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TO: The Chairman, IGAD Council of Ministers
The Chairman, JMEC

FROM: The Chairman, CTSAMM

DATE: 20 April 2018

**SUBJECT: CTSAMM REPORT 2018/12 – SEXUAL AND GENDER-BASED
VIOLENCE AND VIOLENCE AGAINST CIVILIANS IN THE YEI AREA**

Your Excellencies,

Please find attached a report on violations of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (21 December 2017), specifically those involving Sexual and Gender-Based Violence by military and security personnel in what is known as Yei River State from December 2017 to March 2018.

Major General Ibrahim Abduljellil
Chairman



Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMM REPORT 2018/12

SEXUAL AND GENDER-BASED VIOLENCE AND VIOLENCE AGAINST CIVILIANS IN THE YEI AREA

EXECUTIVE SUMMARY

The signing of the ACOH on 21 December 2017 should have lessened the suffering of South Sudanese civilians, particularly those who are most vulnerable: Women, Girls, Children, the Elderly and People living with Disabilities. In November 2017 CTSAMM published a report on SGBV in the Yei area; it is apparent that since then the situation has improved, however, CTSAMM have found that in the three months since the signing of the agreement there have been over 30 cases of SGBV including severe sexual and physical violence reported. It must be emphasised that many cases of SGBV go unreported.

Uniformed and security personnel from all the Parties in the area – TGoNU (SPLA, NSS), SPLA-IO (RM) and NAS – regularly violate the rights of vulnerable citizens with apparent impunity. These actions result in long-lasting psychological fear, prolonged suffering and trauma.

Military and security personnel are responsible for rape and gang rape, killing, intimidation, torture, kidnap and abduction, looting and robbery including the theft of food, and the destruction of property. Ongoing conflict (which should have ceased with the signing of the ACOH) has led to further displacement resulting in the separation of families including children and the elderly.

The Parties have completely failed in their responsibilities under the ACOH and previous agreements to protect civilians – South Sudanese citizens; their people – and CTSAMM urges JMEC and the IGAD Council of Ministers to take all possible action to make the Parties stop these terrible SGBV crimes perpetrated by their military and security personnel.

SEXUAL AND GENDER-BASED VIOLENCE AND VIOLENCE AGAINST CIVILIANS IN THE YEI AREA

1.0 Introduction

1.1 Background:

- SGBV violations committed by military and security personnel have been a consistent feature of the current conflict in South Sudan. This has resulted in untold trauma and damage to large numbers of the most vulnerable members of South Sudanese society, particularly women and children.
- Since the signing of the ACOH in December 2017 CTSAMM has continued to monitor SGBV incidents in what is known as Yei River State. This has been driven by complaints and allegations made to CTSAM MVT's by citizens on the ground. CTSAMM has a particular focus on what is known as Yei River State because of previous SGBV reporting in the area, contacts and access.

1.2 Aim: The aim of this report is to use examples to highlight ongoing SGBV violations perpetrated by military and security personnel of all Parties in the Yei area, to attribute responsibility where appropriate and to make recommendations.

1.3 Methodology:

- Previously CTSAMM used data and evidence provided by medical personnel. For this report evidence was gathered by talking directly to victims. CTSAMM was able to make contact with the victims through women's groups and community leaders.
- Interviews were conducted by personnel from CTSAMM gender and humanitarian teams who have a specific understanding of the issues involved.

- The evidence was gathered during patrols to Morobo, Mukaya and Yei in February and March 2018.

2.0 Findings

- 2.1 CTSAMM found evidence of at least 30 cases of SGBV in what is known as Yei River State since the signing of the ACOH on 21 December 2017.
- 2.2 It must be emphasised that many cases of SGBV go unreported. This is because victims are too often afraid to report rape and sexual abuse for fear of further victimisation by soldiers who live in the same community. Also there are cultural factors which can stigmatize the victims of rape and which can make women reluctant to report it.
- 2.3 Another factor which prevents the reporting of SGBV – particularly rape – is the lack of access to functioning services, particularly police and medical services which should provide support to victims. Also, as perpetrators appear to be able to act with impunity, many victims see little point in reporting them to the authorities.
- 2.4 All the evidence gathered by CTSAMM suggests that military and security personnel from all Parties to the conflict commit acts of SGBV with apparent impunity in what is known as Yei River State.
- 2.5 Examples: CTSAMM recorded the following first-hand accounts of acts of SGBV. Some details have been omitted in order to protect the identity of the victims:
 - Example 1: In late February 4 SPLA soldiers attacked a girl (in the 10-15 years age group) and her mother as they were fetching water from the river. The girl was severely beaten and her neck twisted before being gang-raped. Leaving the girl by the river the soldiers forced the mother to take them to her house at gunpoint, where three of them raped her. The soldiers then left after stealing anything of value. The mother and her daughter were admitted to hospital. The girl was in a critical condition.
 - Example 2: In a similar case in March a woman (in the 25-35 age group) was gang-raped by 3 SPLA soldiers whilst collecting water in a village

