

CTSAMVM CONFIDENTIAL
NOT TO BE ISSUED WITHOUT THE AUTHORITY OF THE CHAIRMAN



Ref: CM/2020/12/110

TO: Maj. Gen. Rabi Mujung Emmanuel (RTGoNU)
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)
Maj. Gen. David Nyang Kueth (SSOA)
Maj. Gen. Bior Leek Kuareng (Former Detainees)

FROM: The Chairperson, CTSAMVM

DATE: 14 December 2020

**SUBJECT: CTSAMVM REPORT 2020/ 09 –SGBV INCIDENTS AND TRENDS
OCTOBER 2018 – NOVEMBER 2020**

Dear CTSAMVM Technical Committee Senior Party Representatives,
Please find attached a summary report on SGBV incidents and trends observed by CTSAMVM since October 2018.

Please accept the assurances of my highest consideration.

Major General Teshome Gemechu Aderie

Acting Chairperson

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



CTSAMVM REPORT 2020/09

R-ARCSS RELATED SGBV INCIDENTS AND TRENDS OCTOBER 2018 TO NOVEMBER 2020

EXECUTIVE SUMMARY

This report presents trends and patterns of SGBV which have been observed since the signing of the R-ARCSS. This report makes reference to investigations and some verified violations but is not in itself a violation report.

SGBV covers a spectrum of violations from rape and gang rape to abductions and harassment targeted at women and girls. Since the signing of the R-ARCSS in 2018, CTSAMVM has completed 24 investigations of SGBV incidents. All the information available suggests that CTSAMVM is made aware of only a small proportion of the overall number SGBV incidents.

The trend of SGBV has been erratic with peaks in November 2018, May 2019, October 2019 and March 2020. Since May 2020 the frequency of SGBV has been reducing. There is evidence that the Parties are increasingly taking more action to hold perpetrators to account and prosecute their crimes. However, more needs to be done, and it is especially important that senior commanders be held to account for the actions of their subordinates.

SGBV INCIDENTS AND TRENDS OCTOBER 2018 TO NOVEMBER 2020

Introduction

1. Background:

- a. Sexual and Gender Based Violence (SGBV) perpetrated by military and security personnel is prevalent in South Sudan. SGBV covers a spectrum of violations from rape and gang rape to abductions and harassment targeted at women and girls. Since the signing of the R-ARCSS in 2018, CTSAMVM has conducted multiple investigations of SGBV incidents.
- b. SGBV related to the R-ARCSS is routinely covered in specific violation reports and in more general updates issued to the CTC and CTSAMVM Board. The presentation of specific SGBV reports for individual cases does not illustrate the overall scale of the problem. This report takes a more strategic perspective of SGBV in South Sudan related to the provisions of the R-ARCSS, specifically Article 2.1.10.2 which prohibits “acts and forms of sexual and gender-based violence, including exploitation and harassment”, and Article 2.1.10.7.5 under which the Parties are obliged to protect “the needs of women, girls and those of other groups with special needs”.

Aim

2. The aim of this report is to analyse those SGBV incidents known to CTSAMVM which have occurred since October 2018 until the end of November 2020, and to identify trends. The report will also make recommendations for addressing the issue of SGBV.

SGBV Monitoring Methodology

3. CTSAMVM monitors all aspects of the provisions of R-ARCSS and takes incidents and allegations of SGBV very seriously. All MVTs receive training in monitoring

and investigating incidents of SGBV. Where more detailed investigation is required, CTSAMVM has a specialist team of gender advisers.

