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FROM: The Chairperson, CTSAMVM

DATE: 19 January 2021

**SUBJECT: CTSAMVM REPORT 2021/01 – RAPE AND KILLING OF CIVILIANS
IN LAINYA AREA**

Dear CTSAMVM Technical Committee Senior Party Representatives,

Please find attached a report on violations of the R-ARCSS which took place in Lainya, Central Equatoria State, on 3 December 2020.

Please accept the assurances of my highest consideration.

Major General Dafaalla Hamid Mohamed Dafaalla

Acting Chairperson

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



CTSAMVM REPORT 2021/01

RAPE AND KILLING OF CIVILIANS IN LAINYA AREA

EXECUTIVE SUMMARY

On 4 December 2020 CTSAMVM received information from the paramount chief of Lainya that SSPDF soldiers had killed civilians and committed rape at GWELINDE.

On 7 December 2020 SSPDF reported that SSPDF soldiers in LOKA were attacked by NAS and suffered casualties.

An incident involving a clash between SSPDF soldiers and an unknown armed group was confirmed but the involvement of NAS was not confirmed.

CTSAMVM investigated the incidents at GWELINDE and confirmed there had been serious crimes committed by SSPDF soldiers on the night of 3 December 2020. The crimes included murder, rape, assault and theft. The attacks were conducted as revenge for the alleged attack by NAS on SSPDF.

On 20 December 2021 SSPDF soldiers visited GWELINDE and assaulted civilians as punishment for assisting CTSAMVM with the investigation.

By committing such serious violations SSPDF in LAINYA area has violated the R-ARCSS. CTSAMVM recommends that those responsible for carrying out the violations are held to account and that the failure by SSPDF to exercise proper command and control be addressed.

RAPE AND KILLING OF CIVILIANS IN LAINYA AREA

Introduction

1. Background. The Lainya area has seen clashes between NAS and SSPDF since August 2019. On 21 August 2019, during an attack by NAS on an SSPDF patrol returning to LOKA, six SSPDF soldiers were killed. The incident was recorded as a violation by NAS at CTC 18. After the incident relations between SSPDF and the civilian population have been poor, with multiple allegations that SSPDF have been harassing the civilian population in the area.
2. Allegations
 - a. On 4 December 2020 CTSAMVM received information from the paramount chief of Lainya that SSPDF soldiers from LOKA had killed civilians and committed rape at GWELINDE, 5 kms east of LOKA.
 - b. On 7 December 2020 SSPDF reported that SSPDF soldiers in LOKA were attacked by NAS and suffered casualties.
3. Aim: The aim of this report is to detail the findings of CTSAMVM investigations into the allegations, attribute responsibility for breaches of the agreements¹ where applicable and make recommendations.
4. Methodology
 - a. CTSAMVM patrolled to the area of the incident on 7 Dec and 18-20 December to conduct targeted monitoring of the circumstances resulting in the allegations that are the subject of this report. The MVT included three

¹ The *Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan* of 12 September 2018: While the R-ARCSS was not signed by NAS and is not applicable to it, the R-ARCSS remains fully relevant to any actions or failures to act attributable to the Government's SSPDF and/or NSS (National Security Service). The *Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access* of 21 December 2017: This was signed by NAS, which remains bound by its provisions.

National Monitors and was accompanied by an UNMISS Force Protection. It was not necessary to visit the scene of the incident because all witnesses were in LAINYA and LIMBE.

- b. At LIMBE on 07 December CTSAMVM interviewed Deputy Commander 3rd Bde SSPDF.
- c. In LAINYA on 07 December CTSAMVM interviewed :
 - i. The Commander of SSPDF Commando Forces
 - ii. County Administrators
 - iii. Senior Church Leaders
 - iv. Staff at the Lainya Health Centre
- d. In LAINYA on 18-20 December CTSAMVM interviewed:
 - i. SSNPS (South Sudan National Police Service)
 - ii. Payam Leadership
 - iii. SGBV and assault victims
- e. The evidence in this report is extracted from an investigation report prepared by MVT Yei. 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.
- f. 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

5. On the morning of 3 December 2020 there was a clash between SSPDF soldiers from LOKA and an unknown armed group, alleged to be NAS. The clash occurred at LIJONGO which is west of LOKA. It was reported that 3 SSPDF soldiers were killed, one during the attack and two subsequently from their wounds. The names of the deceased soldiers were not confirmed. The involvement of NAS in the incident was not verified.
6. Late on 3 December SSPDF soldiers from LOKA went into the village of GWELINDE east of LOKA and from about 2130 until midnight committed multiple offences.
 - Murder. Two male civilians were killed, one of the men was killed as he protested against the rape of his wife and was shot. The other civilian was killed after refusing to give money to the assailants and was stabbed to death.
 - SGBV. Three women were raped and a fourth was stripped naked. One woman was raped with a bayonet held to her throat; the same woman who saw her husband shot when he protested. Another woman who was raped witnessed the killing of the civilian male who refused to give money. All the women were forced to smoke and drink alcohol and were stripped naked
 - Assault. In addition to SGBV a further three civilians were assaulted and cut with bladed weapons.
 - Theft and Looting. The soldiers demanded and took money from three of the victims and looted clothes and possessions from two of the victims.
 - Threats and Intimidation. The rape victims were told by their assailants that any attempts to identify the rapists would be punished and they would kill the women. Two of the rape victims were told by the assailants that the violence was in retribution for the attack on the SSPDF earlier in the day.
7. SSPDF Identification. Despite the serious threats made by the assailants the soldiers who carried out the attacks were all identified by name by the victims. The commander of the SSPDF Commando Force in LAINYA, Col Deng, confirmed that

