



REPUBLIC OF SOUTH SUDAN

National Mine Action Authority



INVESTIGATION REPORT ON ALLEGED ANTI-PERSONNEL MINE LAYING IN NASSIR BY SPLA GOVERNMENT FORCES

Executive Summary

On 24th November 2017, a four person investigation team travelled to Nassir, Upper Nile State, to investigate the allegation of the laying of Anti-Personnel mines in March 2015. The allegation was made in an IGAD Report dated 1-16 March 2015 when a Monitoring and Verification Team witnessed an SPLA Officer state that Anti-Personnel mines had been laid 'around Nassir'. The delay in the investigation was due to insecurity in this area. The three day investigation involved formal interviews with an SPLA Officer, SPLA (IO) Officer, and the Police Commissioner; a physical inspection of the ground around the SPLA barracks was also conducted.

Key Finding

There is no evidence of landmines being laid in the vicinity of Nassir – on or around the alleged date in 2015.

Background

During the fourteenth Meeting of States Parties to the Anti-Personnel Mine Ban Convention (MBC) in November 2015, South Sudan responded to the Committee on Cooperative Compliance to allegations contained in the IGAD Monitoring and Verification Mission Report of March 2015 that the forces of the Government of South Sudan (GoSS) had deployed Anti-Personnel mines around Nassir in the northern state of Upper Nile on 12th March 2015 in contravention of the MBC. The GoSS reported that due to the challenge of accessibility posed by recent armed conflict, it had been unfeasible to carry out a verification mission. However, the government resolved to establish a committee to go and investigate this allegation once such a mission became feasible.

The central database Information Management System for Mine Action (IMSMA) identifies a number of threats in and around Nassir, and in Nassir town, there are three UXO spot tasks and one Battle Area Clearance task but no minefields are noted in Nassir town.

Implementation

Armed clashes continued for some time, and latterly, UNMISS achieved limited freedom of movement around the town and a plan was conceived in mid-2017 to send a GoSS Investigation Team to Nassir. The team members were officially appointed by the Government of South Sudan (NMAA), and are as listed below:

- Mike Rashid Fulla – Operations Director, South Sudan National Mine Action Authority (NMAA) (Team Leader).
- Hon Gony Nyuon Jithjook – State Coordination Office Latjor State (Nassir).
- Lieutenant Colonel Acien Manguek Nhiak – SPLA Engineering Division.
- Timothy Kirby – UNMAS Liaison Officer-United Nation Mine Action Service (UNMAS) South Sudan.

The team received support from the United Nations Mission in South Sudan (UNMISS) throughout the investigation, which was undertaken at the end of November 2017. Although armed clashes were still ongoing between SPLA forces and SPLA IO (loyal to Riek Machar(RM)) in Nassir, the relevant



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interviewees were contained inside the SPLA headquarters meaning a number of interviews could still be carried out. The team held numerous working group meetings leading up to 24 November when the team deployed to Malakal and then subsequently to Nassir during the period 27 – 29 November, returning to Juba via Malakal on 1 December.

An UNMAS Quick Response Team was concurrently located at Nassir which gave the Investigation Team a Manual Mine Clearance capability should verification of areas be required. An UNMAS Quality Management Officer was also available in Malakal to provide the team with additional support if required.

On arrival in Nassir, the team found that there were no inhabitants in the town however the SPLA barracks was fully occupied. The barracks had defensive trenches dug in around the perimeter, but the SPLA were not in a high state of alert despite witnessing armed clashes the previous week in the vicinity of the airstrip. Weapons used in those clashes were mortars and rockets by both SPLA IO and SPLA. During this time SPLA soldiers were seen running across the airstrip by UNMISS troops.

Living in the barracks were the SPLA Commanding Officer (CO) Lt Col Juma Sualaiman Gore, Maj Gen Nassir Rout Geng SPLA IO (Taban Deng) and Col Lam Tut Gatkouth Director of Police and acting Commissioner of Nassir in the Commissioner's absence. The Police Commissioner was the only Government Official.



