

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



Ref: CM/2021/039

TO: Lt. Gen. Rabi Mujung Emmanuel (TGoNU)
Maj. Gen. Martin Gama Abucha (SPLM/A-IO)
Maj. Gen. Jany Kaway Yoakhor (SSOA)
Maj. Gen. Bior Leek Kuareng (Former Detainees)

FROM: The Chairperson, CTSAMVM

DATE: 19 Oct 2021

**SUBJECT: CTSAMVM REPORT 2021/13 – SEXUAL AND GENDER BASED
VIOLENCE 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 Central Equatoria State on 12 August 2021.

Please accept the assurances of my highest consideration.




Major General Teshome Gemechu Aderie

Chairperson

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

CTSAMVM REPORT 2021/13

EXECUTIVE SUMMARY

On 8 September 2021 a 45-year-old woman was raped in Yabongo Boma, Nzara County. The rape was committed by an SPLM/A-IO soldier from Lirangu camp which is the location of SPLM/A-IO Div 9B. In addition the soldier stole property and money from the home of the victim/survivor.

It is the conclusion of CTSAMVM that the SPLM/A-IO failed to exercise command and control by properly training soldiers to refrain from misconduct such as Sexual and Gender Based Violence and theft of civilian property. The 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 of 21 December 2017, as incorporated into Article 2.1.10.2 of the R-ARCSS of 12 September 2018.



SGBV IN WESTERN EQUATORIA

Introduction

1. Background: CTSAMVM received a report of an SGBV incident in Nzara County on 12 August 2021.
2. Allegation: It is alleged that on 12 August 2021 in Nzara County two SPLM/A-IO soldiers from Lirangu camp raped a 45-year-old woman.
3. Aim: The aim of this report is to verify compliance with the requirements of the ACOH and R-ARCSS by detailing the findings of CTSAMVM investigations into the allegations, attributing responsibility for breaches of the agreements where applicable, and to make recommendations with respect to compliance actions that will foster peace and reconciliation.
4. Methodology:
 - a. CTSAMVM visited Nzara County on 6 (six) occasions and visited the SPLM/A-IO camp at Lirangu during the course of investigations from 21 September until 1 October 2021.
 - b. Interviews were conducted with the following:
 - The Rape victim/survivor
 - An International NGO
 - Department of Gender and Social Welfare, Nzara County.
 - Witnesses to the incident
 - Boma Sub Chief
 - Commissioner for Nzara County
 - Commander SPLM/A-IO Div 9B
 - Catholic Medical Mission Board

- c. 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 humanitarian entities and signifies that sufficient facts and evidence have been collected to conclude that an event has occurred.

Findings

5. The location is 9km northeast of Nzara town and 13 km southwest of Lirangu Payam. SPLM/A-IO Sector 6 and Division 9B HQs are in Lirangu Payam, Yambio County, near the southwest border with Nzara County.
6. On 8 September 2021 at about 2200 hours, a 45-year-old woman was raped in Yabongo Boma, Nzara County. It is reported by the victim that there were three males involved in the incident, that she was asleep at the time, and that she was awakened by a commotion outside her home. Thinking that the noise was made by her nephews, who had been outside her home earlier, she called them but instead three men responded and entered her home. Of the trio, only one was armed and one appeared to be in charge. They were dressed in a mixture of army uniform and sports attire and were recognised by the victim/survivor of the rape as belonging to the SPLM/A-IO camp at Lirangu.
7. The male believed to be in charge dragged the woman out of her home and made her sit down a few meters from her tukul. He ordered the other two males to look out for her nephews, but they had fled the scene when the three men arrived.
8. The male believed to be in charge then raped the woman and left her lying prostrate on the ground and ordered her not to move an inch. He then left to call the other two so that they could have their way with her as well. Fortunately, the woman managed to escape into the bush until morning. The rape was witnessed by the woman's nephews who were watching from the bush after they had fled from the three males.

