

**CTSAMVM CONFIDENTIAL**  
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**FROM:** The Chairperson, CTSAMVM

**DATE:** 16 March 2022

**SUBJECT: CTSAMVM REPORT 2022/07– SGBV IN CENTRAL EQUATORIA STATE**

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS which took place in Central Equatoria State in November and December 2021.

Please accept the assurances of my highest consideration.

Brigadier General Saeed Mohamed Alshiekh  
Deputy Chairperson



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

**CTSAMVM REPORT 2002/07**  
**SGBV IN CENTRAL EQUATORIA STATE**

**EXECUTIVE SUMMARY**

CTSAMVM was made aware of and investigated three cases of SGBV perpetrated by SSPDF soldiers in the Yei area in November and December 2021.

In all three cases the perpetrators were armed, uniformed SSPDF soldiers who committed these crimes during daytime against women who were engaged in domestic activities in support of their families.

The perpetrators had unsupervised access to civilian areas with their issued weapons, and in all three cases the perpetrators used these weapons to threaten their victims.

The SSPDF is to be commended for taking the appropriate action: in two cases the perpetrators were arrested and are awaiting Courts Martial and in the other case attempts were made to arrest the suspect but he escaped. However, the fact remains that by allowing unsupervised, ill-disciplined armed soldiers to access civilian areas by themselves and commit SGBV, the SSPDF failed in its obligation under the R-ARCSS to protect civilians.

## SGBV IN CENTRAL EQUATORIA STATE

### INTRODUCTION

#### 1. Background:

- a. In December 2020, CTSAMVM published a report (2020/09) on SGBV trends, which suggested that SGBV cases perpetrated by military personnel had reduced since the signing of the R-ARCSS, and that there was evidence that the Parties were increasingly accepting responsibility for the actions of their soldiers and holding those involved accountable for their actions.
- b. In July 2020 the SSPDF in Yei convened a Courts Martial to try 26 cases, 17 of which involved rape/SGBV. CTSAMVM reported this as a positive step by the SSPDF in terms of increasing levels of discipline, and demonstrating to the local population that their soldiers could not act with impunity, and would be held to account for crimes.
- c. However, rape/SGBV by military personnel remains a serious issue in southern Central Equatoria State. Since the signing of the R-ARCSS, CTSAMVM has so far reported 9 cases of rape/SGBV in the area, 6 of which were attributed to the SSPDF (plus another that was attributed jointly to the SSPDF and SPLM/A-IO). Only one of the cases attributed to the SSPDF occurred after the July 2020 Courts Martial in Yei.
- d. Although the situation is improving, between November 2021 and January 2022 CTSAMVM received information about 3 rape cases involving SSPDF soldiers in southern Central Equatoria State.

#### 2. Incidents:

- a. This report covers three incidents:
  - i. Incident 1: The rape of a 19-year-old woman in Mukaya Payam on 19 November 2021.

- ii. Incident 2: The rape of a 42-year-old woman in Otego Payam on 29 November 2021.
    - iii. Incident 3: The rape of a 30-year-old woman in Lasu Payam on 15 December 2021.
  - b. The rapes were all committed by armed, uniformed SSPDF soldiers.
  - c. In two of the instances the perpetrators were arrested and are facing courts martial; in the other instance the perpetrator disappeared and is on the run.
3. Aim: The aim of this report is to present the findings of CTSAMVM investigations into alleged or suspected violations of provisions of applicable agreements, to attribute responsibility for breaches of the agreements, and to make recommendations with regard to compliance actions that will help foster peace and reconciliation.
4. Methodology:
- a. The investigations were undertaken with the full participation of CTSAMVM National Monitors. CTSAMVM interviewed a wide range of witnesses as follows:
    - i. Incident 1: CTSAMVM received information about the incident on 23 November 2021. The investigation took place between 8 December 2021 and 23 February 2022. CTSAMVM interviewed 16 witnesses, including the victim/survivor, members of the victim/survivor's family and residents in the area, the Director of Yei Hospital and the One Stop Centre in Yei; traditional leaders, the Yei County Police Commissioner, the Intelligence Officers of both SSPDF 1 Brigade and SSPDF 3 Brigade and the commander of the SSPDF unit in Mukaya. CTSAMVM also met with the SSPDF Director of Counter Intelligence in Yei.

