



COMMISSION

CEASEFIRE VIOLATION REPORT ALLEGED ATTACK

ON

**SAVE THE CHILDREN UK
(SCUK)**

NEAR JUROF

ON

12 DECEMBER 2004

AU RESTRICTED

AFRICAN UNION الاتحاد الأفريقي		AFRICAN MISSION IN SUDAN CEASEFIRE COMMISSION
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Headquarters
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HQ/CFC/VIO/OPS/1/G

See Distribution

31 January 2005

CFC REPORT NO. 131/04: ALLEGED GOS ATTACK ON THE VILLAGE OF MARLA ON 16 DEC 04

Reference:

- A. SLA Complaint on 08 Dec 04.
- B. HQ/ SEC 2/OPS/G dated 10 Jan 05.

INTRODUCTION

1. SLA lodged a complaint on the 08 Dec 04 alleging that the GoS had attacked the village of Marla.
2. Due to the insecurity situation on the ground, Team D, could not conduct the investigation. On the 16 Dec 04, Team D was tasked to resume with their investigation on the allegations.
3. After returning back to Nyala unable to conduct the investigation on the 16 Dec 04, due to reported fighting, the team managed to continue only on the 17 Dec 04.

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ASSESSMENT

4. The team established that GoS attacked the village of Marla on the 08 Dec 04 and again on the 16 Dec 04.
5. The second time around, the village of Marla was attacked by a GoS forces returning from Sani Afendu. The GoS forces were fire-supported by helicopter gunships, which bombarded the edges of the village and flew over the area for about 30 minutes thereafter. The team also found some unexploded rockets in the village.
6. During the team investigation on the 16 Dec 04, the GoS soldiers were still burning houses, looting and harassing the citizens of Marla. One civilian was wounded, and none were confirmed killed. Some citizens were reported as missing and whilst others were allegedly arrested. The latter could not be confirmed during the investigation.

CONCLUSION

7. GoS violated Art 2(2) and 2(6) of the N'djamena Agreement, Art 1(1) and 2(5) of the Abuja Security Protocol, as well as Art 2 of the Abuja Humanitarian Protocol by attacking the village of Marla on the 16 Dec 04.

RECOMMENDATIONS

8. It is recommended that:
 - a. GoS should stop use of the helicopter gunships in civilian areas.
 - b. GoS should leave Marla immediately in accordance with the 23rd PSC Meeting Communiqué and the Conclusions of the 6th Session of the

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Joint Commission dated 04 Jan 05.


c. GoS should investigate and prosecute the commanders of 16 Div and the Brigade (-) that attacked Marla on the 08 Dec 04.


d. GoS forces should be educated on Human Rights and International Humanitarian Law.

FO OKONKWO
Major General
Chairman



G BOUCHAUD
Brigadier General
Vice Chairman

Attached comment
IBRAHIM EZ-ADEEN
Brigadier General
GOS Rep 


MOHAMMED IBRAHIM
Colonel
GOS Rep

A DARY 
Colonel
Chadian Rep

A MUSA 
Colonel
Chadian Rep

A ABDOU 
Colonel
SLA Rep

ALI MUHTAR 
Colonel
SLA Rep

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MA OMAR
Colonel
JEM Rep



BAHARELDIN BECHIJI
Colonel
JEM Rep



G NIOUKY
Colonel
AU Rep

Enclosure:

1. Report on Alleged GoS Attack on Marla Village on 16 Dec 04.

Distribution:

External:

Action:

- AU - Commissioner Peace and Security
- JC - Chairman Joint Commission
- GOS
- SLA
- JEM

Information:

Director Peace and Security
Head of CMD

GOS COMMENTS ON MARLA

1. The December 8th 2004 operation was aimed at clearing the Nyala- Khartoum Road. We did inform the CFC about it before we started the operation.
2. Also we informed CFC that the area of Marla was occupied by SLA and JEM after the 8th April 2004 N'djamena Agreement.
3. We are also bound by paragraph 5 of the "Conclusions of the 6th Session of the Joint Commission" , which makes it clear that the GoS withdrawal from Marla, Ishma, and Labado is subjected to the "... verification by the CFC of the positions on the ground." GoS has already given CFC grid references of its force locations, whereas other parties have not.



IBRAHIM EZ-ADEEN
Brigadier General
GoS Representative



MOHAMMED ALI IBRAHIM
Colonel
GoS Representative

Date: 31 January 2005

HQ/Sec2/Ops/G

HQ SECTOR 2
NYALA

HQ CFC

10 January 2005

INVESTIGATION REPORT ON THE GOS ATTACK ON MARLA VILLAGE ON 16 DECEMBER 2004.