4. All allegations and reports of SGBV are assessed to determine whether there are reasonable grounds to believe that security forces of the Signatory Parties are involved, or whether the Signatory Parties have been failing to fulfil their obligations under the R-ARCSS to protect civilians. Not all instances of SGBV are related to the R-ARCSS and are therefore not within the CTSAMVM mandate.
5. SGBV monitoring and reporting covers a spectrum of violations from rape and gang rape to abductions and harassment targeted at women and girls. CTSAMVM has evidence of violations against women and girls ranging in age from infants to elderly, attacked while conducting livelihood activities (farming, collecting firewood, shopping and selling goods) or in their homes and sometimes in front of their families. The consequences for survivors include pregnancy, Post Traumatic Stress Disorder (PTSD), Sexually Transmitted Diseases (STDs) and psychological problems. The impact on survivors is exacerbated by their limited access to psycho-social support and the low level of confidence that they will ever receive justice.
6. Information is derived from CTSAMVM investigations into specific allegations as well as engagement with stakeholders including UN agencies and NGOs. CTSAMVM has a memorandum of understanding with Juba Teaching Hospital and Bentiu Hospital which permits the discrete sharing of information on SGBV related admissions and cases. Apart from cases which are brought to the attention of CTSAMVM whilst interacting with local communities, CTSAMVM is only made aware of cases where survivors report to the police or seek medical attention.
7. CTSAMVM takes all necessary measures to protect the identity of the victims of SGBV. Names and images of survivors are not divulged in violation reports.

Analysis

8. Investigations. This report covers the period from after the signing of the R-ARCSS CTSAMVM until the end of November 2020. During that time, a total of 25 investigations have been initiated by CTSAMVM into incidents of SGBV. Of the investigations, 12 have resulted in violation reports and the testimony of some 86 survivors has been recorded. SGBV has been verified in 13 of the remaining incidents that have been investigated. Of the 12 cases which led to violation reports, 9 show clear attribution to specific parties.

9. SGBV Under-reporting:

- a. From October 2018 to November 2020, CTSAMVM received information from stakeholders about incidents involving over 325 survivors of SGBV. The incidents included rape, gang rape, forced marriage and indecent assault. Some of the incidents were further investigated by CTSAMVM and are included in this report. Many incidents are unverified, and some cases are not considered to be related to the R-ARCSS.
- b. Incidents are investigated where there are grounds to believe uniformed personnel from the Signatory Parties to the ACOH and R-ARCSS were involved. CTSAMVM closely monitors all allegations of SGBV which have a bearing on R-ARCSS, but despite its best efforts it cannot guarantee to capture information about every instance which takes place. It is probable that many cases go unreported and remain unknown to CTSAMVM.
- c. Experience indicates that survivors of SGBV are reluctant to be interviewed or to be identified. Survivors fear that they will be stigmatised and subjected to long term disadvantage among their communities. If survivors do not seek medical help or report cases of SGBV to the authorities or their community leaders their cases are unrecorded.

- d. Our observations conclusively indicate that there is an overwhelming probability of the actual figures being much higher. The figures do not include the many incidents for which there is insufficient evidence to associate SGBV with the Signatories security forces.

10. CTSAMVM SGBV Incidents: The SGBV investigations conducted by CTSAMVM have identified 86 individual victims of rape or other forms of SGBV since October 2018. The individual cases are mapped on the charts below showing the month when the incident occurred. The details of SGBV Violations and verified SGBV incidents over the period October 2018-October 2020 are at Annex A.



- a. The graph uses data from violation reports and other verified incidents which have not to date been included in violation reports.
- b. Of the total of 89 women and girls involved in SGBV incidents there is one woman who died, there were 68 survivors of rape and 21 suffered of forceful harassment, abduction, or detention by parties to the R-ARCSS.
- c. There have been 10 months out of the past 25 where there were no verified instances of SGBV involving parties to the R-ARCSS. The trend has been

