

Civilian Protection Monitoring Team

Grand Holiday Villa Hotel

Suite 238

Khartoum, Sudan

19 August 2003

TO: See Distribution

Final Report: REPORT OF INVESTIGATION: VIOLENCE AGAINST CIVILIANS ALONG THE BENTIU-LEER-ADOK ROAD.

Please find transmitted with this letter the Civilian Protection Monitoring Team (CPMT) Final Report: REPORT ON INVESTIGATION: VIOLENCE AGAINST CIVILIANS ALONG THE BENTIU-LEER-ADOK ROAD.

In accordance with the Agreement Between The Government Of The Republic Of Sudan And The People's Liberation Movement To Protect Non-Combatant Civilians And Civilian Facilities From Military Attack (Agreement Between the Parties) this report of investigation was referred for a one week period to the GoS and SPLM for comments and observations of the Parties. Neither party provided a response.

Under the provisions of paragraph 4b of the Agreement Between the Parties this final report is now made public.



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11 August 2003

**REPORT OF INVESTIGATION: VIOLENCE AGAINST CIVILIANS ALONG THE
BENTIU-LEER-ADOK ROAD**

Executive Summary:

1. Allegation:

From January 2003 through the end of July 2003, the CPMT received numerous allegations from civilians, tribal chiefs, SSIM (Southern Sudan Independence Movement), and SPLM/A officials in areas along the Bentiu-Leer-Adok Road. These allegations are enumerated below in paragraphs 1 A. – F.

A. Killings

May 2002: An allegation claiming that a GoS soldier killed four women and a man near Rier.

July 2002: An allegation claiming that two young men were arrested while tending their cattle, accused of being SPLA soldiers, and subsequently executed at Rier garrison.

February 2003: An allegation claiming that two men were shot and killed by GoS soldiers during a retaliatory raid on a village near Kilo 40.

February 2003: An allegation claiming that another civilian was shot and killed by GoS soldiers at a cattle camp near Kilo 40.

B. Rapes

January 2003 to July 2003: The CPMT received 18 allegations implicating GoS soldiers of sexually assaulting and raping women along the Bentiu-Leer-Adok Road. Four of the women were reportedly gang raped in the first two weeks of July 2003 near the GoS garrison at Kilo 50.

C. Beatings

January 2003 to July 2003: All of the women who alleged they were sexually assaulted/raped also claim they were beaten.

D. Forced Labor on the Bentiu-Leer-Adok Road

26 June 2003: SPLM/A officials in Leer alleged that the GoS was forcing civilians to perform roadwork on the Bentiu-Leer-Adok Road between Rier and Mirmir.

E. Killing of 11 Prostitutes in Mirmir

8 July 2003: SPLM/A officials in Leer alleged that 11 prostitutes might have been killed in July 2003 by GoS soldiers at Mirmir for infecting GoS soldiers with sexually transmitted diseases.

F. Looting of Food by SPLA Soldiers

30 April 2003: Three women who had purchased food at Rubkuai market alleged, while returning to their village, they were looted of the food by SPLA in the form of taxation as they re-entered SPLA controlled territory.

2. Conduct of the Investigation:

Upon receipt of the allegations, the CPMT commenced an investigation. The preliminary investigation was conducted from 15 February – 14 April 2003 and consisted of gathering information related to the allegation. Interviews were conducted with civilians who had knowledge of the alleged incidents and the victims of the allegations.

On-site investigations were systematically conducted commencing 17 April thru the 24 July 2003. During this phase, the CPMT deployed to the area of the incidents, collected evidence, photographed the sites where the alleged allegations took place and interviewed witnesses in, Rubkuai, Mirmir, Rier, Koch, Wangrial, Kuok, Gier, Payak and Rubkona at SSIM Headquarters.

3. Results of the Investigation:

A. The multiple allegations that GoS soldiers have killed civilians between May 2002 and July 2003 are substantiated. Witness statements and interviews with SSIM militia and tribal chiefs implicate the GoS in the following:

- 1) Killing of four women and one man at Rier in May 2002.
- 2) Killing of Maliah Thouny and Kong Bol at Rier Garrison in July 2002.
- 3) Killing of Ali Dabloul and Ruot Gil in a village near Kilo 40 in February 2003.

B. The multiple allegations that GoS soldiers are beating and raping women in the vicinity of the Bentiu-Leer-Adok Road between the GoS garrison at Kilo 50 southwards to the GoS garrison at Payak are substantiated.

- C. The allegation that the GoS forced civilians to work on the Bentiu-Leer-Adok Road between Rier and Adok is not substantiated.
- D. The allegation by the SPLA that eleven prostitutes were executed in Mirmir for passing sexually transmitted diseases to GoS soldiers is not substantiated.
- E. The allegations that women are being looted of food by SPLA are substantiated. Witnesses are able to identify the men who are looting them as SPLA when they return from the market and reenter SPLA controlled territory.



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REPORT OF INVESTIGATION: VIOLENCE AGAINST CIVILIANS ALONG THE BENTIU-LEER-ADOK ROAD

1. Introduction:

The area along the Bentiu-Leer-Adok Road between Mirmir and Leer saw heavy fighting from the end of December 2002 until the end of March 2003 (see Enclosure 1: Map Bentiu-Leer-Adok Road). This fighting was in direct support of the Government of Sudan's (GoS) designs to complete the all-weather road from Rubkona to its garrison at Leer in the south, and ultimately, to its garrison at Adok on the Nile River. By the end of April 2003, major combat action, between GoS forces and the SPLA along the Bentiu-Leer-Adok Road had, for the most part, ceased.

With the diminution of major combat action between the GoS and Sudanese People's Liberation Movement/Army (SPLM/A) and the imminent approach of the planting season, civilians that had been displaced during earlier periods of fighting ventured back into this area. Slowly, civilians gained the confidence to travel along the road and visit the local markets that had sprung up outside the GoS garrisons of Mirmir and Rubkuai. Unfortunately, due to a brutal drought, the continuous fighting in this region and the complete razing of numerous villages by GoS forces, there was little to no harvest in this area during 2002. Upon their return to this region, civilians found themselves increasingly dependent on grain/food sold in the aforementioned markets, or on relief provided by Non-Government Organizations (NGO's) food distribution programs—quite often conducted outside these very same markets.

It is important to note, that while there has been a significant reduction in the level of combat operations along the road, a dramatic increase in criminal activity is clearly evident. Although one could argue that these are isolated criminal acts carried out by individuals and are not a concerted effort by the military parties to create a hostile environment for the civilian population—the sheer scope and habitual nature of the overall violent criminal activity is devastating to the people when viewed in its entirety.