two civilians were killed in the incident because he saw the bodies at the LAINYA health centre. He stated that the incident did not fall within his Area of Responsibility (AOR). The soldiers were from the SSPDF detachment at LOKA commanded by Captain Bulu. The detachment is part of Bde 3 Ground Force headquartered at Limbe under the command of Brigadier Lazarus Ngony. The soldiers were well known to the civilians in the village. Captain Bulu did not cooperate with CTSAMVM during the investigation and failed to attend planned meetings.

8. Follow-Up Activity

- Victim Treatment. On 4 December 2020 the Paramount Chief Lainya arranged an ambulance to collect the victims of the rape and assault and take them to LAINYA Medical Centre. CTSAMVM has confirmed that all victims have received treatment. The chief recognised the two males who had been murdered.
- SSNPS Involvement. The SSNPS in LAINYA were made aware of the incident on 4 December 2020. They visited the victims and gave them documents for completion to support further investigations. They reported that the police documents had not been returned, one of the rape victims confirmed she had not returned the forms, but another had taken the forms to the Health Centre. The Criminal Investigation Department (CID) officer at Lainya confirmed the names of the assailants but reported only limited progress in the investigation. He reported that the SSPDF Commander at LOKA did not cooperate with the police. In mid-December in a separate incident the commander went to the police station and forcefully removed an SSPDF suspect from custody. The CID officer reported that he is not able to investigate crimes involving the SSPDF.

9. Subsequent Incident. On 21 Dec 20, CTSAMVM was informed by the paramount chief of Lainya that on 20 December 3 soldiers beat 11 civilians and looted their property around LOKA. The soldiers were blaming the civilians for providing information to the MVT that conducted the investigation. CTSAMVM contacted the commander of the SSPDF LOKA Detachment who confirmed that SSPDF soldiers did

assault civilians in the incident and that some soldiers had been arrested and were being taken to Yei. CTSAMVM is unable to verify the details of the soldiers arrested to check whether they are the same individuals who committed the violations on 3 December 2020.

10. Civil military relationship. Local community leaders and senior church leaders in Lainya assert that the civilians want peace but have lost confidence in the ability of the SSPDF to provide security and view the SSPDF itself as the cause of insecurity.

Assessment

11. All the evidence gathered by CTSAMVM clearly indicate that SSPDF soldiers from LOKA detachment of 3rd Bde SSPDF committed serious violations against civilians in GWELINDE village on the night of 3 December 2020. There was a clash between SSPDF soldiers and an unknown armed group on the morning of 3 December 2020 in LIJONGO; the allegation of NAS involvement could not be confirmed. The reason for the attack on the village was to exact revenge on innocent civilians for no discernible reason. On 20 December there was a second incident during which the civilians were again subject to violations as punishment for cooperating with the CTSAMVM investigation.

12. The attack on civilians in GWELINDE represents a failure in command and control by SSPDF commanders in LOKA and LIMBE. SSPDF soldiers are the cause of insecurity in the LAINYA area and are acting with impunity. SSNPS are unable to deal with crimes committed by SSPDF and the LOKA detachment commander has obstructed investigation of other incidents. The effects of the attacks are traumatising to the individual victims and the community.

Conclusion

13. CTSAMVM has reasonable grounds to believe that by murdering civilians, raping and assaulting civilians and looting money and possessions on 3 December 2020 at GWELINDE the SSPDF is in violation of Articles 2.1.10.2, 2.1.10.5, 2.1.10.7 of the R-ARCSS.

Observations and Recommendations

14. The horrific murders and rapes committed against the civilian population are proof that SSPDF have failed to exert command and control over their soldiers in the LAINYA area. The individuals who committed the attacks are known to the SSNPS and the SSPDF. The violations were compounded on 20 December 2020 when a second revenge attack occurred. SSPDF must demonstrate absolute commitment to prosecuting the individuals who were responsible as a matter of urgency.

15. The failures of command and control must be addressed by holding those responsible for breaches of the agreement to account.

16. The SSNPS must be permitted to investigate all crimes committed by SSPDF soldiers to ensure all civilians have access to justice.

17. SSPDF must also follow up on the incident of 20 December 2020 and ensure that all soldiers who took part in the revenge attack on civilians in GWELINDE are prosecuted.