Figure 1: From left to right: Mr Timothy Kirby, Lieutenant Colonel Acien Manguék Nhiak, Hon Gony Nyuon Jithjook, Col Lam Tut Gatkouth, Maj Gen Nassir Rout Geng, Lt Col Juma Sualaiman, Mr Mike Fulla.

The team formally interviewed all three individuals and transcripts of each interview are within Annexes B to D. The interviews were conducted individually and in a private location with the same questions posed to each individual. In the interview with the SPLA CO, he stated that he had been in Nassir since before the date of the allegation and that there were no landmines planted by the SPLA during his tenure. He went on further to say that he had no combat engineers under his command which he would require to lay or breach minefields. In the interview with the Police Commissioner, he stated that although he was in Juba at the time of the allegation (because of insecurity) he still held the appointment of Chief of Police and would have been aware of the laying of landmines should it have happened. The Maj Gen of the IO (loyal to the First Vice President Taban Deng), stated he was the 'Son of Nassir'. He was also not in Nassir at the time of the allegation; moreover, he further stated that he had not heard any 'talk' of landmines other than those laid by the Sudan Armed Forces (SAF) during the civil war.



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All three officers stated that they were comfortable walking around any area of the team's choosing as there was no threat of landmines. The investigation team chose to inspect the areas around the SPLA camp as this would be the most likely area to lay landmines. They were accompanied by the three officers and an entourage of approximately 10 soldiers. In the area to the south (Figure 2) was the Sobat River and to the east (Figure 3) and west (Figure 4) were swamp lands created by river overflow. Soldiers were witnessed wading into the water up to waist height to wash and fish. The area was dry to the north (Figure 5) and is in the direction of Nassir, with vegetation burnt to increase visibility for sentries. Cattle/dogs were seen roaming freely in this area as well as soldiers sent out for hunting and firewood collection.



Figure 2 - Looking South to the Sobat River



Figure 3 - Looking East



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Figure 4 - Looking West



Figure 5 - Looking North

The team asked for the direction of the IO (RM) and were informed that they were on the south side of the river to the southeast and were not in force. The main IO force was many kilometres away.

Analysis

The SPLA CO is the only high-ranking official in Nassir available who has been in the vicinity throughout the period since the allegation was made. He stated that there were no mines laid at that time or since the allegation, nor had he had the capacity to lay or breach minefields.

The barracks are approximately 1.5 km from the outskirts of Nassir and in the view of the investigation team, it would not make tactical sense to lay mines around the perimeter of the town. It would also not make sense to lay landmines in areas which were waterlogged as the mines would be unlikely to function.

All parties were very comfortable with walking in any area around Nassir, indicating a high degree of confidence that they were positive that there were no landmines.



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Conclusions

The Investigation Team concludes that the allegations that landmines were laid in 2015 are not credible and that the area around Nassir is likely to be free from landmine contamination.

Recommendations

The Investigation Team recommends that this report accompanies the statement to the 16th Meeting of States Parties to the MBC as evidence of the investigation and findings and is passed to the Committee on Cooperative Compliance.

UNMAS/NMAA should deploy a clearance team to Nassir to conduct Battle Area Clearance of all the battlefields in Nassir once the security situation permits.

