

## **SEXUAL AND GENDER BASED VIOLATIONS (SGBV) IN BENTIU AREA**

### **BACKGROUND**

1. There have been multiple occurrences of SGBV in the Bentiu area. Since January 2018 CTSAMM published two violation reports, 2018/22 and 2018/30. Both violation reports confirmed multiple rapes conducted by armed youths associated with the SPLA between May and July.
2. On 21 November CTSAMVM attended a stake holders' Human Rights Forum at the North Liech State Governor's office. The forum was chaired by the Koch County Commissioner, Hon William Jikany, on behalf of the Governor and attracted participation from the following from a range of stakeholders but not SPLM/A-IO. Presenters at the forum reported a range of concerns but especially instances of rape along the GUIT – BENTIU road and NHIALDU – BENTIU road.
3. Later in November CTSAMVM received allegations from UNMISS Human Rights Department and other Humanitarian partners of SGBV incidents which were reported to have occurred in what is known as Northern Liech State between 19 and 29 November 2018. Bentiu MVT reported the incidents in the DSR 20181130 dated 30 Nov 18 and also visited MSF on the 2 December 2018. The team was informed that 125 Women and Girls sought services at their facility in the above mentioned period of time.
4. The alleged incidents were reported to have occurred on the road between Nhialdiu road; Bentiu to Guit road; Thaliel and Padai road areas. It was highlighted that women and girls were mostly attacked on these roads while they went to collect food in Bentiu at the WFP Distribution Point.

### **CTSAMVM INVESTIGATIONS**

5. Between 06 Dec 18 and 10 Dec 18 CTSAMVM visited Bentiu area where the incidents of SGBV are alleged to have taken place. The CTSAMVM MVT based in BENTIU accompanied by the gender advisor conducted the investigations into these allegations. In the process of their investigations they met and interviewed number of people including, Government officials, Community members, Women groups including survivors, UN Agencies, INGO's, Offices of the Paramount Traditional Chiefs- Traditional Justice Court and Boma Chiefs, MSF, PoC community (Women, Church Leader) among others. In addition the CTSAMVM Joint Field Visit to Bentiu on 6 Dec 2018 also discussed the SGBV incidents with state officials and SSPDF field commanders.
6. CTSAMVM confirmed that some of the survivors reported to other Service providers, NGO's, INGO's, Traditional Courts of Justice, the office of the Chief in Bentiu who then referred them to MSF, Code 8 Doctors and Bentiu Hospital for medical treatment.

## **CTSAMVM FINDINGS**

### 7. Survivors and Witness Statements

a. CTSAMVM interviewed three women at Nhialdui and Bentiu junction. They stated that they were walking from Pageany to Bentiu to collect their monthly food provisions from World Food Program distribution center on diverse dates in the month of Nov 18 when they were attacked. They acknowledged the insecurities in their communities and along the roads. They cited the presence of the armed “criminals” who cover their faces and are not easily identified.

b. The three women mentioned that they risk falling prey to the criminals every time they use the same road but have no option. They further stressed that many women and girls have fallen victims on the same road. The armed “criminals” constantly rob Women and Girls of their belongings including money, shoes, hence women prefer dressing in old clothes and shoes which they assume “criminals” won’t steal. They confessed that they are sacrificing their lives because of the pressing need for food to feed their families. One of the ladies narrated her direct encounter with the armed “criminals” on the same road in the month of November .She narrated that she was *attacked on the same road, by the armed criminals and they pointed a gun to her, as they robbed her of all my belongings including cloth, shoes and the milk which she was carrying to Bentiu market.*

c. These women use the same road and in groups, because they fear using short cuts, which they perceive to be dangerous. This is a journey of almost two days that Women and Girls use for more than three times in a month.

d. A group of seven (5 Young Girls and two middle aged women) were interviewed on the same road. as well. The group was on the way to Pandeah from Bentiu carrying the food supplies they had collected from World Food Distribution Point in Bentiu. They highlighted that on the 5 December 2018, on their way to Bentiu to collect food from the World Food Program food distribution center, they witnessed a group of armed “criminals” with covered faces who were in the act of raping a breastfeeding mother and her daughter. In shock and fear of falling victims as well, they got rescued by another group of armed “criminals” who empathized with them, and let them continue with their journey. The same group of armed criminals fought with the rapists and rescued the breastfeeding mother and the daughter. They indicated that they chose to use short cuts for fear of the armed criminals along the main road.