Since the beginning of April 2003, the CPMT has received numerous allegations of rape, gang rapes, looting, shootings and killings along the Bentiu-Leer-Adok Road. Aside from several allegations of looting, the overwhelming majority of these allegations are leveled at the GoS forces based at garrisons along this road. The CPMT has previously published four separate reports of violations on the Bentiu-Leer-Adok Road, (Looting of Poles, Abduction, Trader Murder and Tut Murder); these can be viewed on the CPMT web site: www.cpmtsudan.org. This report alone addresses numerous shootings and killings, as well as eighteen cases of rape and assaults all leveled at GoS forces. As this report is prepared, several new allegations of rape have been reported to the CPMT and are currently under investigation.

This report will clearly illustrate the violent and routine abuse of civilians by GoS soldiers along the Bentiu-Leer-Adok Road. It further highlights the GoS's reluctance to accept responsibility and its failure to hold accountable those responsible for such criminal acts.

This report will also cite further growing hardships faced by civilians along the road as they are looted of food (purchased in Mirmir and Rubkuai markets) by the SPLA upon returning to their homes in SPLA held territory. While the SPLA would have us believe that civilians voluntarily contribute, such is not the case. What is occurring is nothing short of "forced provisioning".

2. **Allegations:**

From January 2003 through the end of July 2003, the CPMT received numerous allegations from civilians, tribal chiefs, SSIM (Southern Sudan Independence Movement), and SPLM/A officials in areas along the Bentiu-Leer-Adok Road (see Enclosures A, B and C). These allegations are enumerated below in paragraphs 1 A. - F.

A. **Killings**

February 2003: An allegation claims that two men were shot and killed by GoS soldiers during a retaliatory raid on a village near Kilo 40.

February 2003: An allegation claims that another civilian was shot and killed by GoS soldiers at a cattle camp near Kilo 40.

May 2002: An allegation claims that a GoS soldier killed four women and a man near Rier.

July 2002: An allegation claims that two young men were arrested while tending their cattle, accused of being SPLA soldiers, and subsequently executed at Rier garrison.

B. Rapes

January 2003 to July 2003: The CPMT received 18 allegations implicating GoS soldiers of sexually assaulting and raping women along the Bentiu-Leer-Adok Road. Four of the women were reportedly gang raped in the first two weeks of July 2003 near the GoS garrison at Kilo 50. The CPMT also interviewed a young woman who alleged she was also sexually assaulted in July 2003 near Kilo 50. One woman who alleged that a GoS soldier from Gier garrison sexually assaulted her on 15 March 2003 was elderly and frail.

C. Beatings

January 2003 to July 2003: All of the women who alleged they were sexually assaulted/raped also claim they were beaten. Several women reported that the GoS soldiers fired shots around them to stop them from struggling. One woman, allegedly raped by a GoS soldier from Mirmir, was shot in the leg when she resisted. Another woman, who alleged that on 9 July 2003 two GoS soldiers from Kilo 50 raped and beat her with rifle butts and repeatedly kicked her in the chest after the gang rape—and in the end, left her for dead.

D. Forced Labor on the Bentiu-Leer-Adok Road

26 June 2003: The CPMT received an allegation from SPLM/A officials in Leer that the GoS was forcing civilians to perform roadwork on the Bentiu-Leer-Adok Road between Rier and Mirmir.

28 July 2003: SPLA officials in Koch reiterated this allegation.

E. Killing of 11 Prostitutes in Mirmir

8 July 2003: SPLM/A officials in Leer alleged that 11 prostitutes might have been killed in July 2003 by GoS soldiers at Mirmir for infecting GoS soldiers with sexually transmitted diseases.

F. Looting of Food by SPLA Soldiers

30 April 2003: Three women, who had purchased food at Rubkuai market, allege that they had been looted of food by SPLA in the form of taxation as they re-entered SPLA controlled territory.

3. **Background:**

The first exploratory well was drilled at Thar Jath in April 1999. The following month, GoS troops were sent to Thar Jath and the adjacent area to secure the location for continued exploration. In light of the continued fighting between the GoS and SPLA in the region, the oil company announced the suspension of its operation in March 2000. During the following ten months, the GoS forces conducted attacks along the northern end of the road from Rubkona to Rier in an effort to establish a safe zone so that oil operations could resume. Humanitarian aid agencies estimate that during these attacks over 11,000 civilians were displaced and numerous villages were completely razed. After ten months of continued fighting and the systematic displacement of civilians, the oil company was able to resume operations. By March 2001 oil was discovered at Thar Jath.

As the Government of Sudan (GoS) sought to clear the way for oil exploration and to create a *cordon sanitaire* around the oil fields, vast tracts of the Western Upper Nile Region in southern Sudan became the focus of extensive military operations. As new areas opened to exploration, roads were constructed to facilitate the oil company's logistical and operational support. In addition to their commercial value, these roads enhance the GoS's ability to provide security for the oil company, and further extend their military influence in the region. The most contested, and controversial road in the region remains the all-weather Bentiu-Leer-Adok Road that presently connects Bentiu with Leer, and ultimately will connect with Adok on the Nile.

By the end of 2001, heavy fighting had once again erupted between GoS militias and the SPLA over control of the road and the oil fields. In December 2001, the oil company was once again forced to stop operations. In January 2002, the oil company made a formal announcement stating that operations were indefinitely suspended. At the same time, the SPLA and the SPDF announced that they had signed a peace agreement and would work towards a merger of their organizations. In response to this merger, attacks by the GoS military and its associated militias immediately intensified along the Bentiu-Leer-Adok Road.

This renewed GoS offensive, which continued until the beginning of March 2003, was consistent with GoS methodology previously used to clear civilian populations from along the Bentiu-Leer-Adok Road and other areas of possible oil exploration. This GoS offensive was conducted along two axis: GoS militia Commander Peter Gadet maneuvered along one axis attacking regions south of Mankien, Mayom and Wangkei. GoS militia Commander James Liah Diu attacked on the second axis along the Bentiu-Leer-Adok Road. His objective was to ensure that the Bentiu-Leer-Adok Road was extended to Leer and then on to the military port garrison of Adok on the Nile. In early February, the road had been extended to Leer (the all-weather portion of this road only extends just south of Rier).

At the time that Commander James' forces established GoS influence in Leer, the GoS, in accordance with the 15 October 2002 Memorandum of Understanding for Cessation of Hostilities, agreed to halt further construction of the road. Since that time, there have been no major military attacks along the Bentiu-Leer-Adok Road.

The cessation of hostilities agreement between the GoS and the SPLA has been a stimulus for the return of many civilians to the area with the hope of rebuilding their lives. However, as clearly illustrated, the looting, attacks, rapes, shootings and killings of civilians continue to destabilize the area. These criminal acts conducted by GoS soldiers combined with the looting conducted by SPLA create an environment of fear and anxiety in a population that has already lived through countless hardships. These acts make it more difficult for communities to reestablish their normal cultural patterns, if they attempt to return at all.

