



CTSAMVM REPORT 2020/01 SGBV RUBEKE 13 FEBRUARY 2020

Background:

An SSPDF unit from the Tiger Division, commonly referred to as an SSPDF mobile force was deployed to LASU as a response to an attack on SSPDF positions by forces believed to be NAS (TC) forces on 13 December 2019. There have been no further reported incidents of violence involving NAS (TC) in the area since January 2020.

Shortly after the deployment to the area, the SSPDF unit ordered and otherwise forced civilian residents to leave their homes in the LASU area to LASU Town Centre for the stated purpose of receiving protection from the force in LASU. As a result, an IDP camp was created in LASU Town Centre which has since been occupied by civilians from the surrounding area.

On 10 Feb 2020 MVT Yei was instructed to conduct a patrol to LASU to verify the reported occupation of the LASU Primary School by SSPDF forces which had been there since mid-January. On 14 Feb 2020 the MVT along with UNMISS protection visited LASU to investigate the occupation of the school. While on patrol in LASU, the MVT received detailed allegations from civilian sources of severe harassment by SSPDF soldiers, such harassment including SGBV, looting/theft, physical beatings and assault with loaded weapons which occurred on 13 Feb 2020.

Allegation:

It was alleged by civilians from the area that soldiers from the LASU-based SSPDF mobile force committed rape and gang rapes, harassed women and men, and looted possessions at RUBEKE on 13 February 2020.

Aim:

The aim of this report is to describe the incidents which took place in RUBEKE area on and around 13 Feb 2020 and attribute responsibility for violations of the ACOH and R-ARCSS where appropriate.

Methodology:

On 14 February 2020 during the course of a patrol to verify the occupation of LASU Primary School by SSPDF, MVT Yei was made aware of serious SGBV and harassment committed by SSPDF in the LASU area. MVT Yei then conducted a thorough investigation into the circumstances of the alleged SGBV and harassment in the LASU area.

On 14 February 2020 MVT YEI interviewed the SSPDF Commander in LASU, staff from the NYORI IDP School, and local boma chiefs, teachers, youth workers and healthcare providers. The MVT interviewed at least 16 persons. Many of those interviewed were witnesses to harassment, looting/theft, physical beatings, and armed assault perpetrated on civilians by soldiers of the SSPDF mobile force. During the interviews MVT investigators were made aware of specific incidents of rape at RUBEKE on 13 February.

On 17 February 2020 MVT YEI interviewed the Acting NSS Director in YEI.

On 19 February 2020 MVT Yei interviewed in a private residence in Yei the survivors of SGBV committed in RUBEKE.

On 26 February 2020 MVT visited the YEI hospital where the survivors had been referred.

The evidence in this report is extracted from the MVT Yei investigation report. 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.

Findings:

The Commander of the SSPDF mobile force based in LASU is Colonel Akech Atak. The area is under the control of the SSPDF mobile force, a task force consisting of elements from the Tiger Division. When interviewed on 14 February Colonel Akech Atak stated that the security situation in the area had improved since his forces deployed to LASU. Colonel Akech Atak stated that on 13 Feb a civilian was killed at RUBEKE by suspected NAS (TC) forces (later contradicted by civilian witness statements, which related that a civilian had been killed at RUBEKE on 13 February

by SSPDF and not by NAS (TC). This will be followed up in conjunction with further investigation of harassment in the village).

Following the interview with Colonel Akech Atak, a number of civilians were interviewed at NYORI IDP settlement school and the LASU IDP camp. All were consistent in their reporting that soldiers from the SSPDF mobile force had been harassing occupants of the IDP camp and had accused them - the local residents - of supporting 'rebels'. Many occupants of the camp had been forced into leaving the surrounding area on the pretext of being provided with security. Many of those interviewed stated that the civilian killed on 13 Feb was at RUBEKE, a distance of 8 kilometres from LASU, and that the civilian was killed by SSPDF not NAS (TC).