INTRODUCTION

1. On the 8 December 2004 a verbal complaint from SLA was received at Sector 2 HQ NYALA to the effect that GOS forces had attacked MARLA (N 11° 51' 02.64" E 25° 16' 16.69") which were within the SLA /JEM held areas. The complaint also indicates that part of the village was burnt and many civilians displaced. The SLA / JEM forces were pushed from the area and most of their vehicles found burnt down. The ongoing activities by the GOS military forces is part of their operation to clear the routes from NYALA to KHARTOUM and push SLA/ JEM forces from their strongholds of LABADO and MUHAJIRIYAH.
2. After receiving the complaint, the Sector HQ tasked Team D to investigate the matter and conduct an aerial patrol to the affected areas. It was not possible for Team D to conduct an investigation due to insecurity situation on the ground.
3. On 16 December 2004, Team C was also tasked to continue the said investigation, but it was impossible because of the reported fighting that was going on in the area. The Team came back and left NYALA again on 17 December 2004 at 0900 hours by road to continue its investigation into the attack. The Team, consisting of 9 MILOBs, returned the same day.

INVESTIGATION

4. Interview with MAJOR OMAR BASHIR (GOS Commander in MARLA) on 17 December 2004. He stated that:

- a. His Company entered MARLA on 17 December 2004 at 0800 hours escorted by helicopter gunships which were used to provide protection and direction to the area. He was deployed in the area to provide security and wait for the police, who will be deployed there in few days time.
- b. They are part of the brigade which is clearing the route from NYALA to LABADO and even further. He also stated that on his arrival to the area he saw part of the village burnt.

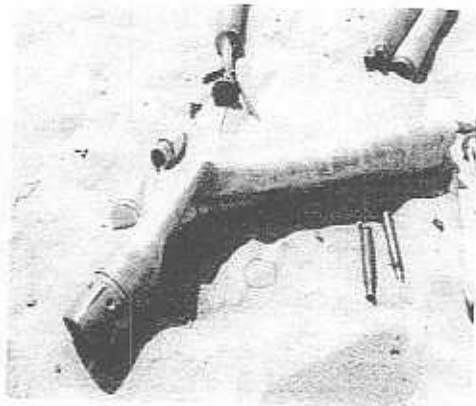
c. The police will be deployed in the area to conduct investigation on the burning of the village. He also confirmed that some citizens were in his Headquarters fearing the situation in the area, they later returned to the village on 16 December 2004.

d. On his arrival at MARLA there were no SLA/ JEM forces, there was no resistance during the entrance to the village.

5. **Interview with ADAM JUMA AMAR (CITIZEN OF MARLA) ON 17 DECEMBER 2004.** He stated that:

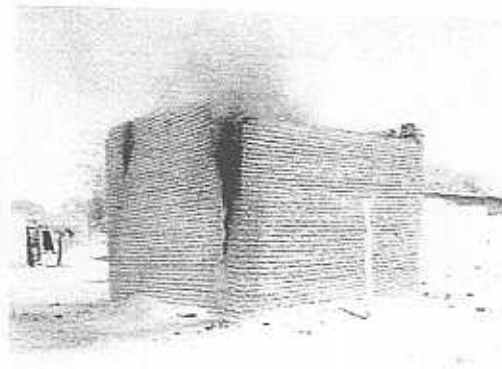
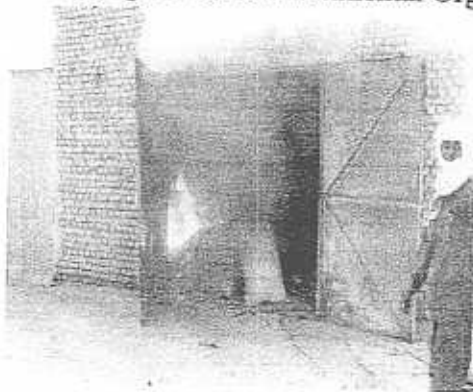
a. The first attack was on 08 December 2004, when some groups of GOS soldiers had entered the town firing and burning houses. These troops later proceeded to SANI AFONDO.

b. On 16 December 2004 at 1000 hours, a group of soldiers on foot returned from SANI AFONDO to MARLA. On entering the village they were escorted by 2 helicopter gunships firing at the edge of the village. They also flew over the area for almost 30 minutes before they left.



Rockets particles in MARLA on 17 December 2004

c. He further stated that soldiers entered the village and established a base west of the village, near the borehole which they deny the villagers access to. Soldiers were within the village looting, burning houses and stores belonging to Non Governmental Organizations.