- ii. Incident 2: CTSAMVM received information about the incident on 29 December 2021. The investigation took place between 31 December 2021 and 8 Feb 2022. CTSAMVM interviewed 12 witnesses including the victim/survivor, local traditional leaders and local authorities, the Director of Yei Hospital, the One Stop Centre in Yei and the MSF Yei County Medical Director, the Yei County Police Commissioner and the following SSPDF officers: 1 Brigade Intelligence Officer and the commanders of the SSPDF units at Abegi and Kergulu.
- iii. Incident 3: CTSAMVM received information about the incident on 3 February 2022. The investigation took place between 3 and 25 February 2022. CTSAMVM interviewed 13 witnesses including the victim/survivor and members of her family, the Director of Yei Hospital, the One Stop Centre in Yei, the Yei County Police Commissioner, local authorities and the following SSPDF officers: 1 Brigade Intelligence Officer and the commanders of the SSPDF units at Libogo and Lasu.
- b. The standard of proof used by CTSAMVM to determine whether there is sufficient evidence to verify that a Party 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 human-rights- and humanitarian- entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.

## **FINDINGS**

### **5. Incident 1:**

a. Incident:

- i. At about 17.00 Hrs on 19 November 2021 a 19-year-old woman was raped whilst returning with water from the river to her home in Lojulu village. She was threatened by an armed, uniformed man who pointed his gun at her and told her to put the water down or he would shoot her. He then dragged her into the bush and raped her, after which he told her to say nothing or he would return in 3 days and kill her and all her family. The victim/survivor was a young mother, married to a blind man and responsible for supporting the whole family.
- ii. Following the rape, the distraught victim/survivor returned to the village, and the incident was reported to the Head Chief of the Mukaya Payam, who immediately reported it to Major Daniel Mabior, the commander of the SSPDF barracks at Mukaya. When interviewed by CTSAMVM the Head Chief reported that the soldier had been seen earlier walking towards the river, and he had told residents to keep an eye on him and report any harassment.
- iii. The victim/survivor was taken to Yei County Hospital on 22 November 2022 where she received the appropriate treatment and was referred to the One Stop Centre for psychosocial support.
- iv. The rape was reported to Yei Police Station by the survivor's mother-in-law. However, as of 22 February 2022 Police Criminal Form No 8 (which has to be signed by a doctor and is needed before a formal investigation can start) had not been returned by Yei hospital to the Police Station. CTSAMVM informed the family in order that they could take the necessary action.

b. Action by the SSPDF:

- i. As soon as the SSPDF commander in Mukaya, Maj Daniel Mabior, was told of the rape by the Head Chief, he dispatched a group of soldiers to locate and arrest the perpetrator. They were unable to find him. He did not return to the barracks and went missing. Maj Daniel Mabior identified the perpetrator as a Corporal from his unit.
- ii. 1 Brigade SSPDF received information that the perpetrator was hiding in Yei town, and sent a group of soldiers to arrest him on 12 December 2021. They failed to catch him, but did manage to recover his rifle. On 31 December 2021 the perpetrator snatched a rifle from an SSPDF soldier at Yei River Bridge and was reported to have fled towards Mundri.
- iii. According to both Maj Daniel Mabior and Lt Kulang (who had been 1 Brigade SSPDF Intelligence Officer at the time) the perpetrator has been seen in Lakes State where he continues to evade the SSPDF.

## 6. Incident 2:

### a. Incident:

- i. On the morning of 29 November 2021, a 42-year-old woman from Pakakule Village was accosted by a uniformed armed soldier about 0.5 Km from her home where she was gathering bunches of grass. The soldier asked her where her husband – a local official – was, and then accused her of “giving birth to rebels”. He then cocked his gun and aimed it at her and said: “it was the time for you to be killed”. He took her into the bush and raped her, telling her she would be shot if she screamed or tried to escape.
- ii. After the rape the victim/survivor ran to her husband, who immediately reported the incident to the SSPDF mobile unit at Abegi. He then took his wife to Yei for medical treatment; on the way he also reported the rape to the SSPDF checkpoint at Kegulu. In Yei he reported the case to the Police and on the following day to the Otego Payam Executive Director.

