

First Legal Case Lodged Against South Sudanese Government for Gang Rape and Sexual Slavery

The conflict in South Sudan has been ongoing for five years and during this time, tens of thousands of young girls and women have been subjected to horrific sexual violence by Government security forces. To date almost no one has been held accountable. We have to ask ourselves: Why are we not doing more to protect them?

On 6 December, Legal Action Worldwide (LAW) brought the first case against the Government of South Sudan for sexual violence against 30 South Sudanese women and girls by members of the South Sudan army and the Presidential Guard. The complaint outlines brutal sexual violence, including sexual slavery, torture, rape and gang rape against women and girls between June 2016 and September 2017. The case was lodged with the UN Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) in Geneva.

This is a landmark case and the first step on a long road to justice for all women and girls in South Sudan. We are starting with 30 South Sudanese women and girls who have had the courage, strength and conviction to talk about the brutal sexual violence that they have suffered in their own country perpetrated by their own Government. They include 'K2,' who was subjected to mass rape, with her three sisters and a family friend in front of each other in their kitchen. She was 12 years old at the time. Muding, 42, who was methodically gang raped by Government soldiers, one soldier blowing a whistle indicating when the perpetrators should finish. Joanna, whose nine-year-old daughter was beaten outside, while she was raped inside in her home. Scovia, a 27-year-old mother of four, who was gang raped by five Government soldiers. While she was being gang raped, two of her children disappeared. She has not seen them since. Viola, age 29, who was tied to a tree, tortured and gang raped by Government soldiers in an army camp. The violence these women and girls have suffered is representative of what has happened to tens of thousands in South Sudan. We hope many more will join their fight for justice.

We also want the CEDAW Committee to recognise that women and girls must have their full identity protected in order to safely make complaints regarding sexual and gender-based violence by Government security forces. Currently, survivors must provide their names and identifying information, which means many will not come forward for fear of reprisal.

The main requests in the Complaint:

- 1) Establishment of an independent and impartial mechanism, which can provide survivors of sexual violence and their families with appropriate civil and criminal legal remedies*
- 2) Compensation for Survivors*
- 3) Rehabilitation of Survivors through medical, legal and psychosocial services.*
- 4) Protection of identities for complainants.*

Taking an international case is an important tool for pressurising the government to take action. CEDAW decisions have been influential in changing unfair and discriminatory laws and practices around the world. In Mexico, a decision of the CEDAW Committee led to the 'Cotton Fields' case before the Inter-American Court of Human Rights, which forced the government to address sexual and gender-based violence. Following the Terrain Hotel attack in Juba (2016), international pressure brought about the establishment of a military tribunal in South Sudan to prosecute those involved. We hope a decision of the CEDAW Committee in favour of the 30 Complainants will bring about necessary international political pressure on South Sudan to fully and effectively address the systemic sexual and gender-based violence committed by its forces.

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