4. Consideration of the Evidence:

A. Killings:

1) Ali Dabloul and Ruot Gil Killings

- **Interview 23 July 2003:** Testimony of the cousin (aged forty years) and grandson (aged twenty years) of Ali Dabloul states the SPLA attacked a GoS convoy near Kilo 40 on the Bentiu-Leer-Adok Road in February 2003.
- Civilians living near the village ran into the bush as the GoS sent a helicopter gunship to the area.
- At this time Ali Dabloul and his grandson took the women and children to a safe location in the forest. When the gunship left the area they immediately returned to their compound to secure their goats and household items.
- The grandson was in the garden next to Ali Dabloul's tukul (home) when a GoS convoy, transporting approximately fifty GoS soldiers, pulled into the compound.
- The grandson states that the GoS soldiers opened fire on his grandfather hitting him four times: once in the left hip, once in the left shoulder, once in the forehead, and one bullet went through both legs.
- At this point the grandson fled back to the forest where he relayed the above events to his elder cousin.
- The cousin returned to the village with two other adult male relatives and discovered that Ali Dabloul had died from his wounds.
- Commander James Liah Diu was related to Ali Dabloul. Commander James visited the village when he heard of the incident, and after talking with the family, reported the killing to GoS officials in Rubkona.

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- Ruot Gil, another villager, waited three days after Ali Dabloul was killed before returning to the same village. He cautiously returned with his brother to evaluate the situation. Ruot's cousin was following a short distance behind, and other villagers were also returning to see if the situation was safe.
 - According to the cousin, when Ruot and his brother reached the village, they ran into GoS soldiers who immediately began shooting at them. Ruot and his brother fled. Ruot was shot and fell.
 - The cousin reported that he and Ruot's brother hid in the bush and watched as the GoS soldiers searched each tukul. When they failed to find any other civilians, they burned one tukul and returned to their garrison at Kilo 40.
 - Once the GoS soldiers left the village, the cousin said he returned to the village with Ruot's brother. They found Ruot dead. He had been shot through the head, just above the ear.
 - According to the cousin, the incident was reported to Commander James Liah Diu, who then reported the case to GoS officials in Rubkona.
 - The CPMT interviewed another relative of Ruot's who did not witness the shooting but confirmed the account.
 - The chief for the area confirmed that he had seen both bodies where they had fallen and had arranged for the burial of both men.
 - SSIM officials at Kilo 7 and Kilo 50 confirmed the deaths of the two men and said the cases had been reported to GoS officials in Rubkona, but no action had been taken to this date.

2) **Bowar Kaniy Gai Killing**

- **Interview 10 May 2003:** According to Commander James Liah Diu, SSIM, Bowar Kaniy Gai was tending his cattle near Kilo 30 when he was shot dead by GoS soldiers on 24 April 2003.
- Commander James Liah says he reported the incident to the Military Intelligence Officer, Mohamed Ahmed, and to General Khatir Mekke Hammad but still there has been no investigation into this matter.
- SSIM officials at Kilo 50 told the CPMT that the killing of Bowar Kaniy had been reported to them.
- The chief for the area also reported that Bowar Kaniy had been killed on 24 April 2003, and that to the best of his knowledge, the GoS had not conducted an investigation.
- There were no reports that Bowar Kaniy Gai's cows had been stolen.
- His relatives were not in the area and could not be interviewed at this time.

3) Maliah Thouny and Kong Bol Killings

- **Interview 24 July 2003:** The CPMT interviewed a cousin of Kong Bol who was with the two young men at the time of their arrest by GoS soldiers an hour's walk east of the Rier Garrison in July 2002.
- The cousin stated that four GoS soldiers approached the group of young men tending cattle and confronted Kong and Maliah since they were the biggest and strongest of the young men in the group.
- The GoS soldiers accused them of being SPLA soldiers under the command of Peter Paar and arrested them.
- Kong Bol's brother was also part of the group tending cattle and followed the soldiers and captives to Rier Garrison. He then came back to the cattle camp to get Kong's cousin. Together, they went to report the incident to the chief of the Rier area, Youl Nien.
- Chief Youl Nien told the CPMT that he immediately went to the Rier garrison, where he was well-known, to enquire about the detention of Kong and Maliah.
- When Chief Youl Nien arrived at the barracks he witnessed the beating of Kong and Maliah. The chief said that he begged for their release, denouncing the claim that they were SPLA soldiers—but was physically and verbally abused by the officer in charge.
- The chief said that young Nuer boys who work in the garrison later informed him that the beating of Maliah and Kong resumed as soon as he left the garrison.
- Chief Youl Nien stated that he returned to the garrison the next morning to again beg for the release of the young men. The GoS officer in charge told him Kong and Maliah had escaped during the night and had not been seen since.
- However, Chief Youl said several of the young boys working in the garrison told him they had heard Maliah and Kong crying throughout the night and then suddenly the crying stopped. The boys insisted that the GoS soldiers beat the young men to death.
- According to Chief Youl and the SSIM officials in Rier, the bodies of Kong and Maliah have never been found.
- SSIM 1st Lieutenant, William Nyuon at Rier garrison further corroborated the information provided by Kong's cousin and Chief Youl.

4) **The killing of Nyataba Chop Nyak, Nyalada Chop Jal, Nyangiet Kiet Bichok, Kiet Bichok and Nyanial Bang Gatkuoth**

- **Interview 24 July 2003:** Chief Youl and 1st Lieutenant William Nyuon reported to the CPMT that a GoS soldier went on a rampage and killed four women and one man in the village near Rier Garrison in May 2002.
- According to Chief Youl, the soldier first attempted to rape one of the women, but when she resisted, he shot and killed her.
- As the soldier walked back towards the garrison he shot another three women who were carrying sacks of grain back to the village.
- Before reaching the garrison, the soldier shot and killed another man.
- The soldier was arrested by the officer in charge at Rier and reportedly taken to Rubkona and placed in detention by Maj. Mohamed Ahmed.
- Chief Youl Nien said he was called to Kilo 7 by SSIM to take part in the compensation negotiations. He said the GoS refused to attend the meeting so there is still no settlement in this case.

B. Rapes:

1) **Rapes in the Kilo 50 Area**

- **Interview 24 July 2003:** The CPMT interviewed two women who traveled from the village of Kaat to the SSIM market at Kilo 50 the first week of July 2003 in search of sorghum. One of the women was accompanied by her eleven-year-old daughter.
- On their way home to Kaat, they said they ran into two GoS soldiers on the Bentiu-Leer-Adok Road. The women failed to notice that the two GoS soldiers had followed them to the forest. The women said that before they realized what was happening, the soldiers had grabbed them from behind, took one of the women's walking sticks and began beating them. The eleven-year-old managed to escape, and ran a safe distance away where she witnessed the remainder of the attack.
- The women said they tried to resist but the soldiers beat them. One of the women is only eighteen years old and said she still has back pain from the beating.
- In addition to the beating, the soldiers fired several shots near the women to further intimidate them and ensure compliance. The soldiers then ripped off the women's clothes and raped them.