e. At Nhialdu hospital a young woman (15 -20) years old with her friend, were attacked by 4 armed men whose faces were covered. She believes the perpetrators are armed youth that reside within the communities. She stated that other women and herself were abducted along Bentiu - Nhaildui road, their arms were tied, pushed to the bush. The attack took place in the month of November. The survivor and her friend were abducted at around 3 pm. They were gang raped, physically assaulted, robbed of their possessions including money, cellphones and shoes, and released at 4 pm of the same day. They walked and reached Nhaildu at 11 am and they were very frail. She highlighted

that she was lifted to the Nhaildiu Health facility where she received treatment. She stated that the incident left her physically weak and psychologically disturbed – she actually appeared so. She fears to have contracted diseases from the rapists. She had visited Bentiu to collect the remittances her husband had sent from Juba (which she lost to the criminals) and to collect her monthly food supply from WFP; and to register her two small babies on the Food ration card with World Food Program.

8. Interview with the Deputy Governor of Northern Liech State – Mr Laraka Machar.

a. During the JFV meeting, the Deputy Governor acknowledged the Sexual and Gender Based Violations that occurred in his Area of Responsibility and were reported by MSF in the Media. He further highlighted that SGBV happens all the time. He cited an example where a woman residing in the PoC, was raped by a man who was armed and in Army uniform. The survivor later identified the same perpetrator after a length of time at the PoC site, dressed in civilian clothing. The survivor alerted the PoC administration, legal procedures were followed and the perpetrator was imprisoned.

b. The deputy governor explained the practical challenges faced in identifying perpetrators. He however doubted the number /statistics reported by MSF – he only heard of few cases of SGBV while MSF reported on more than 100 cases. He noted that MSF is exaggerating the number and should not have involved the media without consulting the government.

c. The Deputy Governor stated that the perpetrators of the incidents, whom he regarded as “criminals”, either belonged to SPLA-IO or SSPDF. He expressed disappointment over the cancellation of scheduled meeting between the two groups on the JFV. He believed that a meeting can be effective in stopping SGBV.

d. The Deputy Governor explained that he is taking steps to address the SGBV it had taken place it could have brought the SGBV situation to an end. He outlined the measures he is undertaking with UNMISS to address the SGBV situation in particular working with partners to protect Women and Girls and to extend UNMISS’s presence on the road and patrols to give visibility on the roads frequented by Women and Girls.

e. Interview with the Commisioner of Rubkona. In a meeting with the MVT the Commissioner confirmed that SGBV had occurred in the area and that they are trying to find solutions. He cited Thaliel and Padia villages to be the source of the armed criminals. The commissioner reported 3 occurences: on 27 Nov 18 he received a report in which **03** women were raped and moved to Bentiu for treatment, in Dec **03** women and **02** girls were raped as they were travelling from Bentiu to Nhialdiu. They went back to Bentiu and received treatment at MSF Health facility. On 2 Dec there was another report of a rape but no supporting details. He stated that the perpetrators were from the communities near the main roads but not that SSPDF or SPLM/A-IO would be responsible.

9. Interview with Human Rights Watch (HRW). HRW informed CTSAMVM that 3 women were interviewed who were gang raped by armed youth who had covered their face to hide their identity on the 7 December 2018. The rape took place along the Guit and Bentiu in Pageany area

10. Interview with Paramount Female Chief at the Traditional Court of Justice in Bentiu

a. The chief stated that two women reported cases of gang rape to the Traditional Court in the week of 19 November 2018. The women were attacked and abducted by four criminals whose faces were covered, and half dressed in army uniform. The incident happened along Bentiu and Nhialdiu road. The two women were on their way to Bentiu collect food rations from WFP distribution point and also buy some basic items for their families. They reported that they were gang raped, robbed of their belongings including shoes. They were bare footed when they accessed the Traditional Court which provided shoes. Their condition required examination and treatment and the Traditional Court referred them to MSF for assistance. She believed the two women were still in Bentiu town but they could not be traced due to communication challenges.

b. The Traditional Court of Justice handles Domestic Violence cases on a daily basis. The Female Paramount Chief wishes women to be free in Bentiu. She knows about the Peace agreement and has attended workshops on the Peace agreement.

11. Interview with The Youth Union of Bentiu –Peace and Reconciliation officer. The interviewee reported the case of gang rape of three women whom he assisted to access Bentiu Code 8 Hospital for medical help and fill Form 8 for legal purposes. The three survivors were looking for assistance when they approached him. They shared their story with him, they said that they were attacked by 5 armed men who had covered their face and were in army uniform, as they walked from Buow to Bentiu on the 27 November 2018 in a place called Gany. The three survivors included a breast feeding mother. The armed criminals abducted them and released them on the 28 November 2018. One suffered a bruised arm, due to the physical assaults as she was beaten by the gun. They were given treatment and supposed to continue with treatment and reviews. However he later established that they left Bentiu to their homes without completing the Medical and Legal procedures.

