk by similar offensive operations conducted by SPLA-IG.

4.0 Conclusion:

- 4.1 It is the clear opinion of CTSAMM that by mounting offensive operations with the aim of taking areas that had for a long time been under the control of the SPLA-IO (RM), SPLA-IG were in clear violation of the following provisions of Chapter II of the ARCSS: Articles 1.7, 1.7.4, 1.2.. These actions also put the population in grave danger of starvation and disease as evidenced by the dire humanitarian situation in the areas the displaced civilians moved into.
- 4.2 These offensive operations were prosecuted without any apparent regard for the wellbeing of the large IDP population in Kodok and Aburok, and the consequences for humanitarian operations.

5.0 Observations and Recommendations:

- 5.1 It is evident that the advance by SPLA-IG from Wau Shilluk to Kodok was a planned operation. The Governor said there was the intention to “liberate” the

western Nile area. This operation led to misery and further displacement for tens of thousands of South Sudanese citizens, many of them women and children.

- 5.2 There is supposed to be a ceasefire in place. The provisions of the ARCSS specifically prohibit offensive military operations of any kind. The advance on Kodok went against both the word and the spirit of the ARCSS. Even if there had been provocation by the SPLA-IO (MRM) such a response is completely disproportionate.
- 5.3 By mounting operations like the advance to Kodok the Government continues to alienate the Shilluk community and furthers the perception that there is an ethnic agenda to the violence in Upper Nile State. These actions could cause instability in the area for many years to come.
- 5.4 CTSAMM recommends that JMEC makes the strongest representations at the political level to stop the Government from continuing to mount offensive operations that cause such misery for its own citizens.
- 5.5 It is recommended that, the SPLA-IG should withdraw from Kodok in order to allow civilians to return. Civilians report they do not feel safe to return while the areas are still under military control.