



**CTSAMVM REPORT 2020/03**

**VIOLENCE AND HARASSMENT AGAINST CIVILIANS IN YEI AND LAINYA  
COUNTIES OF THE FORMER YEI RIVER STATE,  
CENTRAL EQUATORIA STATE**

**EXECUTIVE SUMMARY**

The civilian population in areas of the former Yei River State has suffered considerably since the conflict spread to southern Central Equatoria in 2016. There has been mass displacement, and those remaining have been subject to violence (including SGBV) and harassment by military personnel from the Parties to the R-ARCSS and also from NAS (TC).

CTSAMVM has received many recent allegations about the behaviour of SSPDF and, in one instance, SPLM/A-IO personnel. These allegations ranged from minor cases of harassment to violence.

Specific cases of SGBV are covered in other CTSAMVM reports. The aim of this report is to raise the issue of violence and harassment in areas of the former Yei River State in order that appropriate remedial action and accountability measures can be taken. Civilians should feel confident to return to their homes in the knowledge that they will not be subject to abuse, especially now that the Transitional Period has started.

CTSAMVM found clear evidence that personnel from the SSPDF mobile force have been harassing, intimidating, and abusing civilians in the area of LOGO and LASU in clear violation of the R-ARCSS and that, by harassing civilians and extorting money at checkpoints in the WUJI area, SPLM/A-IO personnel have also acted in violation of the R-ARCSS.

CTSAMVM observes that the behaviour of the mobile force soldiers reveals a lack of discipline and failure by the SSPDF to train its soldiers in their responsibilities towards civilians and in the requirements of the Agreements, as well as a failure of the SSPDF mobile force commander to properly execute the Command Responsibility mandated by sound military practice and tradition and international humanitarian law. It is recommended that the SSPDF undertakes an enquiry and considers taking disciplinary action where appropriate. The SPLM/A-IO also needs to take remedial action in order to stop further abuses by its forces in the WUJI area of Lainya County.

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**1.0 Introduction**

1.1 Background:

- Since the conflict spread to southern Central Equatoria State in 2016, the local civilian population has been subjected to violence and harassment by armed members of the security organs of the Party-Signatories to the Agreement on Cessation of Hostilities (21 Dec 17) (ACOH) and R-ARCSS, namely the SSPDF, SPLM/A-IO, and NAS forces of Thomas Cirillo.
- In the past, CTSAMVM recorded violations of the ACOH and R-ARCSS in the Yei area by the SSPDF, the NAS of Thomas Cirillo, and the SPLM/A-IO which have been presented at CTSAMVM Technical Committee (CTC) meetings and subsequently published following discussions by the CTSAMVM Board, including the following:
  - CTC 13 recorded violations by the SSPDF against civilians in the Yei area between February and March 2019.

- CTC 18 recorded the occupation of civilian buildings and infrastructure by the SSPDF in the Yei area.

Also, CTSAMVM Report 2020/01 recorded incidents of SGBV committed by the SSPDF in the village of RUBEKE in February 2020.

- NAS forces of Thomas Cirillo have been active in the Yei area during 2019 and committed violations of the ACOH of 21 December 2017 by conducting attacks on SSPDF positions in the area as reported at CTC 13 and CTC 18 and endorsed by the CTSAMVM Board. It was as a consequence of these incidents the SSPDF forces were deployed to the area.

## 1.2 Allegations:

- CTSAMVM has received multiple allegations from numerous sources concerning the behaviour of the SSPDF and, in one instance, the SPLM/A-IO soldiers in the YEI area. Specific allegations are:
  - In November 2019 civilians were beaten, and possessions and money taken by SSPDF forces at checkpoints in LOGO.
  - In December 2019, the local population in WUJI, Lainya County, Central Equatoria, whilst attempting to move from their homes to their farms and livelihoods, were charged a fee to pass through checkpoints manned by SSPDF soldiers within the area of WUJI.
  - In December 2019, the local population in WUJI, Lainya County, Central Equatoria, whilst attempting to move from their homes to their farms and livelihoods, were charged a fee to pass through checkpoints manned by SPLM/A-IO soldiers within the area of WUJI.
  - In January and February 2020, civilians were forced out of their homes by SSPDF forces and into a civilian camp at LASU (LASU Centre Camp) that had been established by the SSPDF mobile force

for this purpose. After compelling the civilians to move into the LASU Centre camp, SSPDF forces looted their homes, despoiling them of money, livestock, clothing, household items and other possessions. Civilians detained in the LASU Centre camp were subjected to SGBV, beatings, theft and intimidation.

