



Women's Perspectives on the Establishment of the Committee for Truth, Reconciliation and Healing in South Sudan

JULY 2022

Introduction

In April 2022¹, the Government of South Sudan launched public consultations for the establishment of the Commission for Truth, Reconciliation and Healing (CTRH). The process was welcomed by government officials, civil society organisations, religious leaders, academia, members of the diplomatic community and development partners, who attended the event.

The outcomes of the consultations will inform the drafting of a bill for the establishment of the CTRH which is one of the transitional justice mechanisms provided for in the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) 2018.

To ensure that reconciliation in South Sudan is driven and owned by the women; that it is survivor-centred and that it addresses all grievances to pave the way for a reconciled and healed South Sudan, the Women's International Peace Centre in collaboration with CORDAID South Sudan, Search for Common Ground South Sudan, Initiative for Peace Communication and Centre for Inclusive Governance, Peace and Justice held consultative meetings with groups of women leaders in Juba, Yei, Wau and Bor.

A total of 210 women were consulted, comprising of distinct women groups, including women leaders, women from religious entities and civil society organisations, young women, as well as survivors of conflict-related sexual violence (CRSV), who would otherwise have been excluded from the process.

The women leaders shared their needs and concerns with the expectation that these will be taken into account in the drafting of the legislation, and that the subsequent establishment of the Commission is tailored to the current context of South Sudan. This brief is informed by their experiences, needs and concerns.

1 [South Sudan launches public consultation to pave way for truth, reconciliation](#)

Background

When civil war engulfed South Sudan in 2013², women suffered disproportionately as sexual and gender-based violence became more pronounced. The conflict was fueled by long standing ethnic divisions within South Sudan's security forces that led to the easy fragmentation of the military on each side of the political dispute. Between 2013 and 2018, soldiers on both sides of the conflict used sexual violence and torture, especially of women and girls, as part of their military strategies³. Furthermore, a complete breakdown of the rule of law permitted armed men to operate with impunity throughout the conflict.

The **Agreement on the Resolution of the Conflict in South Sudan** was the first effort towards peace in the country. It was brokered in 2015 by the Intergovernmental Authority on Development (IGAD) but was short-lived as fighting between the two rival forces resumed in June 2016. Most recently in September 2018, both parties signed the **Revitalised Agreement on the Resolution of the Conflict in South Sudan** (R-ARCSS).

While there was a notable end to political violence with the signing of the peace agreement, conflict-related sexual violence (CRSV) has persisted. Conflict-related sexual violence against

women and girls remains widespread and systematic throughout South Sudan⁴. Ongoing conflicts across the country, including in the Equatorias, have created a perilous situation of great insecurity for women and girls, exacerbated by a lack of accountability for sexual and gender-based violence.

At international and regional level, South Sudan is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). While CEDAW suggests measures to ensure the protection of women during and after conflict, the Maputo Protocol recognizes CRSV as a crime, and calls on States to prevent and prosecute perpetrators.

2 [*South Sudan's December 2013 conflict*](#)

3 [*South Sudan: Sexual Violence As A Weapon of War - the Horrifying Details*](#)

4 [*2021 Report of the United Nations Secretary-General on CRSV*](#)

South Sudan is also legally bound to a number of United Nations Security Council Resolutions (UNSCR) on women, peace and security namely:

- UNSCR 1325 (2000) which recognises women's participation in peace processes
- UNSCR 1820 (2008) which recognises sexual violence as weapon of war
- UNSCR 1960 (2010) which reiterates the importance of ending sexual violence in conflict.

The country developed a National Action Plan on UNSCR 1325, operationalizing its obligations under UNSCR 1325. South Sudan also developed and adopted a National Gender Policy (2012) which among other functions, seeks to prevent and address all forms of sexual and gender-based violence.

Most cases of gender-based violence are resolved through the customary legal system. Although customary law is legally binding in South Sudan, it is highly patriarchal and rarely produces favourable outcomes for women and girls. There have also been efforts by the Government of South Sudan to address sexual and gender-based violence including by establishing a Special Court⁵ in 2020

and military prosecutions, however, these measures remain woefully inadequate, given the scale and extent of CRSV in the country.

The revitalised peace agreement in South Sudan requires the Transitional Government of National Unity (RTGoNU) to establish the CTRH as one of the three transitional justice institutions to independently promote the common objectives of truth, peace, accountability, reconciliation, and healing in South Sudan. The two other institutions are the Hybrid Court for South Sudan (HCSS) and the Compensation and Reparation Authority (CRA).