- iii. When CTSAMVM interviewed the Yei County Police Commissioner on 8 February 2022 he did not have a full record of the case, because Police Criminal Form 8 had not been returned. CTSAMVM notified the family that this form needs to be completed in order for the case to proceed.

b. Actions by the SSPDF:

- i. CTSAMVM interviewed the acting commander of the SSPDF Mobile Unit at Abegi, Capt Sate John, on 4 January 2022. He denied any knowledge of the incident. On the same day CTSAMVM met the commander of the SSPDF checkpoint at Kergulu, CSM Biar. The commander confirmed the incident had been reported to him, and that it took place in the area covered by the SSPDF Mobile Unit at Abegi; he said his soldiers do not operate in the area of Pakakule.
- ii. On 13 January 2022 CTSAMVM interviewed the SSPDF 1 Brigade Intelligence Officer, Maj John Bulo. He said that the SSPDF Mobile Unit in Abegi had not reported the incident to 1 Brigade. He learnt about it from the Yei County Commissioner in "early December", and called the Intelligence Officer from Abegi to Yei to explain why the incident was not reported. The perpetrator, a L/Cpl from the Mobile Unit at Abegi, was arrested by a team from 1 Brigade on 30 December 2021; he was found hiding in the bush near the barracks. The perpetrator is under arrest in 1 Brigade awaiting Courts Martial.

7. Incident 3

a. Incident:

- i. At about 13.00 Hrs a 30-year-old woman was walking towards Nyori from her garden, carrying food on her head and her 8-month-old baby on her



back. About 2 Km from Nyori on the Kukuyi road, she was stopped by an armed, uniformed SSPDF soldier who told her to put down her luggage because he wanted to “play sex” with her. He then pulled her into the bush, cocked his gun and asked her whether she wanted to live or die. She said she wanted to live; the soldier then pulled the baby from her back and raped her. Following the rape the victim/survivor ran to Nyori Refugee camp and reported the incident to her relatives, one of whom – her brother-in-law is an official at the camp.

- ii. Her brother-in-law immediately took her to the SSPDF barracks at Lasu and reported the incident, before taking her to Yei for medical attention. He reported the case to the Police in Yei and collected Form 8.
- iii. According to the victim/survivor, her brother-in-law and the Chief Executive of Jabara Boma there was an identification parade held at the SSPDF barracks at Libogo, where the victim/survivor identified the perpetrator – a Corporal - who was then arrested.
- iv. Although the victim/survivor’s brother-in-law informed the Police in Yei about the incident on the day it happened, it was not registered until 22 February 2022, after CTSAMVM informed the victim/survivor and her family of the necessity of returning Form 8 before the case can be formally opened.

b. Actions by the SSPDF:

- i. CTSAMVM interviewed the commander of the SSPDF unit at Libogo, Maj Paulino Deng, on 3 February 2022. However, he denied any knowledge of the incident.

- ii. On the 23 February 2022 CTSAMVM interviewed the commander of the SSPDF unit at Lasu, Maj Kiir Madau who said he was away for the whole of December and therefore had no knowledge of the rape. However, a Military Intelligence officer, Sgt Maj Joseph Matia had been in Lasu at the time and reported that:
- On 29 December 2021 a corporal from Libogo was arrested for rape.
  - On the same day, 29 December – he said– the Corporal was transferred to Lasu for safe custody, and three days later was sent to Yei.
  - On 22 February 2022, the victim/survivor visited Lasu SSPDF barracks to inform them that she was lodging a complaint against the Corporal at Yei Police Station, having been advised by CTSAMVM to complete and submit Police Criminal Form 8.
- c. On 22 February 2022 CTSAMVM interviewed the SSPDF 1 Brigade Intelligence Officer, Maj John Bulu, in Yei. He was fully aware of the case, and confirmed that the perpetrator, a corporal from the SSPDF Mobile Unit in Lobogo, was under arrest at 1 Brigade awaiting Courts Martial due to be convened in March.
8. The victim/survivors: All the victim/survivors received medical and psychosocial support provided by Yei City Hospital and various specialist NGOs based in Yei. The CTSAMVM team involved in the investigation reported that the victim/survivors remain traumatised by what happened to them.