- When the soldiers finished, they gestured for the women to walk towards Kaat, not back to Kilo 50. However, on their return to Kaat the women ran into people from their village that escorted them to SSIM at Kilo 50. At this time they reported the attack to SSIM officials.
 - Over the next two days, the women said they saw the two soldiers from the GoS garrison at the SSIM market at Kilo 50 and identified their attackers to the SSIM officials.
 - SSIM officials told the CPMT that they immediately informed the officer in charge at the GoS garrison at Kilo 50 that the women had identified two suspects. The GoS officer later informed SSIM that the soldiers had been arrested and taken to Rubkona.
 - As seen below, the two GoS soldiers were not arrested and were implicated in another rape in the same area several days later.
 - There has been no compensation paid in this case.
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- **Interview 24 July 2003:** Another woman reported to the CPMT that she had been raped by four GoS soldiers the beginning of the second week of July 2003.
- The woman stated that she lives in the village of Wichluak, a two-hour walk east of Kilo 50. She had gone with her infant and young daughter (aged 5 years) to visit her mother on the west side of the Bentiu-Leer-Adok Road.
- On their way home they ran into four GoS soldiers at Liech (previously a Nuer village but now overgrown with brush). She stated that when soldiers grabbed her she struggled and tried to break free, but one of the soldiers fired three bullets into the ground near her and she stopped struggling.
- Before a cloth was tied over her eyes she saw one of the soldiers lead her young daughter a distance from the scene. She said she could hear her child crying throughout the attack. Meanwhile, her infant was in the baby basket nearby.
- Each soldier took a turn raping the young mother. They then took her clothes, thereby forcing her to walk naked to Kilo 50 to seek help from SSIM.
- The SSIM officials said they sent soldiers to the forest to hunt for the four GoS soldiers but were unsuccessful in their search.
- In an attempt to get the GoS to turn over the suspects, Gatluak Deng and the other SSIM officials said they stopped the GoS at Kilo 50 from moving on the road.
- SSIM said Commander James Liah Diu was sent by the GoS to reopen the road and did so.
- There has been no compensation paid in this case.

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- **Interview 24 July 2003:** On 9 July 2003 an eighteen-year-old mother with one child was traveling with four other women from Dajoul to the Bentiu-Leer-Adok Road in the hopes of catching transport to Bentiu.
 - Along the way, the women came across two GoS soldiers who tried to stop them. Although the women ran, the soldiers managed to catch one of them.
 - The soldiers accused the captured woman of being the wife of an SPLA soldier (her husband is, in fact, a local staff person with an international NGO in Rubkona).
 - The woman told the CPMT that the soldiers began to beat her savagely with their rifle butts. Once they had her on the ground, and only semiconscious, they took turns raping her. They then repeatedly kicked her in the chest.
 - Before she passed out, the woman reported that she heard the two GoS soldiers arguing whether they should kill her to keep her from reporting the incident. However, when they looked her over, they decided she was nearly dead already and left her.
 - Sometime later she regained consciousness, vomited blood, and despite profound dizziness and tremendous pain she managed to dress herself and make her way to the SSIM garrison at Kilo 50.
 - According to the women, and SSIM officials interviewed by the CPMT, SSIM soldiers immediately went to the GoS garrison at Kilo 50 to report the rape. The officer in charge of the GoS garrison at Kilo 50 knew which soldiers had been out of the garrison and sent soldiers out to search for them. The two suspects were found hiding in the GoS garrison north of Kilo 50.
 - The two suspects were brought to the SSIM market at Kilo 50. A SSIM Senior Non-Commissioned Officer, Sergeant Major Gabriel Dng Gafluak (AKA Kubai) identified them as the same men who had been identified several days earlier by two young mothers from Kaat who had been raped.
 - The woman told the CPMT that she was able to identify the two GoS suspects.
 - The officer in charge of the GoS garrison at Kilo 50 immediately agreed to pay compensation. The SSIM officials said they wanted the two GoS soldiers to be turned over to them. The GoS officer refused, saying he would only agree to compensation if the suspects remained in GoS custody.
 - The GoS officer agreed to pay compensation of 100,000 dinars for the rape and severe beating. He paid 48,000 dinars immediately and said the rest would be paid the end of July. The woman told CPMT that the money was given to Chief Kuang Kuol for her family. They are waiting to receive the remaining compensation.

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- **24 July 2003:** The CPMT also interviewed a woman who alleged that three GoS soldiers had sexually assaulted her July 2002.
 - On the day of the attack, the young mother said she was walking to the village of Kaat to the west of the road when she met three GoS soldiers.
 - When the three GoS soldiers called to her she ignored them and kept walking. However when they caught up with her they grabbed her from behind and ripped off her clothes. She began to scream and the screams attracted other civilians who then came running in her direction.
 - When the soldiers saw people running towards them, they fled in the direction of the GoS garrison at Kilo 50.
 - The woman told CPMT that she could not identify the perpetrators since they had held a gun on her, and she had closed her eyes while they stripped her.
 - She continued to Kilo 50 where she reported the attack to Commander Many Kuol at the SSIM market. He immediately went to the GoS garrison to report the incident.
 - To this date there has been no investigation and no mention of compensation for the attempted rape.
 - The chief of the area, Kuony Biliu Bour, and the SSIM official, Gatluak Deng, corroborated the allegation.

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- **Interview 30 July 2003:** The CPMT interviewed 1st Lieutenant Gorong Gai and Sergeant Gabriel Deng Gafluak at the SSIM Headquarters in Kilo 7. Both men asserted that a Nubian soldier from the GoS garrison at Kilo 50 was implicated in three rapes in the area during the first two weeks of July.
 - The SSIM 1st Lieutenant and the Sergeant confirmed that they were the ones who confronted GoS 1st Lieutenant Hassan Saleh (who says he was not present at the GoS garrison at Kilo 50 at that time) about the rapes, and were present when the women who were brought there by SSIM identified the suspects at the garrison.
 - The CPMT interviewed 1st Lieutenant Hassan Saleh at the GoS garrison at Kilo 50 on 30 July 2003. He insisted, despite the above testimony, he had not been present during most of July, and had only returned to duty on 24 July. He said that Sergeant Hassan, from Kuac, had been in charge during this period (SSIM officials insist that 1st Lieutenant Hassan Saleh had been present at the time of the rapes).