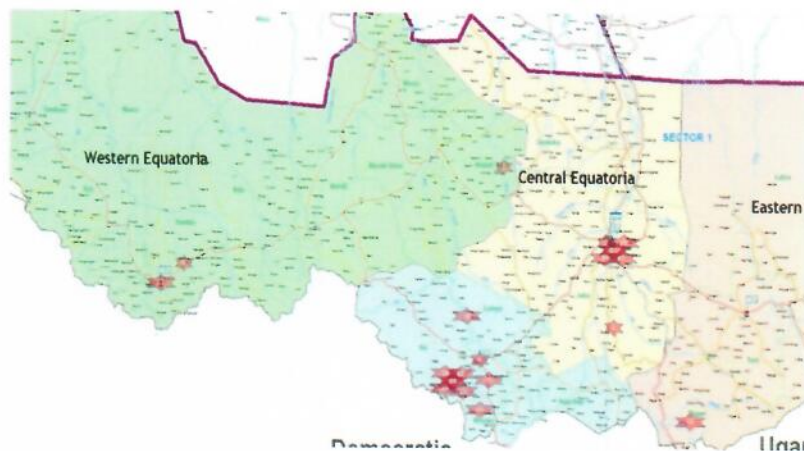
erratic with peaks in November 2018, May 2019, October 2019 and March 2020. Since May 2020 the frequency is reducing, it is hoped the reduction will be sustained.

11. Geographic distribution: There are specific hot spots for R-ARCSS-related SGBV in South Sudan. CTSAMVM data suggests a prevalence in Juba and the Yei area, although there are also historic areas of concern in Unity State particularly around the Bentiu/Leer areas. Many SGBV incidents have occurred as part of wider violent clashes such as those seen in the Maiwut area in August/September 2019 which resulted in the rape of five women and in the Bentiu area in November-December 2018 which resulted in the rape of at least 20 women. Military operations in the former Yei River State against alleged NAS forces have also resulted in extensive incidents of SGBV. There has been no observed correlation of SGBV occurrences to the presence of large numbers of soldiers in or near Training Centres or Cantonment Sites. CTSAMVM is aware of only two cases concerning individuals from Training Centres.

Distribution of SGBV Incidents in Greater Upper Nile:



Distribution of SGBV incidents in Greater Equatoria:



Accountability

12. Signatory Obligations: CTSAMVM submits violation reports in order that the Parties can take remedial action and hold those responsible for perpetrating violations to account. CTSAMVM Violation reports provide information which, where possible, identifies the units and commanders of units involved in perpetrating SGBV. It is the responsibility of the parties to follow up violation reports and take measures to stop the reoccurrence of violations and ensure that necessary disciplinary action is taken against those involved.

- a. Of the 12 SGBV Violations Reports issued between October 2018 and November 2020, CTSAMVM is aware of perpetrators being arrested in five cases. However, in one case, one of the suspects escaped before facing military justice. For the remaining eight cases, CTSAMVM has no information as to whether Parties conducted further investigations to identify the perpetrators of SGBV and hold them to account.
- b. Of the 12 incidents which are verified as SGBV but have not resulted in violation reports CTSAMVM has observed that there have been arrests made by SSPDF, SPLM/A-IO and SSNPS in 8 of the incidents. CTSAMVM is

unaware of whether any follow up action has been completed by parties for the remaining 4 incidents.

- c. In one case the alleged perpetrator was released before facing military justice because the families of the survivors were unwilling to support the judicial process. One of the alleged perpetrators escaped from detention. Notwithstanding the wishes of the families of victims, the Parties to the R-ARCSS are still required to hold perpetrators of SGBV to account and soldiers are required to be subject to military justice.
 - d. A Courts Martial was convened in Yei in July 2020 to address multiple violations against the civilian population (including SGBV) since January 2020. The Courts Martial accounted for about 6 incidents of SGBV which had been investigated by CTSAMVM. On 7 September 2020 the verdicts of the Courts Martial in Yei were announced publicly. There were 26 convictions in all of which 17 involved rape/SGBV resulting in sentences of 6-14 years in prison.
 - e. Apart from the SSPDF Courts Martial in Yei CTSAMVM has not been informed of any courts martial proceedings regarding SGBV offences.
13. Command Responsibility. Officers in command appointments are responsible for the discipline of their soldiers. Where possible CTSAMVM reports name commanders of units whose personnel have committed SGBV. CTSAMVM is not aware of any disciplinary or administrative action that has been taken against named commanders concerning the actions of their soldiers.
14. SGBV Awareness Training. It is a chain of command responsibility to ensure soldiers are provided suitable training to prevent SGBV. CTSAMVM is aware that both SSPDF and SPLM/A-IO have conducted SGBV awareness training to prevent occurrences of SGBV, however it is not known whether the training is part of an ongoing structured programme. Some SGBV Training is being delivered in Training Sites for the NUF but the activity is severely constrained due to a lack of resources. Nor is it understood to what degree SGBV continuation training is being delivered

in unit deployed locations, cantonment sites and cantonment barracks to those forces who will form the NUF.