Mike Rashid Fulla
Operations Director
National Mine Action Authority South Sudan

7 December 2017

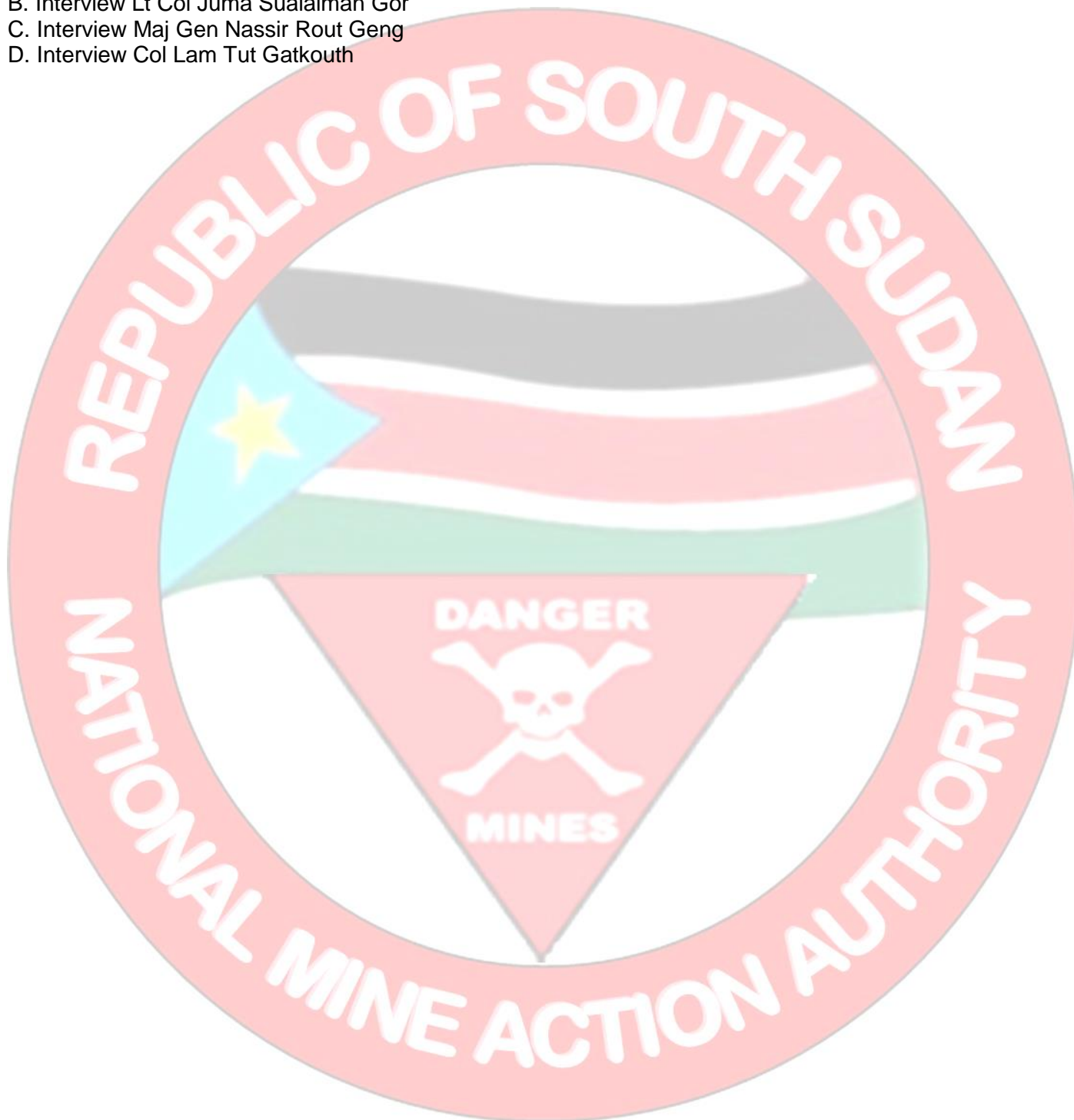


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Annexes:

- A. IGAD Allegation of violation of treaty obligations (V035)
- B. Interview Lt Col Juma Sualaiman Gor
- C. Interview Maj Gen Nassir Rout Geng
- D. Interview Col Lam Tut Gatkouth





