

**LEGAL ACTION WORLDWIDE
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PRESS RELEASE

South Sudan: Missing file blocks justice for Terrain hotel rapes, murder

A missing case file is blocking appeals in the murder and sexual assault case stemming from the 11 July 2016 attack on the Terrain hotel in Juba, South Sudan, Amnesty International, Human Rights Watch, and Legal Action Worldwide said today. The case file has not been seen since it was sent to President Salva Kiir in 2018.

The Supreme Court is therefore unable to move forward with appeals by the victims and those convicted one year after 10 soldiers were convicted for the sexual assault and rape of at least five aid workers, and the murder of a journalist during the attack.

“It is outrageous that a year after the conviction the parties’ appeals cannot be heard because of the missing case file,” said Antonia Mulvey, founder and executive director of Legal Action Worldwide. “The authorities should ensure that there are no deliberate attempts to obstruct justice and locate the file, so the Supreme Court can examine the appeal.”

“The victims of this heinous attack, and their families, have suffered so much already – it’s unfathomably cruel to prolong their quest for justice,” said Seif Magango, Amnesty International’s Deputy Director for East Africa, the Horn and the Great Lakes.”

The authorities must ensure the victims get their right to a remedy and the accused their right to a fair trial, including the right to appeal and the right to be tried, or to obtain justice without undue delay, the groups said.

In September 2018, the rape and sexual assault survivors and the family of John Gatluak Manguet, the journalist killed in the attack, appealed the court’s decision to award USD \$4,000 to each of the rape and sexual assault survivors, and 51 cows to the journalist’s family. They contended that the compensation was not commensurate with the crimes, and the physical and mental trauma they have endured since the attack. The convicted soldiers also filed their intention to appeal the conviction.

“After the compensation was awarded, I felt violated again, I felt raped again by the justice system,” said Sabrina Prioli, one of the rape survivors. “Now we appeal because we want a formal compensation system that takes into account the gravity of the crime.”

The missing case file, which included the judgment, was sent to President Salva Kiir for confirmation before the judgment was delivered on September 6, 2018. The file has not been seen since. UN officials and diplomats strongly suspect the file was lost in the Office of the President. For the case to proceed on appeal, a complete record of the case is required.

“While the trial of the soldiers in the Terrain case is a first step, the justice process isn’t finished yet,” said Jehanne Henry, associate Africa director at Human Rights Watch. “The disappearance of the case file has effectively stalled the appeal process and serves as a classic example of the justice system failures that exacerbate the culture of impunity in South Sudan.”

The appeal could set an important precedent for future prosecutions in rape cases in South Sudan, where sexual violence is widespread and has been used as a weapon of war since December 2013. Many women and girls, as well as men and boys, have been raped, gang raped, abducted, and forcibly mutilated. Their cases have not been effectively investigated and those responsible have not been brought to justice.

In one example, survivors of rape by government forces in the village of Kubi, on the outskirts of Juba, have been waiting for justice since February 2017. In another instant, the government dismissed November 2018 reports of rapes in Bentiu, in the northern part of the country, as “false” [despite evidence indicating clear patterns](#) of sexual attacks by armed men.

On August 23, 2019, the chief justice of South Sudan, Chan Reec Madut, told the media that plans were underway to establish a special court for gender-based violence, which would handle both domestic violence cases and cases involving serious human rights violations.

While last year’s convictions were an important [first step](#) toward accountability for human rights violations in South Sudan, the authorities must ensure that justice takes its full course in this case. Under South Sudanese law, trials involving crimes against civilians should be heard by civilian courts, not military courts, as the Terrain Hotel case was.

Public Document

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