

CPMT Final Report

Military Events in Western Upper Nile

31 December 2002 to 30 January 2003

Khartoum, Sudan

6 February 2003

Executive Summary.

1. Background. Beginning 31 December 2002 military activities occurred in Western Upper Nile, which immediately drew the attention of the Civilian Protection Monitoring Team (CPMT). Reports in news media and by various non-governmental organizations (NGO) indicated deliberate attacks against non-combatant civilians and civilian facilities in a number of locations south of Mankien in the west, and proximate to planned Government of Sudan (GOS) oil field all-weather access roads in the east between Bentiu-Adok

Reacting to verify these reported violations of the *31 March 2002 Agreement Between the Government of the Republic of Sudan and the Sudan People's Liberation Movement to Protect Non-Combatant Civilians and Civil Facilities From Military Attack*, CPMT teams from Rumbek and Khartoum visited multiple sites in the Western Upper Nile region on a number of occasions. Aerial over flight and on-ground assessments using digital photography, (still and video), recorded interviews with a variety of people, from military commanders to abductees, wounded persons and prisoners of war, and personal observations by verification personnel were used to verify alleged event and to assess the situation.

2. PRINCIPAL observations are noted below:

a. Villages south of Mayom-Mankien:

a. Attacks were originally reported by UN/NGO and SPLM sources. The GoS claims that its military units were not involved in the attacks against civilian targets and that the GoS-allied militia that did launch these attacks were responding to SPLM threats, including the deployment to the region by the SPLM of three of its most senior Nuer leaders. The GoS asserted that GoS-allied militia often operated on their own without GoS oversight. The SPLM asserted that its troops had abided by the IGAD Cessation of Hostilities Agreement.

b. CPMT Verification investigations found:

(1) In the Mayom-Mankien-Lara-Tam-Leel area: Military attacks against villages and non-combatant civilians have been conducted by GoS-allied militia, supported directly by GoS military forces.

- (2) Non-combatants have been abducted, including men/boys (for military service), while women and children, have been taken to GoS controlled towns (probably Mankien, Mayom, and Bentiu) where the children are held captive and women forced to provide manual labor and sexual services (based on multiple interviews with escaped abductees, both male and female).
- (3) Cattle and crops were reportedly looted from villagers and moved to the GoS – controlled towns noted above. It was confirmed that food stocks and personal possessions were looted from Lara.
- (4) GoS direct support to attacks included artillery, and helicopter gunships in Lingara and villages north of Tam.
- (5) There was no indication that the SPLM had attacked GoS or GoS-allied militia in the region. Nevertheless, SPLM units were stationed in some of the villages attacked and in fact drove off GoS-allied militia attacks in several instances, most notably in the fighting for Tam.

Specifics.

--- Lara (aka. Lare): GoS-allied militia forces attacked Lara on 1, 3, and 14 January 2003. Two civilians were killed during the 3 January attack. Some tukuls were burned on 1 January. More tukuls were burned on 3 January and the entire village looted and all personal possessions and foodstuffs taken. A number of villagers, men, women and children (about 50 in the immediate vicinity of the village itself) were abducted and marched off with the attacking militia. On 14 January, the village was attacked a third time. Two (2) GoS militia were killed during the attack on 1 January. No population remains in the village except approximately 150-200 elderly women and young children and a few cattle. Water and food are now critically short.

--- Lingera and villages north of Tam: These villages were attacked multiple times from 1 January through 14 January. Tam itself had been twice attacked prior to 9 January, when CPMT first visited the village. All civilians had fled from Tam southward. CPMT team members personally observed and photographed incoming GoS artillery rocket fire impacts. Subsequent on-ground verification of the villages of Nyajol, Lingera, and Lou produced direct evidence of artillery rocket impacts in these civilian villages. Crater analysis clearly indicates general direction of fire from a vicinity probably southeast of Mankien. Moreover, direct evidence of helicopter (HIND) gunship attacks against Lou was obtained from verification of strafing tracks and retrieval of ejected cannon cartridge cases and belt links from the HIND main guns at the scene. Most of the population of these villages has fled to Leel or moved south of Tam.

--- Leel: A militia force of 200-300 men attacked Leel early on the morning of 21 January (approximately 0430-0500 hours local time). Seven villagers were wounded, two critically. CPMT was on-scene within two hours of notification, and verified that this attack was

directed against the civilian population in the village. RPGs and heavy machine gun fire was used in this attack. Interviews with captured GoS militia involved in the attack, who were intercepted well north of the village as they fled, clearly indicated that the purpose of the mission was to burn the village to drive out the inhabitants. The attackers had bypassed SPLA forces positioned much further north during their approach march and made no effort to engage the small number of SPLM troops who were in the village at the time. Leel is an IDP center with an estimated 8,000 people who had been previously displaced from their homes by fighting to the north. Four different Nuer tribes, displaced by previous GoS-associated actions to the north, are crowded into Leel with little food and a two-hour walk to a dwindling water supply.