- 1st Lieutenant Hassan Saleh further stated that there had been no handover when he returned. 1st Lieutenant Hassan said he did not know the full name of Sergeant Hassan who had been the acting garrison commander during his absence, nor did he know him personally. He believes that Sergeant Hassan is now in Bentiu.
- When questioned repeatedly by the CPMT as to whether it is common practice of GoS garrison commanders to assume and handover commands without sharing vital and pertinent information, he said “No handover was done.”
- At the end of the interview, 1st Lieutenant Hassan Saleh did comment that the rapes could have occurred in his absence, but if so, had not been reported. He said that SSIM sometimes identifies GoS suspects and demands compensation from them without going through the proper channels. He further states that if a soldier did commit a violation, and paid compensation to SSIM, this would not be reported to the garrison commander.
- The CPMT also interviewed Sergeant Mohamed Abdallah at Kilo 50 on 30 July. He said he had been at the garrison throughout July. Mohamed Abdallah said he had not heard anything about alleged rapes. He further stated that SSIM had never come to Kilo 50 during the month of July. Mohamed Abdallah also said there were no Nubian soldiers posted at Kilo 50. He did, however, admit that SSIM had closed the road to prevent the movement of GoS soldiers from Kilo 50. He also said that the road closing was a SSIM reaction to a drunken fight by two GoS soldiers at the SSIM market at Kilo 50, and not due to any alleged rapes. He said the Commander James Liah Diu of SSIM did not come to Kilo 50 to resolve the issue of the road closure.
- Sergeant Mohamed Abdallah also corroborated up 1st Lieutenant Hassan Saleh’s assertion that Sergeant Hassan was the acting commander during 1st Lieutenant Hassan Saleh’s absence for most of July.

2) Rapes in the Mirmir area

- **Interview 23 July 2003:** Four chiefs of the Mirmir area stated that the major issue between the civilians and GoS was the rape of Nuer women by GoS soldiers.
- The chief said that six days earlier (on 16-17 July 2003) a woman had been attacked and raped in the village of Reang by two GoS soldiers from Mirmir. As she fled after the rape the soldiers fired at her. Chief Peter said that fortunately the woman was not hit.
- She is now in Mapear recovering from the ordeal but was expected back in Reang soon.

- Chief Peter Moun Lam told the CPMT that another woman unidentified to the CPMT had been attacked in her house a month and a half ago (early-mid June). When she tried to resist the sexual assault, the GoS soldier shot her in the right calf, and then raped her.
- The chiefs directed the CPMT to the house where the woman was recuperating from the rape and the gunshot.
- She told the CPMT that she had been in her tukul in Bieh when the soldier burst in and attacked her approximately one and a half months ago.
- She stated that she had her infant in her arms when the GoS soldier grabbed her from behind. He had a rifle and an axe. He began to beat her with the axe handle but she managed to wrestle it away. It was then that he shot her in the right calf, fracturing her leg.
- Her neighbors heard the shot and ran to her house. They found the soldier attacking the woman. When they tried to rush the soldier, he began shooting at them. The soldier saw more civilians rushing to the scene and he ran from the house.
- She said she thought he might have come from the GoS garrison at Jarmus, as that was the direction in which he fled following the attack.
- The woman said her family reported the attack to SSIM 1st Lieutenant Gatkuai Biel.
- She says she could positively identify the perpetrator. However, she has never heard that an investigation was conducted or a suspect identified. She told the CPMT that there has never been any discussion of compensation for the attack.
- The woman has stayed in a tukul in Mirmir since the attack without any medical attention. Her leg was fractured by the bullet and remains infected. The family said that they did not have sufficient funds to continue the antibiotic treatment or to take her to a clinic in Rubkona or Bentiu.
- **Interview 22 April 2003:** Major Elbad, the officer in charge of the GoS garrison in Mirmir, was briefed on all the allegations against GoS along the road to date. In particular, he was asked about the allegation concerning a young woman who was attacked and raped in her tukul by three soldiers from Kuok Garrison. He was informed that the local chief told the CPMT that the young woman was able to identify her three assailants and that they had allegedly been arrested and sent to Mirmir. Major Elbad denied any knowledge of the case and said he never received any reports from the chiefs or civilians of rape.

- **The CPMT had planned to conduct a final interview with the GoS at Mirmir on 26 July 2003, and again on 30 July. On both days, Major General Khatir Mekki Hammad prevented the team from traveling to the garrisons to allow the GoS officers in charge a final opportunity to respond to all allegations before completion of this report, an obvious violation of the Agreement.**

3) **Rapes in the Rier Area**

- **Interview 24 July 2003:** Chief Youl Nien at the SSIM garrison at Rier reported that a GoS soldier from Rier had raped a woman six days earlier (18 July 2003).
- Chief Youl said he saw the GoS soldier assaulting the young woman and went to stop the soldier. The soldier shot twice at the chief to scare him off and twice near the woman to prevent her from struggling.
- The chief said he then ran to the oil company compound, which was closer than the SSIM garrisons, to seek assistance. Four soldiers accompanied him as he ran back to the village.
- The chief said while he was gone, the soldier had raped the woman.
- When the GoS soldier saw the chief, with four soldiers, coming towards him, he opened fire and fled to the forest.
- The chief and the four soldiers then went to the main GoS garrison and reported the incident. Thirty GoS soldiers were sent to search for the suspect but they failed to find him.
- The chief then reported the incident to SSIM commander, William Nyuon.
- At approximately 2000 hours, the chief said the suspect was again spotted in the village. This was immediately reported to Commander William Nyuon.
- Chief Youl said Commander Nyuon and his SSIM forces came to the village and found the suspect hiding in a tukul. The suspect began shooting wildly, grazing one man's left thigh and hitting another man in the right calf. The SSIM commander and his forces managed to capture the suspect and took him to the GoS garrison where he was handed over to 1st Lieutenant Mohamed Daud.
- The chief and the commander told the CPMT that they heard the suspect's name was Yasir, but they had no more information.
- Both Chief Youl and Commander Nyuon said 1st Lieutenant Daud met with them to discuss compensation. Although 70,000 dinars was requested, 1st Lieutenant Daud said he could only agree to 60,000 dinars. He indicated that Yasir's salary would be attached to the compensation and the GoS would make up the rest of the 60,000 dinars. He indicated that compensation would be paid in its entirety by the end of July 2003.