9. The victim/survivor reported the incident to the village Sub-Chief on the morning of 9 September 2021. She also discovered on returning to her home that her two cellular phones had been stolen, as well as cash amounting to SSP 4,800.
10. The victim, accompanied by the village Sub-chief and a youth leader, reported the matter to SPLM/A-IO HQ in Lirangu Payam on 10 August 2021. The Chief Inspector of Police Nzara County informed the MVT that the rape incident was not reported to the Nzara Police HQ. The Chief Inspector explained that, due to stigma, most victims go silent or choose to resolve the matter at the village level.
11. On arriving at Lirangu Camp of SPLM/A-IO Div 9B on 10 August, the victim/survivor and the sub-chief were directed to the Division Commander, Maj Gen Simon Samuel Alisolomon, who informed them he was already aware of the incident and then directed them to an office where they would be helped. The victim/survivor was asked whether she could identify the perpetrator, her statement was taken, and an identification parade was assembled.
12. The victim/survivor was able to identify her attacker from the line-up. Subsequently she was referred to an arbitration office where the accused was found guilty. On the same day as her visit, the accused was flogged in public and fined 50,000 SSP. Also on that same day her phone and SSP 4,800 were recovered. The identities and whereabouts of the other two soldiers involved in the incident are unknown.
13. The Commander confirmed to CTSAMVM that the perpetrator was found guilty at an arbitration, flogged in public, and fined SSP 50,000 before being placed in custody. The Commander of the SPLM/A-IO Div 9B reported that the case was referred to the Administration Department. After 4 days in custody the perpetrator escaped, and it is reported that he joined the forces of Maj Gen James Nando and was last heard of in Tambura. The Commander reported that the perpetrator had previously been affiliated to the forces of Maj Gen James Nando.
14. On 11 September, the day after visiting Lirangu, the victim/survivor developed severe abdominal pain and was rushed to Nzara County Hospital. She has received psychotherapy and has been referred to Nzara Hospital for follow-on

treatment. Because 72 hours lapsed between the rape and visiting the hospital, she could not be given Post-Exposure Prophylaxis (PEP). The victim/survivor has not received the SSP 50,000 ordered to be paid by the perpetrator.

15. When she was interviewed by CTSAMVM the victim/survivor was in pain and severely traumatised. Her nephews were also traumatised, having witnessed such an atrocity, and the family live in fear of further violence.
16. The County Commissioner and Chief Inspector of Police reported that most victims of rape prefer to remain silent or try to resolve such matters at the village level because of the stigma associated with rape.

Assessment

17. The evidence found during the investigation indicates a 45-year-old woman was subjected to a vicious rape attack on 8 September 2021 and that the attack was committed by an SPLM/A-IO soldier from Lirangu Camp. While it was reported that the perpetrator had previously been affiliated to Maj Gen Nando at the time of the incident he was clearly under the command of SPLM/A-IO Div 9B because he was paraded for the victim/survivor to identify him. Witnesses also stated that the perpetrator was recognised as a soldier from Lirangu which is controlled by SPLM/A-IO Div 9B.
18. The evidence found during the investigation indicates the soldier who committed the rape also took property and money from the victim/survivor's home.
19. A form of justice was swiftly administered by SPLM/A-IO but it did not result in payment of any compensation. Neither did the justice administered provide any specific or general deterrence, as the failure to keep the perpetrator in custody has unleashed a dangerous individual who may commit further attacks.
20. Because victim/survivors fear being stigmatised when subjected to rape and other SGBV assaults, such incidents are under-reported. Moreover, victim/survivors are hesitant to seek timely medical and psychological treatment.

Conclusion

21. It is the conclusion of CTSAMVM that the SPLM/A-IO failed to exercise command and control by properly training soldiers to refrain from misconduct such as SGBV and theft of civilian property. The 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 of 21 December 2017, as incorporated into Article 2.1.10.2 of the R-ARCSS of 12 September 2018.

Observations and Recommendations

22. The SPLM/A-IO should redouble its efforts to train its soldiers on the requirements of the ACOH and R-ARCSS agreements and on the prohibitions against rape and sexual abuse and the requirement to respect the person and dignity of women.
23. As a policy parties should not accept convicted criminals into their ranks. Investigations are required by SSPDF to determine the status of the perpetrator and if required remove him from duty.
24. SPLM/A-IO should exercise more control over the forces in Lirangu and expedite the movement of forces to Cantonment Sites or Training Centres.
25. SPLM/A-IO must continue to conduct routine training and education at all rank levels to ensure commanders and their subordinates understand and abide by their duty to protect civilians.
26. Boma and County officials should improve liaison between medical providers, police, and SPLM/A-IO to encourage vulnerable groups to report SGBV and other protection-of-civilian transgressions.