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ANNEX A

IGAD

INTERGOVERNMENTAL
AUTHORITY
ON DEVELOPMENT



OFFICE OF THE SPECIAL ENVOYS
FOR SOUTH SUDAN

Summary of Latest Reports of Violations of the Cessation of Hostilities Agreement (COHA) Investigated and verified by the IGAD Monitoring and Verification Mechanism in South Sudan From 1 March 2015 – 16 March 2015				
Background: The IGAD Monitoring & Verification Mechanism (MVM) was set up in February 2014 to monitor implementation of the COHA by the two Parties to the Agreement, the Government of the Republic of South Sudan (GRSS) and the SPLM/A In Opposition, as well as any armed groups under their control or invited to support them. The MVM has 6 Monitoring and Verification Teams (MVTs) deployed to the states of Jonglei, Upper Nile and Unity, where hostilities have occurred. The Teams monitor violations through direct observation and investigation, including information-gathering from varied sources. There is an extensive process of fact-checking before each violation is verified and submitted to the Office of the IGAD Special Envoys for South Sudan, who carry out a further review. The following is a summary of the most recent violations verified by the MVM between 1-16 March 2015.				
Reference	Date of Violation	Location	Nature of Violation	Responsible Party
V032	6-7 March 2015	Upper Nile State Nassir	Incident: Incursion of SPLM/A (IO) Forces towards Government-held areas Nassir, Upper Nile State, has been the site of numerous violations in previous months, as a result of clashes between Government (GRSS) Forces and SPLM/A (IO) Forces. After a night of heavy shelling between the two Parties on 6 March 2015, there was an incursion by some 500 SPLM/A (IO) affiliated Forces towards Nassir town, an area under the accepted control of Government Forces. Nassir was designated a Special Arrangement Area (SAA) during the IGAD Cessation of Hostilities Implementation Workshop of November 2014 and as such, it was agreed by both Parties that it would be under the control of Government Forces. The SPLM/A (IO) incursion, which was verified by MVM, resulted in further clashes. The MVM Joint Technical Committee (JTC) recommends that IGAD Special Envoys issue a warning to SPLM/A (IO) regarding this incident, and advise both Parties to respect the COHA in Nassir, in order to prevent the further deterioration of security in the area. Articles of COHA Violated: <i>1.1 The Parties agree to cease all military actions aimed at each other</i>	SPLM/A (IO) Forces





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V033	5-7 March 2015	Upper Nile State Manyo and Renk Counties	<p>Incident: Shelling at Duk Duk and Renk by SPLM/A (IO) Duk Duk, Upper Nile State was originally designated a Disputed Area but verified by the MVM in December 2014 to be under the control of Government Forces.</p> <p>In the early hours of 5 March 2015, SPLM/A (IO) Forces shelled the town of Duk Duk, Renk County, then carried out a limited ground attack. The following day, SPLM/A (IO) Forces initiated an exchange of indirect fire with Government Forces in Renk. On 7 March 2015, SPLM/A (IO) Forces fired shells at Abukadra, Renk County (about 3 miles north of the UNMISS camp), from a position on the western side of the Nile in Manyo County. There is no doubt that these attacks by the SPLM/A (IO) constitute clear violations of the COHA.</p> <p>Articles of COHA Violated: <i>1.1 The Parties agree to cease all military actions aimed at each other</i></p> <p>Recommendation: The JTC recommends that IGAD Special Envoys put pressure on SPLM/A (IO) Forces to refrain from any further offensive operations in Upper Nile State.</p>	SPLM/A (IO) Forces
V034	7-16 March 2015	Upper Nile State Manyo County	<p>Incident: Government Forces advance through Manyo County and capture of Wedakona At the end of February, the MVM observed a build-up of Government (GRSS) troops in Manyo County, Upper Nile State. On 7 March 2015, Government Forces attacked from Kaka clearing in northern Manyo County and captured the area of Wedakona from SPLM/A (IO) Forces. Government Forces publicly claimed they had taken Wedakona and the SPLM/A (IO) publicly admitted they had withdrawn from it.</p> <p>Wedakona town, Mayo County, Upper Nile State, was designated an SPLM/A (IO) Special Arrangement Area (SAA) during the IGAD Cessation of Hostilities Implementation Workshop of November 2014. As such, it was agreed by both Parties that Wedakona be under the control of the SPLM/A (IO). The advance into northern Manyo County and the deliberate capture of Wedakona by Government Forces constitutes a clear violation of the COHA.</p> <p>Articles of COHA Violated: <i>1.1 The Parties agree to cease all military actions aimed at each other</i></p> <p>Recommendation: The JTC recommends that IGAD Special Envoys put pressure on Government Forces to refrain from all offensive military action.</p>	GRSS Forces