- According to Chief Youl, the GoS refused to discuss compensation for the two men who had been wounded or to provide any medical attention.
- **30 July 2003:** The CPMT attempted to interview 1st Lieutenant Daud and his commanding officer, Major Emaad Eldin Abass, about the allegations of rape, wounding of civilians in, and killings of seven civilians between May 2002 and July 2002. **The Major refused to meet with the CPMT and ordered them to leave the garrison. He said he had received orders from Major General Khatir Mekki Hammad at Rubkona Military Headquarters two days earlier instructing all garrisons from Rier to Leer not to talk with the CPMT without written authorization from him, again a clear violation of the Agreement. The CPMT was ordered to leave the garrison. As a result, 1st Lieutenant Daud and Major Emaad Eldin Abass did not have an opportunity to respond to the allegations.**

4) Rapes in the Leer/Payak Area

- **Interview 14 April 2003:** During a meeting between the CPMT and Dr. Riek Machar, Dr. Machar alleged that a woman, possibly with two young girls, was abducted and raped by soldiers from the GoS garrison at Payak in late March or early April. The SPLA, Commander John Wichuel and the SPLM Commissioner in Leer also confirmed the case.
- The CPMT managed to locate and interview the woman on 9 July 2003 in Leer.
- The woman told CPMT that she is originally from Leer but had gone to a cattle camp to the west of Payak to get fresh milk for relatives who had just arrived from Khartoum. She was walking with a relative, a ten-year-old girl, in early April 2003.
- As they walked, they came across three GoS soldiers lying in the grass. One of the soldiers jumped up and grabbed her by the throat, then threw her to the ground and raped her. The ten-year-old girl fled.
- One of the soldiers caught the young girl and brought her back to the scene. The soldiers made her watch the rape. When she began to cry, the woman said that one of the soldiers covered the girl's mouth with his hand.
- The third soldier waited his turn to rape the woman but some civilians came along and the soldiers ran off in the direction of the GoS garrison at Payak.
- The woman, and the SPLA officials in Leer, said there was no way to approach the garrison about compensation. The SPLA did say they closed the route to the cattle camp for a while to try to prevent other attacks.

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- **Interview 8 July 2003:** The CPMT also interviewed a GoS defector at Leer. The soldier is now with the SPLA. During the interview with the CPMT, the young corporal said that he knew of a rape of a Nuer woman that took place on 6 June 2003.
 - The corporal told the CPMT that three GoS soldiers, a Nuer named Gabriel Gai and two Arab soldiers raped a woman on that day.
 - According to the corporal, the Nuer soldier, Gabriel Gai, was dismissed from the army and imprisoned for three months. The two Arab soldiers were imprisoned at Payak Garrison for seven days.
 - The corporal said he knew of the incident because the woman was very brave and came to the garrison to open the case with the GoS.
 - He told the CPMT that the locals do not like to use SSIM as mediators because SSIM charge a fee for civilians living in SPLA-controlled areas to enter Rubkuai to report an incident.
 - The CPMT interviewed Major Ibrahim Idriss Ibrahim, the officer in charge at Payak (Leer) Garrison, on 30 April 2003. He stated that he had no knowledge of rape allegations against soldiers under his command. However, the Major did concede that he knew civilians were afraid of the patrols out of Payak Garrison. Major Ibrahim admitted that there may have been violations by soldiers from Payak before he took over on 18 March 2003, but that there had not been any incidents since he took over command. He also stated that he knew soldiers from Gier Garrison had attacked civilians and committed violations.

5) **Rapes in the Area of Kuok Garrison**

- **Interview 14 April 2003:** Dr. Riek Machar alleged that two women were abducted and raped by soldiers from the GoS garrison at Kuok.
- **Interview 1 May 2003:** The CPMT interviewed Chief Gordon Kong Chuol in Rubkuai Market. The chief told the CPMT that one of the women mentioned by Dr. Riek had been raped in her house near Kuok on 26 March 2003. The family reported the rape to the GoS garrison at Kuok.
- During a line-up, the young woman was able to identify her assailant.
- According to the chief, GoS compensated the family with three sacks of sorghum.
- The chief heard that the soldier had been taken to Rubkona for investigation but he could not confirm that information.

- Chief Gordon knew of another case, as well. This woman was at home in Rubnor when three GoS soldiers from Kuok garrison entered her tukul, assaulted and raped her. According to the chief, villagers heard her screams and found the soldiers in her house raping her.
- Both the young woman and the villagers were able to identify the perpetrators.
- The chief was told the soldiers were sent to Mirmir. However, the family has not received any compensation, nor do they have any knowledge of any disciplinary actions taken against the suspects.
- The chief told the CPMT that two soldiers, probably from Kuok garrison, raped another young woman in February 2003 in her village of Rubnor. Chief Gordon stated that the GoS paid the young woman's family 45,000 dinars.
- **Interview 29 April 2003:** 1st Lieutenant Abazar, commander of Kuok Garrison was informed of allegations claiming soldiers under his command committed three rapes. The 1st Lieutenant denied all allegations at that time. The CPMT met with 1st Lieutenant Abazar again on 22 May 2003 to explain that the CPMT had corroborating testimony about the allegations of rape by soldiers from Kuok. For the second time, the 1st Lieutenant stated that no rapes had been committed and no allegations had been received from the civilians or chiefs. He denied that compensation had been paid, as alleged in one allegation, and said that no soldiers had been sent from Kuok to Mirmir to face disciplinary actions for rape.

6) Rapes in the Rubkuai Area

- **Interview 30 April 2003:** The CPMT interviewed a group of women and Chief Gordon Kong in the Rubkuai Market.
- The chief confirmed that soldiers from Rubkuai garrison had committed a rape on 26 March 2003 as alleged by the SPLA. The woman was passing by a tukul when she heard screams coming from inside. When she entered the tukul the family fled, leaving her alone with a GoS soldier. He then assaulted and raped her.
- The woman went to the GoS garrison at Rubkuai to report the incident. During a line-up she was able to identify the rapist.
- According to Chief Gordon Kong, the GoS officer in charge at Rubkuai settled the case with the woman's family by giving them three sacks of sorghum. Although Chief Gordon Kong was told that the soldier had been taken to Rubkona to be punished, he has no proof that any disciplinary action took place.

- **Interview 30 April 2003:** Two women alleged that a GoS soldier from Rubkuai on or about 15 March 2003 raped another woman. The women stated that the rape was committed in Rubkuai Village.
- Both women had heard that the soldier had been taken to court in Rubkona and that the soldier had paid compensation. They had not heard if the soldier had been disciplined.
- **Interview 30 April 2003:** A seventeen-year-old girl claimed that she had been attacked and raped on 27 February 2003 by three GoS soldiers from Rubkuai Garrison. Chief Gordon Kong confirmed this information on the same day in Rubkuai.
- The young woman reported the attack to the SSIM commander at Rubkuai. He reported the incident to the GoS officer in charge of Rubkuai Garrison.
- The woman was unable to identify her attackers during a line-up in the GoS garrison (the SSIM regularly alleges that the GoS officers hide the suspects during such identification line-ups).
- Despite being unable to pick out her alleged assailants, the young woman said Chief Gordon Kong was able to negotiate three bags of sorghum for her family. The chief confirmed this information.
- When the CPMT interviewed 1st Lieutenant Hashim, the officer in charge at Rubkuai from February-March 2003, he confirmed that he knew of one rape committed by one of his soldiers during that period. However, when presented with the name of the victim, he could not state positively, but believed it was this case that had been reported to him.
- **Interview 29 April 2003:** Capt. Bashir Bakret, the current officer in charge at Rubkuai stated that he had no information about alleged rapes in the area of Rubkuai.
- The CPMT also interviewed the SSIM officer in charge, Joseph Kong Machar. He was not aware of the recent cases but said that GoS soldiers had raped a woman in January 2003, which led the SSIM garrison in Rubkuai to attack the GoS garrison in Rubkuai.