## **ASSESSMENT**

9. These rapes were violent acts perpetrated by armed soldiers who used weapons to threaten and intimidate their victims.

10. The soldiers were all in SSPDF uniform, and the weapons they carried were those issued to them by the SSPDF. In all three cases the rapes took place during the day and on weekdays, when the soldiers could reasonably be expected to be on duty.
11. Although the actions taken by the SSPDF to apprehend the perpetrators and bring them to justice are commendable, it is of great concern that in two cases SSPDF commanders denied to CTSAMVM they had any knowledge of the rapes.
12. It is the assessment of CTSAMVM that by allowing unsupervised armed soldiers to access civilian areas by themselves and commit SGBV, the SSPDF failed in its obligation under the R-ARCSS to protect civilians.

## **CONCLUSIONS**

13. CTSAMVM concludes that by failing to protect civilians (especially women and girls), and by failing to control their soldiers thus allowing them to commit rape, the SSPDF has acted in violation of articles 3(2)(g), 5 (2)(a), 5(3) and 6(b) of the ACOH of 21 December 2017, and articles 2.1.10.2, 2.1.10.5, 2.1.10.7.1 and 2.1.10.7.5 of the R-ARCSS of 12 September 2018.

## **OBSERVATIONS AND RECOMMENDATIONS**

14. CTSAMVM commends the actions taken by the SSPDF to hold the perpetrators of these criminal acts to account. However, the fact that these men were allowed out of their barracks by themselves with their issued weapons suggests a lack of control and discipline.
15. There have been delays in criminal proceedings by the Police in Yei caused by the failure of the victim/survivors to return 'Police Criminal Form 8', which has to be signed by a doctor. This suggests that the police do not explain the process of opening up investigations into an alleged rape, and thus the importance of the form, or follow up on cases reported to them when the form is not then submitted.

16. None of the SSPDF officers interviewed by CTSAMVM during the initial investigation said anything about having provided help or support to the victim/survivors in any way. However, on 8 March 2022 CTSAMVM engaged with the Commander and Intelligence Officer of SSPDF 1 Brigade in Yei who informed them that the SSPDF does have a compensation scheme, and, once the Courts Martials are over, compensation will be paid to the victim/survivors of those soldiers found guilty. CTSAMVM was told that following the Courts Martial in Yei in July 2020, the SSPDF disbursed over SSP 7 million in compensation. The Brigade Commander said the date for the Courts Martial was to be confirmed, and that there are a total of 21 cases to be tried, including 5 of rape.
17. The immediate commanding officers of two of the perpetrators denied to CTSAMVM they had any knowledge of the incidents. In one case – incident 2 – the commander of the perpetrator's unit failed to report the case to his superiors. 1 Brigade SSPDF only found out about the case several weeks later from the civil authorities.
18. In all three cases the victim/survivors were attacked during the day as they carried out gender-specific daily routines: fetching food, thatching and water for their families. They should be able to carry out these domestic tasks free from the presence and threat of armed, uniformed men.
19. It is recommended that:
- a. The SSPDF takes measures to improve discipline. Armed soldiers should not be allowed out of barracks unless under command of a responsible officer or NCO and clearly on duty.
  - b. The SSPDF takes the appropriate disciplinary measures against officers who fail to report or take action against soldiers who commit crimes against civilians.
  - c. The SSPDF continues in its efforts to apprehend and bring to justice the perpetrator who escaped (Incident 1).

- d. The Police in Yei do more to help those reporting rape cases. There should be follow-up by police when 'Form 8' is issued, to ensure the form is returned in a timely manner. It must be remembered that victim/survivors will be confused and traumatised, and many will be illiterate.