1.3 **Aim:** The aim of this report is to describe the incidents which took place in the YEI area over the period November 2019 - February 2020 and attribute responsibility for violations of provisions of the ACOH and R-ARCSS where appropriate.

1.4 **Methodology:**

- The allegations span a 4-month period and during that time CTSAMVM conducted monitoring and investigation patrols. Interviews were conducted and recorded with witnesses, victim-survivors of violence, military commanders, local government officials, hospital personnel, church leaders, and civil society representatives.
- All patrol and investigation reports were signed by International Observers and National Monitors.
- The standard of proof used by the CTSAMVM to determine whether there is sufficient evidence to verify that a Party-Signatory 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.

## **2.0 Findings**

2.1 Concerning allegations that civilians were beaten and possessions and money taken by SSPDF at checkpoints in LOGO, CTSAMVM finds that there are

substantial grounds to believe that SSPDF soldiers have been engaging in this type of abusive behaviour towards civilians. This evidence includes:

- The statements of well- respected and experienced community leaders that citizens have complained to them on numerous occasions of such harassment, abuse, and pilfering of money and possessions in exchange for passage through checkpoints.
- The reluctance of citizens to speak to CTSAMVM about these experiences with SSPDF soldiers due to the fear of retribution and reprisal from the soldiers committing these crimes, as the citizens themselves stated to CTSAMVM officials.
- The course of conduct by SSPDF soldiers, as related to CTSAMVM officials by Yei area residents and community leaders since December 2016 and as evidenced by several allegations filed with the CTSAMVM over the past approximately 3½ years.

2.2 Concerning allegations of extortion at checkpoints by SPLM/A-IO military personnel, CTSAMVM officials were made aware of examples of this by civilians when visiting WUJI on 11 December 2019 for a mass human rights meeting arranged by UNMISS and the Yei River State Commissioner for Human Rights. There were about 500 local people in attendance, and CTSAMVM officials were able to interact with individual community leaders and ordinary people and also listen to their concerns raised in the forum of the meeting. The issue of being charged at checkpoints by SPLM/A-IO as well as SSPDF was one of their key concerns. They were clear SPLM/A-IO personnel were involved, although this was denied by the Acting SPLM/A-IO Governor of Yei River State when CTSAMVM met him in Panyume on 17 December 2019. Later, on 16 March 2020, during a routine visit, CTSAMVM officials were informed by a former Executive Chief of Lumulo boma and the Executive Chief of Wuji boma that civilians were continuing to experience restrictions and

extortions by SPLM/A-IO along the Wuji-Kuike-Brigo-Busia road, where they have four checkpoints at which civilians are charged SSP 400 to pass.

2.3 During the course of a joint monitoring patrol to LASU town conducted with UNMISS, MVT Yei was informed by an official of the UNMISS Human Rights Department that he had been contacted by some civilians who expressed their desire to speak with CTSAMVM about atrocities perpetrated upon the civilians by SSPDF soldiers. Based upon this communication and the follow-up meetings with these civilians, MVT Yei initiated a targeted monitoring effort to investigate these assertions of SSPDF abuse of non-combatant civilians. The following findings result from this targeted-monitoring (investigative) effort:

- An SSPDF mobile force was deployed to LASU in December 2019 in response to an attack believed to have been conducted by NAS (TC) on SSPDF positions in November 2019. This SSPDF mobile force is commanded by Colonel Akech Atak who was interviewed on 14 February and reported the LASU area to be secure as a result of the SSPDF deployment. This assessment was not shared by the other stakeholders interviewed who declared that the security situation had deteriorated since the deployment of the SSPDF.
- Since the deployment of the above-described mobile force to the area, the SSPDF has ordered many civilians to move into a camp the SSPDF mobile force had created in LASU. The civilians were forced to leave their homes and to move into the LASU Centre camp; thereafter, they were prevented by SSPDF mobile force soldiers from leaving the camp to tend to their farms and businesses. Also located in the area very close to LASU town, in the village of Nyori, is a refugee camp established and supported by UNHCR and an INGO for the purpose of providing support and succour to refugees from the nearby DRC (Democratic Republic of the Congo). Several witnesses indicated that the SSPDF ordered civilians in the area to leave their homes to move to the newly-created Lasu Centre Camp and the Nyori refugee camp. The Nyori refugee Camp contains a school and a medical

clinic to serve the refugee community. CTSAMVM interviewed both residents and humanitarian workers in the Nyori Refugee Camp and, among other things, discovered that several residents of the LASU area had managed to avoid going to the LASU Centre Camp created by the SSPDF by moving into the Nyori Refugee Camp, where they stated they felt safer and more secure.