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V035	12 March 2015	Upper Nile State, Nassir	<p>Incident: Declared use of anti-personnel mines by Government Forces and threat to fire into the UNMISS compound.</p> <p>On 12 March 2015, a meeting was called by senior GRSS Forces officers in Nassir, Upper Nile State at a Government-held camp on the Sobat River, and attended by observers of the IGAD MVM and staff members of UNMISS (UN Mission in South Sudan). During this meeting, a GRSS Forces Officer stated clearly that anti-personnel mines had been deployed in the area around Nassir. Government Forces officers also alleged that SPLM/A (IO) soldiers were being harboured in the UNMISS base, which had resulted in bullets being fired at the base by Government Forces. He warned that Government Forces would continue to fire on the UNMISS base to attack SPLM/A (IO) soldiers harboured there.</p> <p>The GRSS has, to date, failed to respond to a formal request from the JTC for clarification on the claimed use of anti-personnel mines. Whilst the actual deployment of anti-personnel mines has not been verified, the claim that they are being used by Government Forces constitutes a blatant disregard for not only the COHA, but for international conventions. It is the clear opinion of the JTC that the use of anti-personnel mines would constitute a significant threat to the civilian population and an alarming escalation of the present conflict. Threats to fire at a UNMISS base also constitute a clear violation of the COHA.</p> <p>Articles of COHA Violated:</p> <p>1.1 The Parties hereby agree to cease all military actions aimed at each other. 3.1 The Parties shall refrain from attacks on the civilian population... 7.2. The MVT shall also: a) enjoy the full protection of the Parties. b) enjoy complete freedom of movement and unhindered access</p> <p>Recommendations:</p> <p>It is recommended that the Special Envoys take urgent and robust action regarding the claim by Government Forces that anti-personnel mines have been deployed in Nassir. This includes a demand that Government Forces remove the mines from the Nassir area and take the appropriate action against the officers involved. It is further recommended that the Special Envoys issue a strong statement against the use of any sort of landmines by the Parties to the present conflict. It is also recommended that the Special Envoys remind Government Forces about the status of the UNMISS camp, including its use as a base by the IGAD Monitoring & Verification Team, and the Party's duty under the COHA and Status of Mission Agreement (SOMA) to guarantee the security of the MVT in Nassir and support them in their tasks.</p>	GRSS Forces
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ANNEX B

Statement by: Lt Col Juma Sualaiman Gor, Commanding Officer SPLA Nassir.

This investigation team has explained their mission and given you background information of the reasons for the investigation. The need for honesty and transparency has been emphasised by the team leader, Mr Mike Fuller and you have agreed to be formally interviewed by the team which shall also be recorded.

1. Can you please state your name and explain for the benefit of the investigation what your position is and where you work?

I am Lt Col Juma Sualaiman Gor and I am the acting Commanding Officer of the SPLA forces in Nassir because the Major General currently away since February this year. I have been in the military since 1975 to date. I joined the SPLA in 2007 (formally SAF). I came to Nassir on the date 12 February 2015. I am aware of all activities around Nassir and no operations took place without my knowledge. That is why any information in this area, I am quite aware of it.

I am quite aware of your mission as a committee here in Nassir and as a Government we want to make sure that our citizens welfare is quite safe, so you are highly welcome. That is why I want to assure everyone here that everything I want to say is said with confidence because later on I don't want to hear any more blame to me or to the Government. The rest of your committee here is from this area, and you Mr Tim, you came from very far to help us here in South Sudan. This means that we should not lie to you because you are our direct partner as the UN to help us people in South Sudan. That is why I want to assure you that I will answer any question in the right way in a manner that satisfies you. I am here representing my Commander the Chief of the Defence Force and all my bosses in Juba, I am representing them here. So, I have to talk on their behalf and saying the right thing. So, anything that I am going to tell you, I am sure of it and it is true information. So, from now I am ready to answer any question from you.

2. Are you aware of any landmines in the vicinity of Nassir town or the SPLA Barracks located close to the Nassir Airstrip?

No, I do not have any knowledge of Landmines being planted here by our forces.

3. Are you suspicious of any area of any landmine accidents in the vicinity of Nassir town or the SPLA Barracks located close to the Nassir Airstrip?