On 13 February SSPDF mobile force soldiers, numbering approximately 30, visited the settlement of RUBEKE. In the village 3 women and a 14-year-old girl were raped/gang-raped and severely physically abused by soldiers in uniform who spoke in Dinka and Arabic. The rapes were extremely violent as indicated in the extracts from the survivors' testaments as follows:

Survivor No. 1

A 30-year-old widow of a police officer. Two soldiers beat her on her shoulder and back with the butts of their rifles, one soldier told them to stop and to take her inside her house. Three soldiers took her in the house and tore her clothes off. One soldier cocked his gun and pointed his weapon at her while another soldier started to rape her. She was raped by six soldiers repeatedly, all the time at gunpoint. The soldiers left after taking her belongings leaving her only with the torn clothes she was wearing.

Survivor No. 2

A 30-year-old pregnant woman. When the soldiers came, she was at her farm tending to cassava when she was informed soldiers were looting her property. She returned to her home; the soldiers told her to remain outside in the sun. One of the soldiers asked, "Can we sleep with you?" The woman said "No" and explained that she was pregnant and just had an operation. A soldier threatened her saying 'do you want to be alive or dead'; she was then kicked to the ground, stripped and raped by a soldier. After she was raped, she was thrown outside her house during which time she saw her husband and three children who had also been beaten. She was then told that if she did not run, she would be shot. She fled the village and returned in the evening when she met her husband and children.

Survivor No. 3

A 14-year-old girl. The severely traumatised girl is an orphan who lives with her grandparents and brother. She had gone to fetch water on the day of the attacks and when she returned to her home she found it surrounded by soldiers with weapons. Her grandfather and uncle were in the house. She was pulled into the house and sat next

to her male cousin. The soldiers removed her clothes, her cousin asked them to stop but they fired a shot into the ground in front of him, her aunt came in to the house and asked them to stop but she was beaten. The girl was raped by one of the soldiers who then stole money from the house.

Survivor No. 4

A 28-year-old woman. She was at her farm when the soldiers came; once she was informed of their presence she went to her home. She found soldiers around her house who told her to sit outside in the sun with her children. The soldiers went into the house and began looting the possessions within the home. After the looting the soldiers told her to put her 7-month-old baby down as they were going to sleep with the survivor. She refused and one of the soldiers seized her baby and placed the baby on the ground outside her home. Inside the house they tore her clothes off and one of the soldiers raped her. After she was raped the soldiers killed a goat and forced the survivor and another woman from the village to cook and serve a meal for the soldiers at gunpoint.

Following the rape attacks in RUBEKE the victims were taken to LASU to report to the County Commissioner. The County Commissioner was not available, having been removed from office, but fortunately the survivors were provided transport organised by the County Secretary and taken to YEI Hospital for treatment.

In response to the MVT Yei questions the medical staff at YEI Hospital confirmed that the four survivors reported to the hospital on 14 February and as at 26 February were still being treated for physical and mental trauma. The victim/survivors reported to the Yei Hospital as soon as possible after the rape assaults in the Lasu area that occurred on 13 February. They were able to report to the hospital on 14 February, the day after the rapes were perpetrated. Lasu is an approximately 90 to 150 minute drive from Yei town depending on road conditions. The victims' families, likewise, had been severely traumatised by the crimes. It was also reported that two more cases of rape had occurred in neighbouring ABEKE village and ASEKE village and had reported that the perpetrators wore uniforms and spoke Dinka and Arabic.

During the MVT meeting with the Acting NSS Director, Hakim, in Yei on 17 February he stated that there had been other cases of SGBV involving SSPDF mobile force soldiers in the LASU area. Three soldiers from the mobile force had reportedly been apprehended and taken to JUBA before the most recent incident. This is also consistent with a witness report collected on 14 February in LASU when a health care worker stated that there had been three registered rape occurrences in the IDP camp in January.

In addition to the SGBV cases, the many witnesses interviewed in LASU reported widespread harassment, involving threats, looting/theft, physical beatings and assault

with loaded weapons and forced displacement committed by SSPDF mobile force soldiers since the unit was deployed to LASU. Civilians have been unable to cultivate and gather crops because they were ordered by SSPDF mobile force soldiers to stay in LASU. All survivors and witnesses were frightened by the presence of the soldiers and were reluctant to talk to MVT Yei for fear of subsequent retribution. The MVT was only able to interview witnesses in a safe area as part of a smaller and more discreet engagement away from the presence of the military.

