

CPMT Report to IGAD

Military Events in Leer

26 to 30 January 2003

Khartoum, Sudan

2 February 2003

Executive Summary.

1. Background

On 27 January, sources in Nairobi reported heavy fighting in and around the town of LEER, near the Southern end of the new Bentiu – Adok all-weather oil access road being constructed by the GoS. Fighting had previously been reported since 31 December 2002, and CPMT had verified the death of several civilian construction workers at Ko (aka Koch or Kock), as well as fighting in Mirmir and the deliberate depopulation of the civilian villages along the new road. It should be noted that at the time of the reported attacks in and around Leer on 26 January, that the road had been extended South of Ko for many kilometers, and is now approaching Leer.

Reacting to a specific request from Gen Lazarus Sumbeiywo of IGAD to provide immediate assistance to investigate this reported serious breach of the *Memorandum of Understanding Between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) on Resumption of Negotiations on Peace in Sudan (As signed on 15th October 2002 and amended on 18th November 2002)* during which tanks and helicopter gunships were alleged to have been used by regular GoS forces, CPMT teams from Rumbek and Khartoum traveled by aircraft, vehicle, and on foot to the Leer area on 27, 28, 29, and 30 January and on 1 and 2 February to verify and assess the situation and visited the town and multiple surrounding villages. Aerial over flight and on-ground assessments using digital photography, (still and video), recorded interviews with a variety of people, from GoS and SPLA military commanders to wounded civilians and soldiers, displaced persons and personal observations by verification personnel were used to verify alleged events and to assess the overall situation.

(This report should be read in conjunction with CPMT UPDATE Report, Military Events in Western Upper Nile, 31 December 2002 to 30 January 2003 which reported CPMT findings as a result of verification investigations resulting from its mission to support 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.)

2. PRINCIPAL observations are noted below:

a. Alleged actions.

- **The GoS asserted that the attack at Leer was initiated by the SPLA, which allegedly had fired mortars at the GoS garrison at Leer the night before. The GoS denied that it had destroyed any villages along the route of the road. 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 (See Diagram-Information received from GoS)**
- **The SPLM denied that it had launched any attacks against the garrison at Leer or associated GoS forces. The SPLM asserted that the GoS had regularly attacked and destroyed civilian villages along the path of the road construction leading to Leer. The SPLM asserted that the construction of the Bentiu-Adok road violated the Cessation of Hostilities Agreement. (See Diagram-information received from SPLA)**

b. CPMT verifications investigations found: (See Diagram-Verification/BDA Results)

- **Military operations and village clearing are being conducted by what appears to be GoS and their allied militia in and around villages leading to 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 approaching Leer.**
- **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.**
- **Although three probable 82 mm mortar impacts were found outside the GoS garrison camp, which may have been fired from the nearby SPLM positions, the approximate date of these impacts could not be determined with certainty. (The investigation of the alleged SPLM attack against the GoS garrison was hampered by the refusal of the Commander to allow the CPMT monitors to enter the garrison camp to investigate.)**

- It was clear, however, that an attack had been launched FROM the garrison into the town, and the tracks of GoS “technicals” with their mounted 12.7 mm machine guns were evident out into the town and returning. CPMT verified the expenditure of significant quantities of light machine gun and AK-47 ammunition by the attackers moving from the North to the South, as well as reload points for the vehicle-mounted machine guns. Interviews with civilian IDPs and remaining townspeople, who could not flee, indicate the SPLA was routed from the town by superior firepower, with the GoS “technicals” remaining in the town where troops looted shops and dwellings.
- At the same time, probable GoS-allied militia accompanying the garrison force turned eastward in a skirmish line and drove the fleeing surviving populace towards the villages of Dok, Dhow and Nguek, where further civilian casualties were reported, as well as multiple rapes, torture and disfigurements and murders of captured women. These reports are based on CPMT monitor interviews with surviving civilians at Thonyor and in Leer. According to two sources [names withheld], the man who led the attack on Leer and the surrounding villages was allegedly *Cdr. Gai Yoch*, a junior commander alleged to be under *Cdr. James Lieh Diu*.
- While in Leer, the CPMT learned of a more recent attack. GoS forces, including soldiers from western Sudan and Nuer militia, came out of Rub Koi on 30 January. They attacked a village to the east called Luom at approximately 1300 hours and continued the looting spree until 1700 hours. The estimated 50 GoS-allied militia soldiers savagely attacked the civilian population. According to eye-witness accounts, the GoS-allied militiamen shot Nyacanya, an 8-year-old girl, in the neck and abducted her. They also shot Gatiel Gatluak Mayiel, an 8-year-old boy, in the right hip. He later died. Then, the militiamen savagely beat a pregnant woman, Nyagaai, by hitting her in the stomach with a stick, leaving her bleeding profusely. The interviewee [name withheld] had just come to Leer after the attack on Luom. He said he could identify the soldier who led the attack from Rub Koi. He alleged this individual is *Commander Gatkuoth Gatgueng Kueth*. The Commander is alleged to be a subordinate under *James Lieh Diu*. Everyone has fled the village of Luom. The village joins a growing list of villages on either side of the road between Mirmir and Kaigai (south of Leer) that are now burned or empty.
- Imagery taken by CPMT show GoS forces using wheeled armored personnel carriers (APC) along the road leading to Leer from Kock. There are also reports from IDPs that these APCs are being used in village clearing operations north of and around Leer.

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 overflew 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.

d. **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. Photographs taken by CPMT show GoS forces using wheeled armored personnel carriers (APC) along the road leading to Leer from Ko. There are numerous reports from IDPs that these APCs are being used in village clearing operations North of and around Leer.

3. **Conclusions.** Regardless of which party may be responsible for initiating operations around Leer on 26 January, the observed facts concerning attacks on the civilian population and on their villages and facilities are that:

a. **Much of the population of Leer has been driven out by direct military attack. Villages leading into Leer from the North are totally depopulated due to direct military action by GoS and GoS-allied militia force**

b. **Eyewitness accounts of military attacks and subsequent actions by individual soldiers and militiamen appear to be direct and intentional attacks against civilians which are contrary to the letter and spirit of the Agreement on the Attacks Against Civilians. These actions also appear to contravene the Cessation of Hostilities MOU.**

c. **Additional investigation by CPMT is warranted**

4. Recommendations.

- **The Government of Sudan immediately ensures that their own forces and GoS-allied militia cease all attacks against non-combatant civilians and civilian facilities in the area around Leer.**
- **The SPLM/A cease all harassing and direct attacks against villages and GoS/militia forces along the Bentiu-Adok road.**
- **As both GoS and SPLA forces appear to be involved in the fighting along the Bentiu – Adok Road and around Leer, 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.**
- **Both Parties grant immediate and unrestricted Humanitarian access to the area.**

**Herbert J. Lloyd
BG (Ret) US Army
Civilian Protection Monitoring Team
Khartoum, Sudan**