Me, I do not have any information or report from any site that we are doubting. If there was such a report I would requested the General Headquarters to send Combat Engineers to come and demine some places. We cannot stay with landmines here and we would have called Combat Engineers to detect some places so that to put marking to prevent our soldiers from going to these areas. Now I am here without Engineers because I am sure the area is all safe – no any landmines.

4. Just to confirm, the Col has no combat engineers in Nassir?

Yes, I do not have a single engineer person here. It is because I do not have any doubt that I want to plant landmines here.



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Can you confirm for the benefit of this Investigation team that to the best of your knowledge that there are no landmines in the vicinity of Nassir town or the SPLA Barracks and that you would be comfortable with walking in any of these the areas? If no: can you show the investigation team where these areas are?

What I know it is the waters around here around the base but any place without water you are free to move around the place and I as a commander of this place, with my forces, to escort you so that you can move around. To south side of the area, to the north, to the east, everywhere you are free, even up to 4km we can go. And even in my defensive trenches you can move everywhere where my weapons are. You are free.

Signature: _____

Print name: Lt Col Juma Sualaiman Gor

Date: 28 November 2017





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ANNEX C

Statement by: Major General Nassir Rout Geng SPLA IO (under his excellence the First Vice President, Taban Deng).

This investigation team has explained their mission and given you background information of the reasons for the investigation. The need for honesty and transparency has been emphasised by the team leader, Mr Mike Fuller and you have agreed to be formally interviewed by the team which shall also be recorded.

1. Can you please state your name and explain for the benefit of the investigation what your position is and where you work?

My name is Major General Nassir Rout Geng. I came here to Nassir for the purpose for the people for peace. I came here since January this year. I am here because of peace. I did not come here because of war but I came here for peace and that is my reason for coming here.

2. General, thank you. Are you aware of any landmines in the vicinity of Nassir town or the SPLA Barracks located close to the Nassir Airstrip?

Since I came here in January up to now, I didn't get any information concerning landmine and I didn't bother myself to ask anybody here if there are landmines or not. But what I am witnessing is that people are moving all around, even the cutters, or the animals are moving and grazing here in Nassir but there was never any accident in Nassir.

3. Are you suspicious of any area of any landmine accidents in the vicinity of Nassir town or the SPLA Barracks located close to the Nassir Airstrip?

No. In the areas in Nassir controlled by the SPLA IO belonging to the current First Vice President and the SPLA, the area that they are controlling here there is nothing reported here concerning the explosions of landmines. From here they are controlling up to 10km or even more than that; their forces are moving up to there and even around here you will see that there is a lot of animals coming from very far places to drink water here around Nassir. But there is no any explosion and there is no any side here saying that they are doubting here or where, nothing. There is no any suspicion of landmines here in Nassir.

4. Can you confirm for the benefit of this Investigation team that to the best of your knowledge that there are no landmines in the vicinity of Nassir town or the SPLA Barracks and that you would be comfortable with walking in any of these the areas? If no: can you show the investigation team where these areas are?

Yes, I want to assure you as a committee that there is no landmines. There is no report or accident, or incident taken place and there is nobody talking of landmines. So even if you come with a machine you can check the whole area of Nassir you will not find. At least maybe, the mines which were planted by the SAF it was demined by a demining organisation, they demined the whole area of Nassir. If they might have missed one mine, it is missed by those deminers but not newly planted.

One more question to the General, you are really a citizen of this place and you are staying in this place who can also help people of Nassir for what is dangerous for them. You have been walking around Nassir, you have seen that nothing has exploded, and people have been moving around to see that there is anything dangerous in terms of mines. Will you be going with the investigation team around places which have been suspected of mines later on?

Yes, if you want to move around I will move with you so that you make sure that there is no landmines. Simply because I came to mobilise my people for peace to this land of Nassir.



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How can I bring my people when there is a danger around them? Should I bring them so that they should come and die? Nothing like that. So, I want to make you sure there is no landmines and we will move all around and I will move with you. So that my citizens will also see that there is nothing, so that they should come back to their places.