The victims of SGBV and affected family members are severely traumatised. All were reluctant to discuss their experience at the hands of the SSPDF mobile force but very bravely did so with MVT Yei. All have chosen to stay in YEI and have not returned to RUBEKE because they are fearful of further attacks as retaliation for having spoken out against the security forces.

Assessment:

There were multiple cases of SGBV, specifically rape and gang rape, committed in RUBEKE on 13 February 2020.

Based upon witness statements, survivor statements and the prevalence of SGBV incidents in LASU as reported by the Acting NSS Director, health care workers in LASU, and information from staff at YEI hospital, it is clear that the rape and gang rapes were committed by soldiers from the LASU-based SSPDF mobile force.

There have been multiple complaints made about the behaviour of the SSPDF mobile force in the LASU area. There is widespread evidence of systemic harassment by these soldiers in the LASU area in the form of SGBV, looting/theft, coercion and severe physical beating. There is evidence as well that the civilians are being forced by order of soldiers of the SSPDF mobile force to stay in “protection” or “IDP” sites and being prevented from returning to their homes and tending to their farms. The presence of SSPDF mobile forces in LASU area is not welcome to the population and is a destabilising influence on security.

There is evidence of two further SGBV cases, specifically rape, committed by the same forces in the LASU area (Abeke and Aseke villages), and the rape of 3 women in LASU in January reported by the Acting NSS Director underlines the chronic nature of the problem.

Conclusion:

CTSAMVM concludes that violations of the R-ARCSS occurred at RUBEKE on 13 Feb 2020, specifically Article 2.1.10.2 (sexual- and gender- based violence, exploitation, and harassment) and 2.1.10.5 (acts of hostility, intimidation, and violence against civilians) by the SSPDF mobile force in Lasu. Additionally, the SSPDF mobile force

failed to discharge its responsibility to protect civilians in violation of Articles 2.1.10.8 (failure to facilitate and to guarantee the free movement of citizens) and 2.1.10.7.5 (failure to protect the needs of women and girls).

CTSAMVM concludes that women in Rubeke community were in particular targeted for sexual violence by rape, gang rape and psychological torture.

Observations and Recommendations:

The multiple forms of SGBV, specifically rape and gang rape, physical beatings, and other degrading acts which occurred in RUBEKE, were indicative of a failure to exert proper command and control over soldiers of the SSPDF mobile force. SSPDF Commanders, officers, and non-commissioned officers at various levels, from platoon upward in the chains of command of the perpetrators and including those who knew of but ignored these crimes (and SSPDF will need to determine all who are culpable through their own investigation), must be held accountable for their collective leadership failure to establish and enforce standards that prevent the kinds of inhumane and criminal conduct described in this report.

The extremely violent and systemic rapes and gang rapes have clearly traumatised the people of RUBEKE and LASU. These criminal acts were preventable had leaders performed their responsibilities; thus these leaders must be held accountable to the victims, their families, and the people of South Sudan.

This incident illustrates that for this particular unit, SSPDF efforts to educate soldiers and commanders on their responsibility to protect Women and Girls from any form of Sexual and Gender-Based Violence have failed. The scale of SGBV in RUBEKE was appalling and was as bad as any reported since the signing of the R-ARCSS. CTSAMVM will relentlessly investigate the new reports of rape which came to light during this investigation. The widespread evidence of further civilian harassment in the area will be addressed in a separate report.

CTSAMVM calls on the SSPDF to take appropriate action against the perpetrators. CTSAMVM also calls on RJMEC and the IGAD Council of Ministers to follow up on the matter and ensure efforts are made to secure peace and security in the Yei and Lasu areas. CTSAMVM will do its part in making the contents of this report known to the widest audience possible, including the international community who are stakeholders in the peace process.