- The LASU Payam Chief estimated there to be 2,000 occupants of the LASU Centre camp and indicated that the SSPDF was preventing them from tending to their farms by ordering them to stay in the LASU Centre Camp, threatening those who would express a desire to leave and punishing those who did leave in contravention of those orders.
- A humanitarian coordinator working in the NYORI Refugee camp stated that camp occupancy has increased since the SSPDF mobile force was deployed. The reasons for the increase, the humanitarian worker explained, were that civilians had been ordered to move out of their dwellings and into the camp by the SSPDF. A witness stated that on 8 February 2020 soldiers came to the teachers' quarters at NYORI School and instructed civilians to leave their homes and report to the LASU Centre camp. Another witness from LIBOGO stated that the Executive Director of LASU and SSPDF soldiers had ordered civilians to abandon their homes and move to the LASU Centre camp.
- A senior member of the community at the Nyori refugee camp working with UNHCR and UMCOR to assist civilians residing there substantiated this assertion by informing MVT Yei that civilians had told him that they had no option but to leave their homes and move to the LASU Centre Camp and the Nyori refugee camp, since they were ordered by SSPDF soldiers to do so. Again, some of these civilians managed to avoid going to the LASU Centre Camp that had been created by the SSPDF mobile force by moving into the Nyori refugee camp. A sub-chief from the Libogo boma told the MVT that

he had been forced by the SSPDF to stay in the LASU Centre Camp. He confirmed as well that SSPDF soldiers were preventing citizens from cultivating their farms, and he related that the order to civilians to move into the LASU Centre camp was given twice, once by the Executive Director of LASU town and another time by SSPDF soldiers.

- On 3 March 2020 CTSAMVM interviewed humanitarian staff in Yei town who reported that there was shooting in the area and displacement of families in the LASU area on 2 March 2020.
- The commander of the SSPDF mobile force told CTSAMVM that the security situation had improved since the deployment of the mobile force. However, all other witnesses reported the security situation to have deteriorated since the SSPDF were deployed to LASU. Local civilians were accused by SSPDF soldiers of providing food, water, and support to NAS forces of Thomas Cirillo “rebels”. The reason given by the SSPDF for the civilians to occupy LASU was to protect them. However, multiple witnesses stated that the main reason for the displacement was to prevent the local population from supporting “rebels” by providing those “rebels” with food from their farms. In fact, the forced abandonment of the homes of the citizens rendered those residences vulnerable to theft, a situation, as many witnesses and victims attested, the SSPDF soldiers fully exploited by pilfering all personal property within them.
- Witnesses reported that they were accused by the SSPDF of hiding weapons on behalf of the NAS forces of Thomas Cirillo, but there is no evidence that such allegations had any merit and no weapons were found. The witnesses denied that they were engaged in any such storage or hiding of weapons. Witnesses also report that, after they had left their homes to report to LASU, their property was looted and livestock seized or killed. There is substantial evidence from witnesses revealing that the perpetrators of these thefts and killings were SSPDF soldiers.

- Witnesses reported that SSPDF soldiers had entered the LASU Centre camp and questioned the occupants on whether they were supporting the “rebels”. Soldiers had been seen beating civilians and stealing their possessions, even within the LASU Centre Camp itself. A health-care provider in LASU reported that three cases of rape were recorded as having been perpetrated within the LASU camp in January. On 17 February 2020, the NSS Director in Yei acknowledged that there were incidents of SGBV committed by SSPDF soldiers in LASU which the NSS were following up. In addition to SGBV in LASU, there were four confirmed rape cases in RUBEKE committed by SSPDF on 13 February 2020 and two cases of rape recorded by Yei Hospital staff in neighbouring ABEGI village which are under investigation. These rape cases at RUBEKE have been the subject of a separate CTSAMVM Violation Report (2002/01)
- Witnesses were asked to identify the perpetrators of the alleged violations. The responses were that when NAS (TC) had been active in the area in 2019 they came at night, but that the witnesses’ recent experience was that soldiers come by day wearing the same uniforms as those worn by the SSPDF mobile force in LASU centre. All soldiers involved in the incidents had asked them questions to determine whether they had provided support for the “rebels”. Rape survivors were consistent in saying that their attackers spoke in Dinka and Arabic. All the above strongly supports the witnesses’ conclusions that the perpetrators were SSPDF and not NAS (TC).

### **3.0 Assessment**

#### SSPDF

- 3.1 The evidence gathered by MVT Yei through its extensive monitoring of this situation provides CTSAMVM with reasonable grounds to believe that SSPDF soldiers have been harassing, intimidating, and physically and psychologically abusing civilians in the area of LOGO by requiring them to make payment for passage through checkpoints.

