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Ref: CM/2020/09/020

TO: Maj. Gen. Rabi Mujung Emmanuel (ITGoNU)
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FROM: The Chairperson, CTSAMVM

DATE: 9 September 2020

SUBJECT: CTSAMVM REPORT 2020/07 – RAPE IN WESTERN EQUATORIA

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS which took place in Mundri, Western Equatoria State, on the night of 3/4 August 2020.

Please accept the assurances of my highest consideration.

Major General Dafaalla Hamid Mohamed Dafaalla

Deputy Chairperson

**Ceasefire and Transitional Security Arrangements Monitoring and Verification
Mechanism**

CTSAMVM REPORT 2020/07

RAPE IN MUNDRI

EXECUTIVE SUMMARY

On the night of 3/4 August 2020 six (6) men entered a compound at Hai Baraka near Mundri. Four (4) of them were soldiers from the SPLM/A-IO Division 9A and were assigned as bodyguards of the Divisional Commander.

They appeared to be looking for a man, who ran away before they were able to apprehend him. However, they stole goods from his house and took both his wife and sister from the compound and raped them at gunpoint. Both the survivors were minors: one aged 16 and the other 17.

The survivors knew their assailants and reported them to the authorities. When the SPLM/A-IO headquarters in Mundri were made aware of the incident, they carried out an investigation and arrested the suspects who were handed over to the police. According to the latest information available to CTSAMVM the suspects had been remanded by the local court for trial at the criminal court in Mundri.

CTSAMVM investigated the incident and has clear grounds to believe that four (4) SPLM/A-IO soldiers from Division 9A did rape the two girls. This is a clear violation of the R-ARCSS.

However, CTSAMVM commends the SPLM/A-IO who acted quickly, and arrested those involved and ensured they faced justice for what they did. CTSAMVM recommends that the SPLM/A-IO takes the appropriate remedial action to stop such incidents from recurring.

RAPE IN MUNDRI

Introduction

1. Background:

- a. Mundri County has faced issues of insecurity as a result of the alleged activities of NAS in the area. However, until early August 2020 there had been no recent allegations of SGBV involving the Parties to the R-ARCSS.
- b. Military forces located in the area of Mundri town consist of the HQ of SSPDF BN 163 HQ, and the HQ of SPLM/A-IO Division 9A. SPLM/A-IO Division 9A is at Ngiri, but the commander relocated the HQ to Mundri because of network coverage issues.
- c. On 4 August 2020 CTSAMVM received information from the commander of the SSPDF Battalion in Mundri that in the early hours on the previous night (the night of 3/4 August) two women had been raped at their home in the Hai Baraka area in Mundri by suspected IO Soldiers

2. Methodology:

- a. On 6 August 2020 CTSAMVM made contact with the SSNPS Special Protection officer at Mundri, who confirmed that the rapes had taken place and that the SSNPS had 6 suspects in custody, 4 of whom were SPLM/A-IO Soldiers, and one of the others was the son of an SPLM/A-IO commander.
- b. On 20 August 2020 the CTSAMVM MVT based in Yambio deployed to Mundri in order to investigate the incident. A total of 12 witnesses were interviewed, including the senior police officer in Mundri (the Police Commissioner of the former Amadi State) and Special Protection Officer, the survivors and their family members, a senior SPLM/A-IO officer from Division 9A and 5 of the suspects.

- c. The evidence in this report is extracted from an investigation report prepared by MVT Yambio. The investigation report was signed by International Observers and National Monitors and discussed with Senior National Liaison Officers. The names of witnesses and survivors are not included in this report in order to protect individuals.
- d. The standard of proof used by the CTSAMVM to determine whether there is sufficient evidence to verify that a Party-Signatory is not in compliance with the provisions of the Agreements is "reasonable grounds to believe that the incident that is the subject of the investigation occurred." This is in accordance with accepted practice for monitoring mechanisms and humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.

Findings

- 3. At about midnight on the night of 3/4 August 2020, six (6) men broke into a compound in Hai Baraka in Mundri East, which is about 6 Km from the centre of Mundri town, and raped two minors, one 16 years old and one 17 years old (who was married). The father of one of the girls (who was also father-in-law to the other) ran to the police station in Mundri and reported the incident at about 0220 Hrs.
- 4. The reason they broke into the compound is not clear, although they initially asked for the brother of one of the survivors, who was also the husband of the second survivor. He was subsequently arrested by the SSNPS for unspecified crimes. He ran away when the armed men entered the compound because he said he thought they were NAS.
- 5. The survivors knew their assailants and recognised them. 4 of them were SPLM/A-IO soldiers assigned as bodyguards to the commander of SPLM/A-IO Division 9A. As well as raping the two girls, mobile telephones, solar panels and other items

were stolen. The rapes took place at gunpoint. Both girls reported they were raped by two men whilst a third stood guard

6. Survivor 1 (aged 16) narrated how she was woken up by men wanting her brother. They went to her brother's tukul but he had gone and only his wife was there. Two men went into the tukul and one stood guard. The other 3 men asked her to show them the way to the main road to town. On the way to the main road, one of the men pointed a gun on her chest and asked her if she wanted to be shot or to be raped. She said that if they did anything she would report them because she knew them all. One of the men slapped her and when she fell to the ground two men raped her while the third one stood guard. She gave the names of those who raped her. She was told to go home after they had finished.
7. Survivor 2 (aged 17) stated that on 3 Aug 2020 at around midnight she was sleeping with her husband when she heard the dogs barking and the noise of men moving outside. Her husband ran away, exiting through the window. Two men entered the tukul while one remained outside. They searched the tukul and took 3 mobile phones, money and other items of value. One of the men received a call, and she overheard him being told to leave the compound. They then left with her, and after moving about 600m from the compound they asked her to choose between being killed or being raped. She said she would rather be killed but was thrown to the ground and raped by two men, both of whom she knew and could identify.
8. Following the incident, the survivors were taken to Mundri for medical treatment.
9. The Chief of Military Intelligence of SPLM/A-IO Division 9A told CTSAMVM that when the HQ was informed about the incident and involvement of SPLM/A-IO soldiers, an investigation took place at the suspects arrested. He emphasised that the SPLM/A-IO will not protect criminals, and if the suspects are found guilty they will face the consequences.
10. The Police Commissioner said there was no criminal court in the area, and that the cases were initially being heard by a local (traditional) court. CTSAMVM learnt

later that the local court referred the cases to the court in Maridi, because they were too serious for the local court to deal with. As at 31 August the suspects were still in jail in Mundri awaiting transport to Maridi.

Assessment

11. All the evidence gathered by CTSAMVM clearly indicate that SPLM/A-IO soldiers were involved with the rape of two young women in Mundri on the night of the 3/4 August 2019.
12. The SPLM/A-IO cooperated fully with the local authorities and arrested the suspects, who are facing justice and will be held accountable.

Conclusion

13. CTSAMVM has reasonable grounds to believe that armed uniformed soldiers from the SPLM/A-IO raped two minors on the night of 3/4 August 2020, and that constitutes a clear violation of the R-ARCSS, specifically Article 2.1.10.2

Observations and Recommendations

14. Violations of the R-ARCSS are reported in order for there to be remedial action and accountability. The action taken by the SPLM/A-IO to arrest those involved with the incident and ensure they are held to account is commendable.
15. CTSAMVM recommends the SPLM/A-IO takes the appropriate remedial action and preventative measures to stop such incidents reoccurring. It is important that all personnel are not only educated about protection of civilians and SGBV issues, but also made fully aware that they will face the consequences should they transgress.