

**CTSAMVM CONFIDENTIAL**  
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**Ref: CM/2021/08/044**

**TO:** Lt. Gen. Rabi Mujung Emmanuel (TGoNU)  
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**FROM:** The Chairperson, CTSAMVM

**DATE:** 18 Aug 2021

**SUBJECT: CTSAMVM REPORT 2021/09 – SGBV IN CENTRAL EQUATORIA**

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 on 5 July 2021.

Please accept the assurances of my highest consideration.

 

Major General Teshome Gemechu Ademe

Chairperson

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

## **CTSAMVM REPORT 2021/09**

### **EXECUTIVE SUMMARY**

On 05 July 21, an SPLM/A-IO soldier attached to the SPLM/A-IO Mobile Force at Mongoyo in Morobo County raped a 17-year-old girl in the village of Panapa, Morobo County. In addition, the soldier stole 4 goats from the rape survivor's family.

The soldier was later arrested at the nearby SPLM/A-IO Pabanga check point and handed over to the SPLM/A-IO Mobile Force where he is in custody. His identity is known to the Mobile Force commander but has not been disclosed to CTSAMVM or the SSNPS. The rape survivor subsequently received support and counselling from an NGO. The stolen goats were returned to the family.

CTSAMVM investigated the incident and has clear grounds to believe that an SPLM/A-IO soldier from the Mobile Ground Force based in Mongoyo raped a 17-year-old girl and stole property. These acts are in clear violation of the R-ARCSS.





## SGBV IN CENTRAL EQUATORIA

### Introduction

1. Background: On 8 July 2021 CTSAMVM received a report of an SGBV incident in Kendila area, Central Equatoria.
2. Allegation: It is alleged that on 5 July 2021 a SPLM/A-IO soldier from Panyume went to Kendila area and raped a 17-year-old girl.
3. Aim: The aim of this report is to detail the findings of CTSAMVM investigations into the allegations, attribute responsibility for breaches of the agreements<sup>1</sup> where applicable and to make recommendations.
4. Methodology:
  - a. CTSAMVM visited Morobo County from 26-27 July 2021 to interview witnesses and conducted face to face interviews with the following:
    - Commissioner for Morobo County Hon Joseph Mawa John Okuba
    - SPLM/A-IO Division 2B Deputy Comd Brig Gen Isaac Lubare
    - Headman Panapa Village
    - Criminal Investigation Department (CID) Morobo Officer Angello Lokole
    - A victim of SGBV
    - A witness to SGBV
  - 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

<sup>1</sup> 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.

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. The date of the alleged SGBV incident was 5 July 2021. The location was Panapa village in Gili Boma, Gulumbi Payam in Morobo county 47kms from Yei town.
6. On 05 July 21, an SPLM/A-IO soldier attached to Mobile Force at Mongoyo in Morobo County left his unit and went to Panapa and approached a homestead where a 17-year-old girl resides with her mother. The 17-year-old girl is identified as Witness A to protect her identity. The soldier arrived at the home at approximately 2000 hours and ordered Witness A and her mother to move into the next Tukul which belonged to the girl's brother. The soldier then demanded a torch and a place to sleep from the brother who is identified as Witness B to protect his identity and that of his sister. While Witness B was responding to the demands the soldier discharged his weapon into the air. The soldier then took Witness A by the hand into the bush where she was raped by the soldier. At approximately 0200 hours Witness A was released to go back home where she reported to her brother that she had been raped. The name of the assailant is not known but Witness A and Witness B will be able to recognise the perpetrator if required.
7. On the morning of 6 July 2021 at approximately 0800 the soldier returned to the homestead and demanded with threats four goats from the family which he took away.
8. The rape and seizure of property was reported to the Headman who is identified as Witness C who in turn reported to the staff of Plan International (An NGO operating in the AOR) who came and took Witness A, the rape survivor, to Morobo Health Centre for treatment and counselling. The rape was also reported to the CID officer at Morobo police station where a case file was opened.



9. The village headman lives near to the homestead of the Witnesses and heard gunshots on the night of 5 July 2021. On the morning of 6 July 2021 he met the soldier believed to have committed the rape and noted that the soldier had four goats in his possession.
10. Two days after the rape incident Witness B was asked by the area chief to collect the goats which had been seized. The soldier who had stolen them had been apprehended at a road block. Brig Gen Isaac Lubare SPLM/A-IO was aware of the incident and informed CTSAMVM that the soldier suspected of committing rape and stealing property was under the command of Maj Gen John Mabei SPLM/A-IO Mobile Force based in Mongoyo. The soldier was arrested by the SDPLM/A-IO at Pabanga check point and handed over to the SPLM/A-IO Mobile Force where he is in custody.
11. The Commissioner for Morobo County informed CTSAMVM of the rape which took place on 5 July 2021 but also reported another rape involving a child being raped by an SPLM/A-IO soldier from Mongoyo.
12. The Commander of the SPLM/A-IO Mobile Force acknowledged to the Commissioner for Morobo county that the soldier suspected of committing the crimes was in his custody. The Morobo CID officer informed CTSAMVM that the Mongoyo military authorities had declared that because the offence had been committed in an SSPDF-controlled area he would be sent to Juba for due process. The Morobo CID officer has not been provided with the name of the soldier suspected of perpetrating the offences.
13. CTSAMVM interviewed the commander of the SPLM/A-IO Mobile Force Maj Gen John Mabei who confirmed the suspect was in his custody. Maj Gen John Mabei was not prepared to provide the name of the suspect over the telephone, however the commander did state that he would provide the name directly to CTSAMVM if an MVT went to Mongoyo in person. CTSAMVM does not at present have sufficient vehicles in the Yei AOR to undertake a ground patrol and the area is not accessible by helicopter. For the purpose of the investigation

CTSAMVM has been able to attribute responsibility for the violation to SPLM/A-IO and it is not necessary to identify the individual.

### **Assessment**

14. The evidence found during the investigation indicates that a young girl was raped on 5 July 2021 at Panapa village by an SPLM/A-IO soldier from the Mobile Force based at Mongoyo.
15. The evidence found during the investigation indicates that the soldier suspected of committing rape also stole 4 goats from the rape survivor's family.

### **Conclusion**

16. It is the conclusion of CTSAMVM that the SPLM/A-IO failed to exercise command and control by properly training soldiers to refrain from SGBV and theft of civilian property. There SPLM/A-IO has failed to fulfil its obligations to protect civilians as required by Articles 5 and 6 of the Agreement on Cessation of Hostilities 21 December 2017 as incorporated into Article 2.1.10.2 of the R-ARCSS.

### **Observations and Recommendations**

17. It is of concern that there may have been another incident of SGBV involving soldiers from the SPLM/A-IO Mobile Force at Mongoya on 28 May 2021. CTSAMVM will conduct a follow up investigation.
18. CTSAMVM recommends the commander of the SPLM/A-IO Mobile Force should take steps to ensure all his officers are aware of their responsibilities concerning the protection of civilians as required by the R-ARCSS, Article 2.1.10. However, CTSAMVM commends the SPLM/A-IO for the timely arrest of the perpetrator.



19. It is of concern that the name and details of the suspected perpetrator of rape and theft have not been made available to the SSNPS. Without such details it is difficult for the SSNPS to conduct investigations. It is therefore recommended that the SPLM/IO Mobile Force at Mongoyo cooperates fully with the SSNPS and provides all details relating to the suspect as a priority and that justice is seen to be done by prosecuting the offence, either through a military court martial or through a local civilian court.