b. On the Bentiu-Adok axis:

- Attacks were reported by GoS, SPLM and NGO sources. The GoS asserted that it had the right under the IGAD Cessation of Hostilities Agreement to continue the construction of the all-weather Bentiu-Adok road and that it had the right to use its military and allied militia to protect the construction crews from SPLM attack. The GoS asserted that the construction work had been attacked by the SPLM and that the four civilians killed had been killed during a SPLM attack. The GoS denied that it had destroyed any villages along the route of the road. The SPLM asserted that the construction of the Bentiu-Adok road violated the Cessation of Hostilities Agreement. It denied that it had launched any attacks against the construction operation or associated GoS forces. The SPLM asserted that the GoS had regularly attacked and destroyed civilian villages along the path of the road construction.
- GoS reported attacks against a construction camp at Koch
- SPLM reported village-clearing along road axis
- CPMT verifications investigations found:
 - (1) Military operations and village clearing are being conducted by what appears to be GOS and their allied militia, and probably some SPLA military units.
 - (2) At the highway construction camp near Kock, 4 civilian construction workers employed by the Heglig firm, a GOS-contracted construction firm, were reportedly killed on 1 January 2003 as a result of weapons fire from unknown persons outside the road construction camp near Mirmir. (Three death certificates have been obtained.) Further investigation is ongoing.
 - (3) Significant road construction has been conducted south of Kock since that time, with the main roadbed now completed to within a few miles of Leer. The GoS military has been providing security for construction by pushing their regular units forward along the new road axis. They are now approaching the town of Leer. Villages along both flanks of the new road have been cleared of the civil populace.

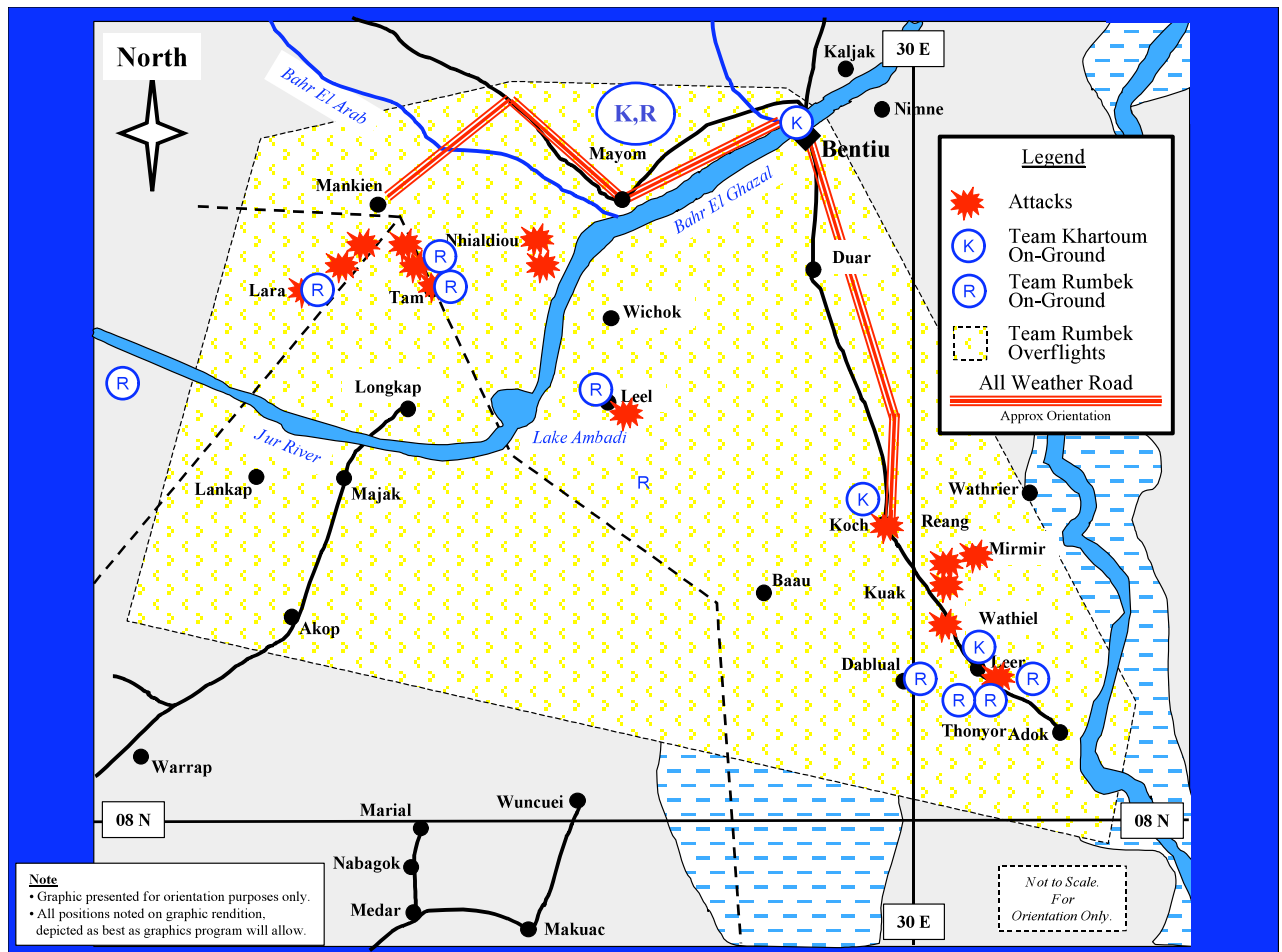
- (4) CPMT investigations of fighting that took place in the Leer area are ongoing. Reports of major GoS attacks against Dablual and Thonyor (to the west and south of Leer) proved to be false. At the behest of IGAD, CPMT was specifically asked to investigate the attacks reported around the Leer area on the 26th of January. The results of this investigation will be reported directly to Gen. Sumbeiywo and the IGAD.