C. Looting of Food by SPLA:

- **Interview 30 April 2003:** Three women in the Rubkuai market allege that the SPLA does not want civilians living in SPLA controlled territory to move in and out of GoS garrisons and markets.

- One seventeen-year-old girl from Kaat, who was raped by GoS soldiers on 27 February 2003, said that she faces insecurity both from GoS and SPLA soldiers. The young woman stated that the SPLA make regular visits to her village of Kaat to steal food being cooked by the women. She said it is the SPLA soldiers who loot civilians in their area but it is the GoS soldiers who rape the women.
- Another woman who had bought food at the Rubkuai market and was on her way home to the village of Boot said she ran into SPLA soldiers who looted all the food she had just bought. The woman alleged that both the SPLA and the GoS send patrols to her village. She complained, however, that the SPLA steals food from its own people. She also stated that the GoS used to loot poles from tukuls and luaks in her village, but have now stopped that practice.
- The third woman, also from Kaat, alleged that the SPLA continues to deny women the right to go to GoS markets to buy and sell. The woman did say that the situation had improved somewhat in that the SPLA soldiers now “ask” for the food being carried by the women. When asked if she can refuse, or give only some of the food, the woman said no. She added, at least the SPLA soldiers no longer beat us when they loot the food.
- **Interview 5 May 2003:** SPLA Commander John Wichuel in Leer was informed of the allegations made against the SPLA by the women in the Rubkuai market. He informed the CPMT that he had not received any reports of food being looted by SPLA soldiers in his area of command. And, as to the claim that the SPLA does not like civilians living in SPLA held territory going to the markets near the GoS garrisons, the commander stated that he has actually encouraged women to go to Rubkuai market for food since grain stocks are poor after last year’s drought. He said he would communicate with his commanders and order them to investigate the allegations.
- **Interview 8 July 2003:** The CPMT then met with Cdr. Peter Paar and discussed the allegations of looting of food by SPLA soldiers in the area between Leer and Rubkuai. He also denied having received any reports of looting of civilians by soldiers under his command but said he would ensure that the reports were investigated.
- **Interview 28 July 2003:** The CPMT met with Commanders David Gatluak Damai, Peter Gatkuoth Chuol and Commander John Madhol, Alternate-Commander Jacob Mading, Major Gabriel Gatkuoth and SRRC officials to discuss several allegations lodged against the SPLA by GoS and SSIM. When asked about the allegation that SPLA loots food from the civilians in their area of control, Commander David Gatluak Damai said he had never received any reports from civilians of

looting by SPLA soldiers. He agreed to speak with his commanders to ensure that the orders from Dr. Riek Machar were enforced and that civilians be allowed to move freely without any interference from the SPLA.

- The commander felt it was more likely that the SSIM was looting women when they leave the GoS markets. He said the GoS stopped supplying rations to the SSIM when the fighting began in Darfur. Since then, he alleged that the SSIM soldiers loot villages under the cover of darkness and call themselves SPLA. The CPMT pointed out that the women claim that they are being looted in broad daylight on their way back to their villages and while preparing meals for their families--and not at night. As stated above, the commander replied that he did not believe SPLA soldiers were looting civilians, but he would investigate the matter personally.

5. Findings:

- A.** The multiple allegations that GoS soldiers have killed civilians between May 2002 and July 2003 are substantiated. Witness statements and interviews with SSIM militia and tribal chiefs implicate the GoS in the following:
- 1) Killing of four women and one man at Rier in May 2002.
 - 2) Killing of Maliah Thouny and Kong Bol at Rier Garrison in July 2002.
 - 3) Killing of Ali Dabloul and Ruot Gil in a village near Kilo 40 in February 2003.
- B.** The multiple allegations that GoS soldiers are beating and raping women in the vicinity of the Bentiu-Leer-Adok Road between the GoS garrison at Kilo 50 southwards to the GoS garrison at Payak are substantiated. The CPMT received overwhelming testimony from women who claim they were attacked, other civilian witnesses, tribal chiefs, SSIM militia officials, as well as several GoS commanders in the area. Further testimony reveals that women have been brutally beaten and in several cases young children were present at the time of the attack.
- C.** The allegation that the GoS forced civilians to work on the Bentiu-Leer-Adok Road between Rier and Adok is not substantiated. Testimony from tribal chiefs and SSIM militia officials indicate that the civilians were given food provided by GAA for agricultural support but which the chiefs diverted for the roadwork project. No one has come forth with evidence that they had been forced to work on the road and repeated

attempts by the CPMT to find anyone along the road, or in the markets and villages of the area, has not produced any witnesses to substantiate this claim.

- D.** The allegation by the SPLA that eleven prostitutes were executed in Mirmir for passing sexually transmitted diseases to GoS soldiers is not substantiated. The tribal chiefs in the area made it clear that such an incident would have led to a major confrontation between GoS and SSIM. In spite of repeated attempts to substantiate this allegation, the CPMT was unable to find any witnesses to these alleged killings, or anyone who had heard rumors of such an event.
- E.** The allegations that women are being looted of food by SPLA are substantiated. Witnesses are able to identify the men as members of the SPLA who are looting them when they reenter SPLA territory.
- F.** Without forensic evidence, the CPMT cannot conclusively prove that women have been raped. However, there exists an overwhelming preponderance evidentiary testimony from which one can reasonably conclude that GoS soldiers are in fact responsible for the beatings and rapes.
- G.** The CPMT does have information that SSIM may be negotiating compensation on behalf of victims, but cannot determine whether the victims are in fact receiving this compensation.
- H.** Despite numerous attempts by the CPMT to provide the GoS with an opportunity to address these allegations, senior officials in the area have failed to fully cooperate. They deny knowledge of these incidents, claim that they are often not reported, are handled locally by the chiefs and SSIM, or state that cases are being investigated. The GoS command cannot detail any actions implemented to curb ongoing and future criminal actions perpetrated by their forces along the Bentiu-Leer-Adok Road.
- I. The CPMT has been and continues to be hindered in its investigations by the GoS military command in Rubkona:**
- The CPMT attempted several times to meet with a GoS commander, and/or any judicial representative who is in charge of dealing with criminal activity and military discipline, but instead was shuffled from office to office.
 - The CPMT questioned several GoS officers as to the type and severity of military punishment that would be applied had such criminal acts occurred—not one person could articulate the GoS's application of military law concerning these matters; instead, they would simply discuss indigenous tribal compensatory law and customs.
 - The CPMT was engaged in a developing dialogue with Col.