12. Interview with Code 8 Doctor at Bentiu Hospital. The interviewee confirmed having examined and treated the three survivors of gang rapes by armed groups. He indicated that the survivors were given Post Exposure Prophylaxis (PEP) in particular and other treatment and were supposed to return for reviews. In a conversation with another Doctor in the hospital he handled two cases of rape in which the identities of the perpetrators were not known. He attributes the large scale treatment of SGBV survivors by MSF to the fact that the majority of MSF staff are not Nationals, hence survivors of SGBV do not feel stigmatized around them. While in other services such as Bentiu Hospital staff, are mainly Nationals and some survivors fear accessing Bentiu Hospital for fear of being recognised.

13. Interview with Non Violent Peace Force (NVPF). The NVPF reported that on the 25 November 2018, 4 women who were gang raped, accessed their compound in Bentiu seeking for help. The women shared that they were raped by armed criminals with covered faces, and dressed in mixed armed and civilian clothes. The survivors were looking for help and since NVPF does not provide services, the survivors were referred to MSF for assistance. According to the NVPF staff, the survivors received help on the same day. They were attacked while collecting fire wood along the Bentiu and Nhialdiu road. According to the NVPF staff, they have recorded and referred an estimate of 20 cases for the year of 2018. The staff believes that in Unity State, the conflict and use of armed youth in the armed forces has hugely contributed to the prevalence.

14. Interview with the Chief of Billinyang in Rubkona West Bentiu. In August this year four women and residents of the PoC, reported to the chief about their gang rape experiences. The four survivors were attacked by armed youths who had covered their faces near Bentiu town. They were attacked after they had gathered, and tied the bundles of fire wood ready to go back to the PoC. They surrounded them, and gang raped them one by one. On the 5 December 2018, 5 women were gang raped in Palanay along Bentiu and Nhandiu road. They were walking from from Zorkn to Bentiu to collect food from the UN. They were referred to MSF for assistance. The survivor's age ranged from 25 to 28 years. He applauded MSF for their good work, for example they held a sensitization workshop in Oct 2018 and focused on reporting SGBV which is linked to the increased reporting of the SGBV cases in November. The Chief stated that some women report to the police and others to him. All the time, he collaborates with the Governor on the issues, and they deploy the police though they do not trace the perpetrators. He suggested that South Sudan can end Gender based violations directed to Women and Girls in communities by controlling the circulation of guns. He stated that the armed youth were associated with SPLM/A-IO.

15. Interview with women elder Nhialdiu market .CTSAMVM held an interview with the Woman Elder in the Nhialdiu Market. She acknowledged and condemned the general treatment of women in Nhialdiu and particularly the recent and continued Sexual and Gender based violence along the roads. In regards to the recent systematic attacks, she pointed out that a number of women have been attacked and survivors were treated at the Local Health Facility. She introduced CTSAMVM to the survivor still receiving treatment. (Para 7e refers)

## **CTSAMVM ASSESSMENT**

16. CTSAMVM confirms that there has been widespread SGBV in Bentiu area. The overall numbers cannot be confirmed based upon the evidence presented but the scale is significant and conforms with the trends identified in earlier CTSAMM reports.

17. State authorities are clearly aware of the scale of the SGBV problems and are endeavouring to address it. However they are not proving to be capable of holding perpetrators to account.

18. There are multiple reports of attacks being conducted by armed youths and uniformed soldiers. Some witnesses have stated that attacks have been committed by SPLM/A-IO. The deputy governor Northern Liech State attributes responsibility to both SSPDF and SPLM/A-IO. Previous CTSAMM reports established links between armed youth and the SPLA in the Bentiu area. It is assessed by CTSAMVM that these links are now between armed youth and SSPDF.

19. Women and Girls have suffered multiple forms of SGBV including rape, gang rape, abductions, psychological torture, robbery, no freedom of movement, physical assaults among others in the hands of armed criminals who have been let to roam freely in the face of security gaps in Bentiu area.

## **CONCLUSION**

20. CTSAMVM concludes that SSPDF and SPLM/A-IO are in violation of Article 2.1.10 of R-ARCSS in that they have failed to restrain armed youth groups from conducting acts of Sexual and Gender Based Violence in the Bentiu area.

## **RECOMMENDATIONS**

21. That the parties work together to exert control over armed groups in the Bentiu area and provide security to women and girls in the Bentiu area.

22. That the parties hold to account those who have committed or permitted SGBV in Bentiu area.

23. That the parties demonstrate a greater commitment to eradicating all forms of SGBV in South Sudan.