c. **Access Problems.** On 29 and 30 January CPMT visited Leer town and conducted an extensive battle damage assessment (BDA). On 30 January 2003 the teams, while physically on-site at Leer, were denied access to the military garrison camp despite repeated requests for this access to verify the GoS version of alleged attacks by the SPLM. Additionally, at the same location, a senior Sudanese officer told the team that the CPMT aircraft would be “shot down” by his forces if it overflowed the garrison: he claimed that he had not been informed of CPMT flights, despite the fact the GoS Ministry of Defense and the Foreign Ministry had been informed of all CPMT flights in compliance with the arrangements set by the Government. Since this incident, the GoS Ministry of Defense has been informed of the threat against the CPMT aircraft and has been asked to take corrective action. According to the Agreement for the protection of civilians, the GoS and the SPLM are obligated to facilitate CPMT investigation and to ensure that the CPMT teams have immediate, unhindered access.

Note: The Government of Sudan has provided assurances in Annex A that CPMT aircraft are safe from hostile action of GoS forces and associated militias enroute to and from the area of interest and mission area.

3. **Military Buildup.** CPMT continues to receive reports of a GoS military buildup in the Western Upper Nile region from various sources operating in the area. Observations during over flights by CPMT aircraft confirm significant military activity within GoS garrisons. Additionally, forced conscription of large numbers of Nuer and Dinka boys and men is reported in the region, in Khartoum and elsewhere. Interviews with POWs captured in the fighting around Tam and Leer confirm these reports.

Photographs taken by CPMT show GoS forces using new 8-wheeled armored personnel carriers (APC) along the road leading to Leer from Kock. There are also reports from IDPs that these APCs were used in village clearing operations north of Leer.



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4. Conclusions. Regardless of which party may be responsible, the observed facts concerning attacks on the civilian population and on their villages and facilities are that:

- Many thousands of civilians have been forcibly displaced from their villages by direct military attack in the areas Lara-Tam-Nhialdou-Leel and the villages south of Mankien and Mayom.
- Conditions are equally bad along the new Bentiu-Adok main road where most villages are now empty or destroyed altogether.
- Eyewitness accounts of military attacks and subsequent actions by soldiers and militia violate the letter and spirit of the Agreement on the Attacks Against Civilians. Additional village attacks will be investigated in the future as CPMT continues visits to abandoned and destroyed villages and talks to the displaced civil population.

5. Recommendations.

a. That the Government of Sudan immediately ensure that its own forces and GoS-allied militia cease all attacks against non-combatant civilians and civilian facilities in the area south of Mankien and along the Bentiu-Adok road.

Note: The CPMT was informed January 25 that the provincial authorities in Bentiu had been instructed to ensure that GoS allied militia in the Mankien area launch no new attacks. CPMT visits to the region have not documented any new attacks in the region since that time.

b. That the SPLM/A cease any offensive military operations along the Bentiu – Adok road, including probable but not confirmed harassment and direct attacks against GoS/militia forces operating along the Bentiu-Adok road.

c. Since both GoS and SPLA forces appear to have been involved in the fighting along the Bentiu – Adok Road, the IGAD mechanism established to coordinate the implementation of the Cessation of Hostilities Agreement should address the fighting in this area to determine means for bringing this fighting to a halt. The Civilian Protection Monitoring Team is prepared to provide both technical and logistical assistance if requested by the IGAD mechanism.

Note: On February 3, the GoS and SPLM signed an addendum to the Cessation of Hostilities Memorandum of Understanding that provided for IGAD settlement.

d. That immediate and unrestricted Humanitarian access be assured to the affected areas.

Note: Operation Lifeline Sudan (OLS) has been able to deliver some relief assistance to Leel and other areas affected by recent fighting; nevertheless, the humanitarian situation in these areas and along the road remain desperate.

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