Conclusions

15. SGBV incidents involving military and security personnel from the Parties and related to the R-ARCSS have been frequent since October 2018. It is hoped that the downward trend observed since May 2020 will continue.
16. A major contributory factor of SGBV has been the presence of ill-disciplined soldiers in civilian areas, usually during the conduct of military operations. Command and control of such soldiers has been weak and as a result units such as the SSPDF Mobile Force and the Tiger Division have committed multiple SGBV violations in multiple locations.
17. The convening of a Courts Martial in Yei in July 2020 represented a major step forward in demonstrating the acceptance by the SSPDF of responsibility for the actions of its soldiers. It will be a suitable model to adopt in other areas of South Sudan by the Parties. The SSPDF is to be commended on taking this measure, albeit at such a late stage.
18. The prosecution of individual perpetrators of SGBV is welcome but CTSAMVM has seen no evidence that senior commanders are being held accountable for the actions of their soldiers. To prevent further SGBV incidents, senior commanders must face the consequences of their failure to discipline their soldiers and uphold not only the provisions of the ACOH and R-ARCSS but also military law, civil law and international law. Without enforcing command responsibility, it is difficult to see how the Parties will eradicate SGBV.
19. CTSAMVM concludes that despite the signing and ongoing implementation of the R-ARCSS, women and girls in South Sudan continue to suffer sexual violence inflicted by uniformed personnel of the Signatory Parties.

Observations and Recommendations

20. The trends illustrated in this report show that the Parties have failed to educate commanders and soldiers about their responsibilities under the R-ARCSS (and national and international law) to protect women and girls from any form of SGBV. The Parties should recommit to a comprehensive SGBV awareness training programme as a matter of urgency.
21. To eradicate SGBV violations related to the R-ARCSS, it is imperative that the Parties not only educate their commanders and soldiers, but also impose and maintain discipline in all units and at all levels of command. Individual perpetrators of SGBV and their accomplices must be identified and held accountable through established military or civil justice systems. Commanders who fail to impose and maintain discipline should also face the consequences.
22. The convening of Courts Martials to deal with SGBV similar to that held in Yei should be repeated in other areas. The high-profile nature of the trial was a useful way of demonstrating that survivors can gain access to justice.
23. Victims of SGBV must be supported and provided with the necessary assistance to participate in the judicial process and to report SGBV cases without fear.
24. Parties must accept their obligations to ensure the protection needs of women and girls. All perpetrators of SGBV must face military justice and not be allowed to evade prosecution for their crimes even when survivors or their families do not choose to be engaged in the judicial process.

Annex A. Summary of SGBV Violations October 2018 - November 2020

Annex B. Summary of SGBV Investigations January - November 2020

ANNEX A TO

SGBV TRENDS REPORT

Table 1. Summary of Violation Reports Oct 2018-Oct 2020

Ser	Date	Incident	Location	Ref	Attribution	Party Follow Up
1	Nov-Dec 2018	Rape 20 Victims	Bentiu Area	CTC 6	Youth associated with SSPDF and SPLM/A-IO	Not known
2	Jan 2019	Rape 2 victims	Lobonok	CTC 9	SSPDF	Perpetrators arrested.
3	Feb 2019	Rape 4 victims	Wiro	CTC 15	Not attributed. Both NAS(TC) and SPLM/A-IO cited.	Not known.
4	March 2019	Rape 7 victims	Yei Area	CTC 13	SSPDF	Not known.
5	May 2019	Rape 1 victim	Kuok	CTC 14	SPLM/A-IO	Perpetrator arrested but subsequently escaped.