near Morobo. After the rape they took her back to the nearby SPLA barracks, but were ordered by an officer or NCO to take her back to where they found her, which they did. Two days later two of the same soldiers returned to the same place and raped her again and then beat her so badly she lost sight in one eye.

- Example 3: In January a woman was gang-raped by 5 SPLA soldiers from Jumbo Barracks and then had her possessions looted.
- Example 4: In January two middle-aged widows were severely beaten in their home by what they described as Mathiang Anyoor soldiers. One of the women suffered severe injuries (CTSAMM witnessed the scars), and both of them were so traumatised they are now reluctant to go into the fields and work. One of them said:

“ I feel extremely scared of working in the field since this incident, and many other women feel the same because soldiers torture and harass us while in the field, they force us to harvest our cassava from our fields and carry it to their barracks, at times the soldiers harvest and carry the cassava to their barracks as we watch them -----“

- Example 5: During an attack on a village in the Morobo area, a middle-aged disabled woman was thrown into a burning house by SPLA soldiers. Because she was disabled she was unable to flee with the rest of the villagers.
- Example 6: In February an elderly widow had her house looted and all her belongings stolen by SPLA-IO (RM) soldiers. This happened whilst she was at church. She lost everything and was bereft as a result with no idea what to do other than flee to a refugee camp in Uganda.
- Example 7: CTSAMM obtained evidence of significant abuses by members of NSS, which included the severe beating and humiliation of young women. Details of the incidents cannot be divulged without

compromising the victims, but there is no doubt that, like the SPLA and other armed groups, NSS appear to be able to act with impunity and abuse the power they wield.

- Example 8: In mid-February there was a clash between SPLA-IO (RM) and NAS forces in the MUKAYA area. During the clash tukuls were burnt and several thousand people displaced. Many families spent days in the bush; mothers were separated from young children. There were deaths. CTSAMM recorded a number of harrowing accounts. As is so often the case those who suffered most were the most vulnerable – women, children and the elderly. The suffering was caused deliberately by those military forces involved.

3.0 Assessment:

3.1 The majority of the examples outlined above concern violations by Government military and security personnel. This is because CTSAMM has far freer access in Government-held areas. CTSAMM has in the past reported horrific SGBV crimes perpetrated by SPLA-IO (RM) personnel, and there is little doubt that women in areas held by the SPLA-IO (RM) and other armed groups face similar levels of abuse.

3.2 It does appear that there has been some improvement, but military and security personnel continue to perpetrate terrible acts of sexual violence against women in the Yea area with seeming impunity. For example the soldiers who took a woman they had raped back to barracks (Example 2) were not punished, they were just told to return her to where they found her.

3.3 CTSAMM has been able to undertake some thorough investigations into SGBV in the Yei area and has reported accordingly. It must be emphasised that SGBV has been and continues to be a particularly horrific feature of the current conflict throughout the country.

3.4 Protection of Civilians is a fundamental principle of the COHA of January 2015, the ARCSS of August 2015 and the ACOH of December 2017. All parties to the conflict have demonstrated a complete failure to protect the

people of South Sudan, and by allowing their soldiers to commit SGBV crimes with impunity remain in blatant violation of all agreements.

4.0 Observations and Recommendations:

- 4.1 It is impossible to estimate the number of women and children – and indeed men – whose lives have been ruined by sexual violence committed by military and security personnel in South Sudan during the current conflict. CTSAMM is only able to investigate and report on a tiny proportion of cases, and indeed only has the resources to investigate a small proportion of the cases it hears about.
- 4.2 The Parties involved in the conflict appear to take very little if any action to stop this horrific abuse of South Sudanese citizens – their own people. The fact that such behaviour is apparently tolerated is a damning indictment on the forces involved, and demonstrates a complete lack of discipline.
- 4.3 CTSAMM calls on JMEC and the IGAD Council of Ministers to emphasise again to the Parties that they need to take positive action to prevent these terrible SGBV crime taking place in the areas under their control. Under no circumstances will these crimes be tolerated, and those responsible should be held to account, whatever their seniority.