Thank you for your committee and I am ready to sign that any area is safe.

Signature: Chifeng-11-2017

Print name: Major General Nassir Rout Geng

Date: 28 November 2017.





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ANNEX D

Statement by: Col Lam Tut Gatkouth, Director for Police, Nassir County in Latijor State

This investigation team has explained their mission and given you background information of the reasons for the investigation. The need for honesty and transparency has been emphasised by the team leader, Mr Mike Fuller and you have agreed to be formally interviewed by the team which shall also be recorded.

1. Can you please state your name and explain for the benefit of the investigation what your position is and where you work?

I am Col Lam Tut Gatkouth, Director for Police, Nassir County and acting as Commissioner in Latijor State in his absence. Anything concerning the office of the Commissioner I can answer for it. Concerning your coming here to Nassir as a committee, we would like to say there is very good because it is concerning me being here to bring people of Nassir back to their place and if you come for that purpose like what you are you investigating about landmines it is supposed to make the place safe so that the people come back. I am very much happy about that. So that the reason simply is because we want our people to come back that is why I came here as the Police and there will be many police coming here. Even the government of Latijor State is going to come all here. So, I am very happy with your coming here.

2. Colonel, are you aware of any landmines in the vicinity of Nassir town or the SPLA Barracks located close to the Nassir Airstrip?

No, I don't have any information concerning landmines around Nassir or even close to the military barracks. What I know since I came here to Nassir is my forces as a police commander used to go outside. Some go to look for an animal and even they used to go and cut local grass for the construction of their rooms here. If there is a landmine it would have blown one of the soldiers and not only that here there is cattle moving around the area. Nothing has been reported about landmines.

How long have you been the Commissioner in Nassir?

Now I am one year here in Nassir and there has been nothing reported like landmines. Not only that, I have been working in Juba as a police officer for Nassir. Even though I was in Juba I used to have enough information about Nassir. I was hearing a lot of things about Nassir, but nothing was reported to me. Secondly it is my population that I am responsible for which are going to come to stay here in Nassir. If there is something of that kind I will be the one to first report this to the people that there is danger so you will demine this place first so that the people will come to a safe place. But I did not report because there is nothing.

Are you a son of Nassir?

Yes, I am the son of Nassir County. All my relatives are here, my uncle and even my brothers, sisters are here. Even the rest of my forces here are from Nassir.

We are a collection of people in a team here. This man (meaning Lt Col Acien) is from Army Headquarters very far from here. Mike is from the National Mine Action Authority. Tim is from the United Nations Office and myself I am from Latijor State. We have come to know what is going on in Nassir. If there are citizens here because the Governor wants to come to Nassir if Nassir is ok. When we go back we will compile a report for the Government, even the officials of Latijor State will be sent to Nassir. You are the police officer here. If the Governor comes here will the citizens of Nassir come back if they are around?



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I am very sure that the citizens are going to come back to Nassir. The only problem is that prevents them to come is the absence of humanitarian services. As you can see now there is no hospital or drugs. There's not even food. Since war has started here nobody has cultivated – nothing. There is no food for children or older people. No humanitarian services. That is why I am here, and I need a government to come to Nassir so that they come and appeal to the humanitarian series you will then see that this place is full of civilians. Looking for their food on the riverside and other places. Another problem is this disturbing people of IO. Sometimes they used to sell the area sometimes they come and make some atrocities around us. They even scared the citizens to come around. If all this is stopped, they are going to come back here.

3. Are you suspicious of any area of any landmine accidents in the vicinity of Nassir town or the SPLA Barracks located close to the Nassir Airstrip?

No, they have no reports since I came here.

Can you confirm for the benefit of this Investigation team that to the best of your knowledge that there are no landmines in the vicinity of Nassir town or the SPLA Barracks and that you would be comfortable with walking in any of these the areas? If no: can you show the investigation team where these areas are?

It is very free. You can move anywhere. That way I can confirm to you that there is no landmines. If there is there was a place here we are doubting, we can not move around. So this confirms to you that everywhere is safe.

Signature:

Print name: Col Lam Tut Gatkouth

Date: 28 November 2017