Kabashi and Military Intelligence Officers at the GoS Headquarters in Rubkona. However, upon the return of Major General Khatir Mekki Hammad on July 28 2003, such cooperation was abruptly terminated.

- Furthermore, that same day Major General Khatir Mekki Hammad prohibited the CPMT from conducting investigations down the Bentiu-Leer-Adok Road stating that the CPMT did not list the desired destination on its deployment orders. Such hindrance is in clear violation of the CPMT mandate signed by the GoS and SPLA. This mandate grants full and unimpeded access to all locations.
- After the GoS command in Khartoum stated that this was all a misunderstanding, the CPMT returned to the Bentiu-Leer-Adok Road two days later. After meeting with military intelligence, and despite heavy rains and nearly impassable road conditions, the CPMT traveled to several garrisons that had been named in allegations. The CPMT was able to meet with only one garrison commander. A second commander at Rier, Major Abass, refused to talk with the CPMT and informed the CPMT that he received a message from Major General Khatir Mekki Hammad in Rubkona that, "No garrison along the road would talk with, or cooperate with, the CPMT without written permission from him."
- After this incident, the CPMT requested to reschedule a meeting with Major General Khatir Mekki Hammad for the following morning. The CPMT was informed by his subordinates that until matters were cleared up between Rubkona GoS command and Khartoum GoS command—and that the CPMT's mission was fully explained and outlined—the General would not meet with the CPMT. Such a stipulation is a violation of the CPMT mandate signed by the GoS and SPLA. This mandate does not require the CPMT to inform the parties as to the nature of their investigations
- The GoS command in Rubkona denied knowledge of the rapes as did the GoS commanders in Payak, Gier, Kuok, Rubkuai, Mirmir and Kilo 50, even though the CPMT had evidence that tribal-law compensation had been paid in several cases. The GoS continues to deny that GoS soldiers have participated in rapes, often gang rapes, of women along the Bentiu-Leer-Adok Road.
- Despite numerous eyewitnesses, to include GoS, SSIM, and local chiefs, who claimed that specific garrison commanders were not only made aware of rapes conducted by their soldiers, but had arbitrated compensation, no garrison commander claimed knowledge of any criminal activity. Commanders often stated that they were not present during the time period in question and were unable to provide the name of the acting commander in charge during their absence. When questioned further, they also added that there was no hand-over during which time commanders would normally share all pertinent information of interest. The standard answer from garrison commanders in regard to these allegations was, "I do not know anything about this."

6. Conclusions:

- The violent acts against civilians cited in this report coupled with the GoS's failure to produce any evidence that it is applying military justice/punishment; its failure to adhere to tribal compensatory laws; and its continued reluctance to enact control or disciplinary measures not only to punish the guilty, but to also eliminate the threat of further criminal conduct perpetrated by soldiers, clearly highlights this as a systemic GoS malady.
- Contributory factors, such as idleness of military forces in these remote garrisons (not withstanding the cessation of hostilities agreement), a two-year GoS service tour, apparent lack of willingness on the part of commanders to exercise control/discipline, and the increased movement of civilians (especially women) along the road, combined to create an environment conducive to criminal activity.

7. Recommendations:

- A. The Government of the Republic of Sudan and the Sudan People's Liberation Movement agreed on 31 March 2002 "to refrain from targeting or intentionally attacking non-combatant civilians". The parties also agreed "to take all precautions feasible to avoid incidental loss of life, injury to civilians and danger to civilian objects". Even though the parties have renewed this Agreement for another year, it is clear that the parties continue to target and harm civilians. While large-scale military attacks, for the most part, may have ended by May 2003, the arbitrary killings, beatings, rapes and lootings continue. **Both parties must abide by and fulfill the commitments made in the Agreement signed on 31 March 2002 and extended through 31 March 2004.**
- B. The parties, as obligated under the Agreement, must provide complete cooperation to the CPMT during all investigations.
- C. The GoS command in Rubkona must implement rigorous legal and command measures to restore control/discipline in its outlying garrisons along the Bentiu-Leer-Adok Road.
- D. The GoS must enforce a code of military justice that holds commanders and soldiers accountable for their actions, so as to punish the guilty and deter future criminal behavior.
- E. The GoS must develop a rigorous Geneva Convention and Law of Land Warfare training program for its forces and must train its soldiers appropriately in this area. Within the parameters of the Cessation of Hostilities Agreement, the GoS should develop and implement an in-garrison training program to professionalize its soldiers. This would also have the beneficial effect of reducing idle time for soldiers, which invariably leads to incidents such as cited in this report.

- F. The GoS should cooperate with local tribal chiefs and adhere to tribal compensatory laws and customs.
- G. Whether it is SSIM or tribal chiefs negotiating compensation on behalf of victims, the compensation must be turned over to the victim.
- H. As a militia associated with the Government of the Republic of Sudan, SSIM is obligated to abide by the 31 March 2002 Agreement and take all precautions to protect civilians.
- I. SPLA forces must stop looting food from civilians returning from the markets of Mirmir and Rubkuai under the guise of taxation or voluntary giving. Civilians must be allowed to move freely in order to provide for their families.

8. Summary:

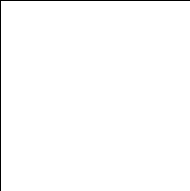
This exhaustive investigation clearly signals that despite the fact that civilians are returning to their homes in the vicinity of Bentiu-Leer-Adok Road, they continue to be victims of violent acts perpetrated by both parties. While both the GoS and the SPLM/A continue to ignore the commitments they made when they ratified the agreement to protect non-combatant civilians, the habitual nature of the criminal acts on the part of GoS soldiers is particularly heinous in as much as these men are members of a regular armed force of a sovereign nation; a nation which is signatory to the Geneva Convention and Law of Land Warfare.

There is little evidence to indicate that GoS commanders are making a good faith effort to discipline soldiers for crimes committed against civilians. In fact, just the opposite is the case; the GoS denied all allegations of rape and made no attempt to demonstrate to the CPMT that it sought to control the actions of its soldiers based in garrisons along the Bentiu-Leer-Adok Road.

Finally, SSIM officers interviewed by the CPMT made it abundantly clear that the GoS actions cited in this report are increasing tensions along the Bentiu-Leer-Adok Road corridor. It would be unfortunate should these mounting tensions lead to fighting between the GoS and SSIM militia causing civilians, who have only recently felt safe enough to return to the area, to flee once again.



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Enclosures: 1- Bentiu-Leer-Adok Road Situation Map 1
2- Bentiu-Leer-Adok Road Situation Map 2
3- Photographs