- 3.2 There is evidence that there has been extensive harassment and violence against civilians conducted by the SSPDF in and around LASU during the period January to March 2020.
- 3.3 The forced displacement of civilians has been deliberate and has been imposed upon the most vulnerable sections of the civilian population. Under the pretext of the absence of security, as asserted by SSPDF mobile force soldiers, the civilians were ordered by the SSPDF mobile force to leave their homes but, in reality, were preyed upon by those very same soldiers both when they left their homes and after they moved to the LASU Centre Camp.
- 3.4 The evidence clearly shows that the violations have been perpetrated by the SSPDF mobile force commanded by Colonel Akech Atak. The evidence indicates that authorities and health-care providers in Yei are aware of the poor behaviour of SSPDF personnel in LASU and the prevalence of SGBV in the area and shared their concerns with the MVT. The evidence indicates that the situation has been extremely damaging and negative to the community since the SSPDF deployed to LASU beginning in December 2019.

#### SPLM/A-IO

- 3.5 There is evidence based upon multiple engagements with civilians in the WUJI area during a mass Human Rights meeting and subsequent follow-up discussions with community leaders that civilians have been subjected to extortion and harassment at SPLM/A-IO checkpoints on the Wuji-Kuike-Brigo-Busia road. There is clear evidence that the checkpoints have been operated by SPLM/A-IO personnel.

#### **4.0 Conclusions**

- 4.1 SSPDF mobile force soldiers have been harassing, intimidating, and abusing civilians in the area of LOGO by charging them a fee for enabling their access

beyond the checkpoint in the area and regularly harassing, intimidating, and abusing them. CTSAMVM concludes that by perpetrating violence, SGBV, forced displacement, harassment, intimidation and both restriction and denial of movement, the SSPDF mobile force in the LASU area have acted in violation of the R-ARCSS, specifically **Articles 2.1.10.1, 2.1.10.2, 2.1.10.5, 2.1.10.7, and 2.1.10.8.**

- 4.2 By extorting money from and harassing local civilians at WUJI checkpoints, the SPLM/A-IO acted in violation of the R-ARCSS, specifically **Article 2.1.10.1.**

## **5.0 Observations and Recommendations**

- 5.1 The multiple violations committed by the SSPDF mobile force in the LASU area are indicative of a failure to exert proper command and control over soldiers of the SSPDF mobile force. Responsibility for the failure lies not only with the SSPDF commander in LASU, Colonel Akech Atak, but with the SSPDF as a whole, which has failed to sufficiently educate its soldiers in their responsibilities towards civilians and to impose discipline within its ranks. Moreover, the incidents and the course of misconduct over an extended period of time reveal that the SSPDF has failed to sufficiently train and monitor its subordinate leaders and soldiers in the obligations they are required to discharge by virtue of the provisions of the ACOH and R-ARCSS agreements, such training requirements being clearly set forth in ACOH Article 2.1 and R-ARCSS Article 2.1.3.

- 5.2 It is recommended that, as the above facts reveal, the SSPDF should strongly consider taking disciplinary action against the leadership of the SSPDF mobile force in the LASU area, specifically Colonel Akech Atak, for failing to exert proper command and control over the soldiers under his command. It is further recommended that these facts strongly suggest the need for the SSPDF to conduct an investigation in order to hold individuals to account for their criminal actions in LASU. CTSAMVM further calls upon RJMEC and the IGAD Council of Ministers to take appropriate action by communicating to the Government

and other Party-Signatories that the continued abuse of the civilian population, in particular in the southern Central Equatoria State, must immediately cease.

- 5.3 The harassment of civilians by SPLM/A-IO at WUJI checkpoint is clearly in violation of the R-ARCSS and demonstrates a lack of discipline in the unit involved. It is apparent that the SPLM/A-IO has, in this instance, failed to educate its personnel on the provisions of the R-ARCSS pertaining to protection of civilians and to the requirement to facilitate freedom of movement. CTSAMVM recommends that the SPLM/A-IO take immediate action to ensure that these activities, prohibited by the R-ARCSS, cease immediately and that it holds those responsible to account.
- 5.4 While the CTSAMVM's monitoring objectives are limited, i.e., to verify compliance with the provisions of the Agreements, and do not include the objective of holding Party-Signatory personnel accountable for non-compliance or violations, it *is* part of the CTSAMVM mandate to monitor whether the Party-Signatories themselves have accountability processes and procedures in place AND to verify whether the Party-Signatories are complying with the Accountability provisions of the Agreements.