6	May 2019	Abduction 10 women	Rimenze	CTC 13	SPLM/A-IO	Not known.
7	July 2019	Rape 5 victims	Maiwut	CTC 18	SPLM/A-IO	Not known.
8	Sep 2019	Rape 1 victim	Juba	CTC 18	SSPDF	Perpetrator arrested by SSNPS.
9	Sep 2019	Abduction 1 woman	Mukaya	CTC 17	NAS (TC)	Not known.
10	October 2019	Abduction 10 women	Bazumbura	CTC 17	SPLM/A-IO	Not known.
11	12 Feb 2020	Rape 4 Victims	Rubeke	CTSAMVM Report 03/20	SSPDF Mobile Force	Possibly under arrest in Yei.
12	3-4 Aug 2020	Rape 2 Victims	Mundri	CTSAMVM Report 07/20	SPLM/A-IO	Perpetrator arrested.

Table 2. Summary of Investigations into SGBV Incidents October 2018-October 2020 not included in Violation Reports

Ser	Date	Incident	Location	Verif ied	Attribution	Party Follow Up	CTSAMVM Status
1	7 Jan 2019	Rape 1 women 1 child	Bentiu	Yes	No, area under control of SSPDF	Not known	Investigation complete
2	17/26 Sep 2019	Rape 2 women (1 victim died)	Juba	Yes	2 SSPDF soldiers, 4 Gang members	SSNPS arrested suspects.	Investigation complete
3	13 Feb 20	Rape 1 victim	Nyolo, Magwi	Yes	No. Possibly by personnel from Owinkyabul TC.	SSNPS Police assisted MVT	Investigation Complete
4	17 Mar 20	Rape 2 victims 16 and 25 years	Abege, LASU area	Yes	SSPDF Mobile Force	Perpetrators arrested.	Investigation Complete
5	24 Mar 20	Rape 2 victims 11	Muyo near Kejiko	Yes	No but victims stated	Perpetrators arrested.	Investigation Complete

		and 32 yrs old			assailants were SSPDF Mobile Force			
6	8 April 20	Attempted rape of minor 6 yrs	Kolya-West	Yes	SSNPS Trainee	Arrested but released after 5 days.	Investigation Complete	
7	26 April 20	Alleged rape 2 victim	Rajaf TC	No	No	Trainees assaulted by trainers.	Investigation not concluded. Witnesses left Rajaf.	
8	7 May 20	Rape 2 victims 48/32 yrs	Mapoko Boma	Yes	SSPDF	Perpetrators arrested.	Investigation complete	
9	27 May 20	Rape 1 victim 27 yrs	Gudele Juba	Yes	Yes SSNPS/SSPDF	One suspect arrested.	Investigation Complete	
10	29 May 20	Rape 2 victims, 28 and 35 yrs	Hai Jebel Kujur, Juba	Yes	Unknown.	SSNPS investigating.	Awaiting results of SSNPS investigation.	
11	7 Jun 20	Rape 14 yrs old	Lasu	Yes	SSPDF Mobile Force	Perpetrators arrested.	Investigation complete	

12	16 Jun 20	Rape 22 yrs old	Lasu	Yes	SSPDF	Perpetrators arrested.	Investigation Complete.
13	7 Oct 20	Alleged Rape of woman in her 50s	Owinykibul	Yes	Unknown – trainee from TC	Perpetrator arrested but escaped	Investigation Complete
14	7 Oct 20	Sexual assault by armed men	Ikotos	No	Unknown armed uniformed men	SSNPS follow up.	Investigation ongoing
15	22 Oct 20	Rape of two minors	Maridi	Yes	2 SSNPS officers	Perpetrators arrested, tried and sentenced.	CTSAMVM will prepare final report

CTSAMVM CONFIDENTIAL
NOT TO BE ISSUED WITHOUT THE AUTHORITY OF THE CHAIRMAN