

**CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM
(CTSAMM)**

TO: The Chairman, Joint Monitoring and Evaluation Commission
Juba, South Sudan

FROM: Chairman, Ceasefire and Transitional Security Arrangements Monitoring
Mechanism, Juba, South Sudan

DATE: 18 December 2015

SUBJECT: Report on violations in Unity State

Your Excellency,

Please find attached a CTSAMM report on the violations of 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) in Unity State, specifically the killing of civilians in Leer County



Major General (Rtd) Mohammed Amin Eltinay
Deputy Chairman
Ceasefire and Transitional Security Arrangements Monitoring Mechanism



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JOINT TECHNICAL COMMITTEE (JTC)

**KILLING OF CIVILIANS IN UNITY STATE
(V054)**

PRESENTED TO:

**THE CHAIRMAN
JOINT MONITORING AND EVALUATION COMMISSION
JUBA, SOUTH SUDAN**

18 December 2015



**CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS MONITORING MECHANISM
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Executive Summary

On 23 October 2015 the MVT based in Bentiu received information from both sides of clashes in the Leer area. On 26 October 2015 an official from the SPLM/A-IO claimed that a large number of civilians had been killed in Leer.

The MVT conducted an initial investigation on 2 November 2015. Further visits in mid-November and at the beginning of December provided more information, and together with corroborative information from other trusted sources it became apparent that there is no doubt that about 50 civilians were killed as a result of the actions of Government Forces in Leer on or about 22 October 2015, and that this killing constitutes a clear violation of the PCTSA, International Humanitarian Law and International Human Rights Law and that further investigations should take place in order to find the exact details of the incident and identify the individuals responsible.



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INVESTIGATIONS INTO THE ALLEGED KILLING OF CIVILIANS IN LEER, UNITY
STATE

1.0 Introduction

1.1 Background:

- Southern Unity State has been in ferment for some time. The last relevant violation concerned the actions of Government Forces at the end of September/beginning of October who 'raided' the nearby SPLM/A-IO-controlled areas causing ongoing clashes which saw the town of Leer changing sides before being re-taken by Government Forces (V051 dated 21 October 2015).
- The conflict between Government Forces and those of the SPLM/A-IO is overlaid by inter and intra tribal and clan cattle-raiding, and a destructive cycle of revenge attacks. It is often difficult to ascertain which Party is responsible for outbreaks of violence. Conflict is often localised.
- On 22 October 2015 the team in Bentiu received contradictory reports from both Government and IO sources about the outbreak of conflict in Leer County. The Government claimed that the SPLM/A-IO were preparing to attack, whilst the SPLM/A-IO claimed that Government Forces were attacking Gandor payam.
- The MVT was told by an SPLM/A-IO official that a number of civilians had been killed by Government Forces in Leer.

1.2 Incident: On or about 22 October 2015 approximately 50 people were put in a container in Leer by Government Forces where the majority suffocated to death.

1.3 Aim: The aim of this report is to outline the incident for the Chairman of JMEC, to attribute responsibility where appropriate and to make recommendations.

1.4 Methodology:

- Having received information about the 22 October 2015 alleged clashes and killing of civilians on 26 October 2015, the MVT joined a joint patrol to Leer



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from 2-3 November in order to investigate. The MVT were unable to reach a conclusion as to which of the Parties were responsible for any fighting, but they did get some information about the alleged killing of civilians and did see human remains on the Gandor road which could have been connected. The SPLA authorities were not cooperative and limited the movement of both the MVT and accompanying UN personnel.

- A further joint patrol took place from 13 to 16 November 2015 during which the MVT were able to gather more information, but were unable to get first-hand witness statements. Another visit to the area from 29 November to 02 December 2015 yielded more information about those killed, who the SPLM/A-IO claimed were cattle keepers.
- Further corroborative information was garnered from other reliable and trusted international sources who had interviewed family members of the victims and who had also seen some of the bodies.

2.0 The Killing of Civilians in Unity State

- 2.1 Between 20 and 22 October 2015 a group of Government Forces were involved in some sort of operation in Leer County, during which cattle were seized and about 50 people (reports vary between 53 and 60) were rounded up and put in a shipping container in Leer. The container is in the compound used by Government Forces as a headquarters.
- 2.2 A large number of these people suffocated. Their bodies were taken and thrown into the bush along the Gandor road. Many of the bodies were recovered by their families.
- 2.3 Unsubstantiated reports suggest that the few who survived suffocation were killed. There are further reports that the only survivor was an eight-year-old boy, but at time of writing the MVT has been unable to locate him.

3.0 Assessment:

- 3.1 There is a great deal of information from a wide range of sources about this incident. Some of the details remain unclear, but what is known is that a substantial number of people did die whilst under the control of Government Forces.



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- 3.2 The context in southern Unity state is complex. Whether the people killed were captured as a result of military operations or cattle raiding is not clear. However, they were in the custody of Government Forces when they died, either of negligence or as a result of being deliberately killed.
- 3.3 There needs to be further investigation in order to discover the truth about the incident

4.0 Conclusion

- 4.1 It is the considered opinion of the CTSAMM that about 50 civilians died whilst in the custody of Government Forces in Leer between 20 and 22 October 2015, and that this constitutes a clear violation of the PCTSA, specifically:

Article 1.7: The warring parties shall refrain from prohibited actions outlined in the COHA.....

Article 1.7.5 Acts of hostility, intimidation, violence or attacks against the civilian population.....

5.0 Recommendations and observations:

- 5.1 There is no doubt that the civilian population in southern Unity State has suffered considerably in the past months. The killing in Leer is one incident; there is evidence to suggest that there have been several others.
- 5.2 CTSAMM recommends that all parties cease all forms of violence, human rights violations and abuses, violations of International Humanitarian Law and International Human Rights Law.
- 5.3 CTSAMM recommends that JMEC does all in its power to persuade the Parties to impose discipline of all armed groups in Unity State, and that the cantonment of troops is expedited in order to create separation between the two sides.
- 5.4 CTSAMM further recommends that some sort of commission of enquiry is established to fully investigate the incident described in this report.