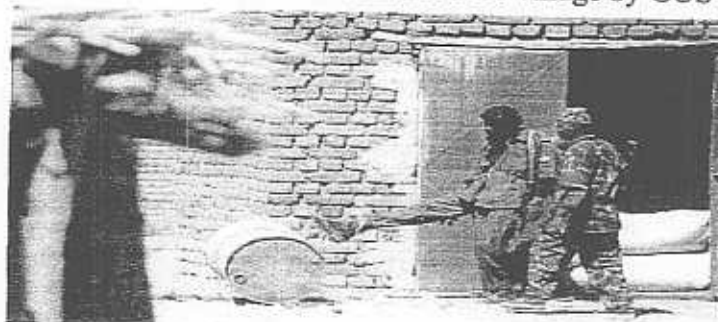


Stores burning in MARLA on 17 December 2004

d. Some of the villagers joined the IDPs camp and others are homeless in the bush. Others returned to get their properties and were arrested and some people are still missing in which their whereabouts' is not yet known. The village is now abandoned and the NGOs supplying food and water had also left since the previous attack and presently there is shortage of food and water in the IDP camps.

6. Interview with MOHAMMED JAR AL NABI ABDAL RAHMAN IN MARLA on 17 DECEMBER 2004. He stated that:

- a. Subsequent to the attack on 08 December 2004, there was presence of SLA / JEM forces in the area and they were forced to pull out. Some of their vehicles were burnt by the GOS troops when they entered the village.
- b. He also stated that GOS troops entered the village with 3 Land Cruisers, 2 trucks full of soldiers escorted by helicopter gunships, and established a base West of MARLA.
- c. When he went to fetch water in the morning, he found the tap overcrowded with people because of low pressure due to the stolen electrical pumping machine. Soldiers on a Land Cruiser arrived, called one of the citizens and started to beat him.
- d. He was also called upon by the same soldiers and they started to beat him too. He was shot in his head and taken to the established company HQ. At the HQ he was asked what is his tribe and occupation. He replied them and they still cautioned him to explain which tribe he belonged to.
- e. When he replied again, they consulted each other and asked him if there was a doctor around. When he replied in affirmative, they ordered him to go and be treated. During his custody at the HQ one of the soldiers cautioned them not to beat him is not the work of PDF.
- f. He further stated that soldiers are present in the village burning and looting, some of the shops and stores which are not open they use their weapons to fire the lockers so as to get easy access.
- g. Presently there are shortages of food and water because they denied them access to the borehole where they established their Base. He further stated that up to date there is still harassment in the village by GOS forces.



GOS soldiers looting in MARLA on 17 December 2004

ASSESSMENT

7. The Team assessed the following:
- a. That the GOS attacked MARLA on 08 December 2004 and on 16 December 2004.
 - b. That the GOS used helicopter gunships during the attack. Some of the rockets are still unexploded.
 - c. That the attack was part of the GOS operations to clear the route from NYALA to KHARTOUM and push the SLA /JEM forces out of their strongholds of LABADO and MUHAJIRIYAH.
 - d. That during the attack the SLA/ JEM forces were on the ground and some of their vehicles had been burnt.
 - e. That the GOS soldiers were still burning, looting and harassing the citizens of MARLA at the time of investigation.
 - f. That one civilian was wounded during the attack but the team could not confirm any dead.
 - g. It was also alleged that some citizens were still missing and others arrested but this could however, not be confirmed.
 - h. The Team had also confirmed that the GOS had stationed company strength in the village and they were part of the brigade presently in LABADO to clear the route to KHARTOUM.

CONCLUSION

8. It is the Teams conclusion that GOS forces attacked MARLA. This had led to looting, burning of houses and massive displacement of villagers. These actions by the GOS constitute serious violations of Article 2 (2) of the Ceasefire Agreement of 08 April 2004 in NDJAMENA and ABUJA Protocol on Security of 09 November 2004.

RECOMMENDATION

9. The Team has recommended the following:

- a. The GOS forces should stop any further movement and pull back to NYALA.
- b. That the GOS protects life and properties of its citizens rather than harassing them.
- c. That GOS should stop attacking villages so that humanitarian aid could reach all parts of DARFUR.
- d. The GOS and other parties to the DARFUR conflict should use the AUCFC as a mediator in settling disputes.

Maj Ousman Gomez
TEAM LEADER Gomez 10/1/05

Col Ashant 10/1/05
GOS REPRESENTATIVE

Mohammed Dakon 10-1-2005
SLA REPRESENTATIVE

Lt-Col Abdelrahman [signature]
JEM REPRESENTATIVE

CPT-BOKHIT-ABDOULAYE [signature]
CHADIAN MEDIATOR