The purpose⁶ of the CTRH and the other two transitional justice institutions is to spearhead efforts to address the legacy of conflicts and promote peace, national reconciliation and healing in South Sudan. The CTRH is mandated to inquire into all aspects of human rights violations and abuses, breaches of the rule of law and excessive abuses of power committed against all persons in South Sudan by State, non-State actors, and or their agents and allies since July 2005.

⁵ [*Special court launched to try gender-based violence cases*](#)

⁶ [*Article 5.2.1.1 of the R-ARCSS*](#)



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Among its functions, the CTRH shall investigate, document and report on the course and causes of conflict in South Sudan and make recommendations regarding remedies for survivors, including by suggesting measures for reparations and compensation. Where appropriate, the CTRH shall draw on existing traditional practices, processes and mechanisms in South Sudan.

By implementing a national healing and reconciliation process, the country will address the legacy and persistence of

conflict related sexual violence against women and girls in South Sudan. This involves responding to the needs of women survivors who face persistent challenges in addressing the violations they have suffered and their present health and livelihood needs including the needs of the families they support, particularly in situations where they have been physically and or socially uprooted from their communities as a result of conflict and the related experience of sexual violence.

Establishing the Commission for Truth, Reconciliation and Healing (CTRH)

The revitalised peace agreement requires the RTGoNU to establish the CTRH by legislation. The legislation shall, among other things, outline the mechanisms and methods for enabling the CTRH to discharge its duties and responsibilities. The Ministry of Justice and Constitutional Affairs of the R-TGONU, in collaboration with the Civil Society and other stakeholders, is mandated⁷ to consult the people of South Sudan both inside and outside the country prior to the establishment of the CTRH. The aim of the public consultations was to collect the views of the people of South Sudan to inform the design of the legislation that will establish the CTRH.

On 10 May 2021, the Ministry of Justice and Constitutional Affairs established a 36-member committee known as the Technical Committee on the Establishment of the Commission for Truth, Reconciliation and Healing (TC-CTRH). At the IGAD Council of Ministers 72nd Extraordinary Session held on 24 June 2021, the RTGoNU was urged⁸ to expedite the implementation of the formation of the three Transitional Justice mechanisms. The Technical Committee was therefore launched⁹ on June 30 2021 by the 1st Vice President of South Sudan, H.E. Riek

Machar. The mandate of the TC-CTRH is to conduct survivor-centred public consultations to collect the views of the people of South Sudan, which shall inform the design of the CTRH legislation.

The Technical Committee is composed of representatives of different stakeholders such as parties to the R-ARCSS, Civil Society Organisations (CSOs), Academia, Trade Unions, Women and Youth and Faith-based Groups. Notably, the Committee includes representatives from the Ministries of Justice and Constitutional Affairs, Peace building, Gender, Child and Social Welfare, and Health, specifically the Mental Health Department to ensure that issues of psychological trauma are not negated in the consultations.

Although the Committee is chaired by a woman, only 7 (19%) of its 36 members are women. This falls short of the 35% commitment to women's participation in political and decision-making processes as stated in the

⁷ *Article 5.2.1.3 of the R-ARCSS*

⁸ *RJMEC Report On The Status Of Implementation Of The Revitalised Agreement On The Resolution Of The Conflict In The Republic Of South Sudan*

⁹ *Gov't starts process to set up truth and healing commission*

peace agreement. Further, the youth representative on the Committee is a male. The Committee also lacks a representative for People with Disabilities (PWDs). Such gaps are likely to translate into the limited engagement of the TC-CTRH with women, female youth and other marginalised groups, as well as the failure to consider their specific needs when consulted, resulting in the exclusion of their priorities in the establishment of the CTRH.

of women and girls. The questions were generic and only one¹⁰ sought to ascertain how marginalised groups would participate in the CTRH's processes. Also, it defined survivors, witnesses and crimes homogeneously, without taking into account the disproportionate impact of the conflict on women and girls.

This meant that such groups had to go the extra mile to ensure that their responses were not as generic as

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As per its mandate, the Technical Committee developed a nationwide public sensitization and consultations plan and also established three (3) sub-committees on mapping, public sensitization and awareness and methodologies. Further, tools were developed which included radio messages, fact sheets on CTRH and Chapter V of the Agreement, and questionnaires among others.

the questions, but highlighted their concerns. Similarly, the messages that were developed to raise awareness of the CTRH process among the citizens were targeted towards the general public, with no specific focus on women and girls.

After the Technical Committee was launched, it formed seven (7) teams to conduct public consultations in

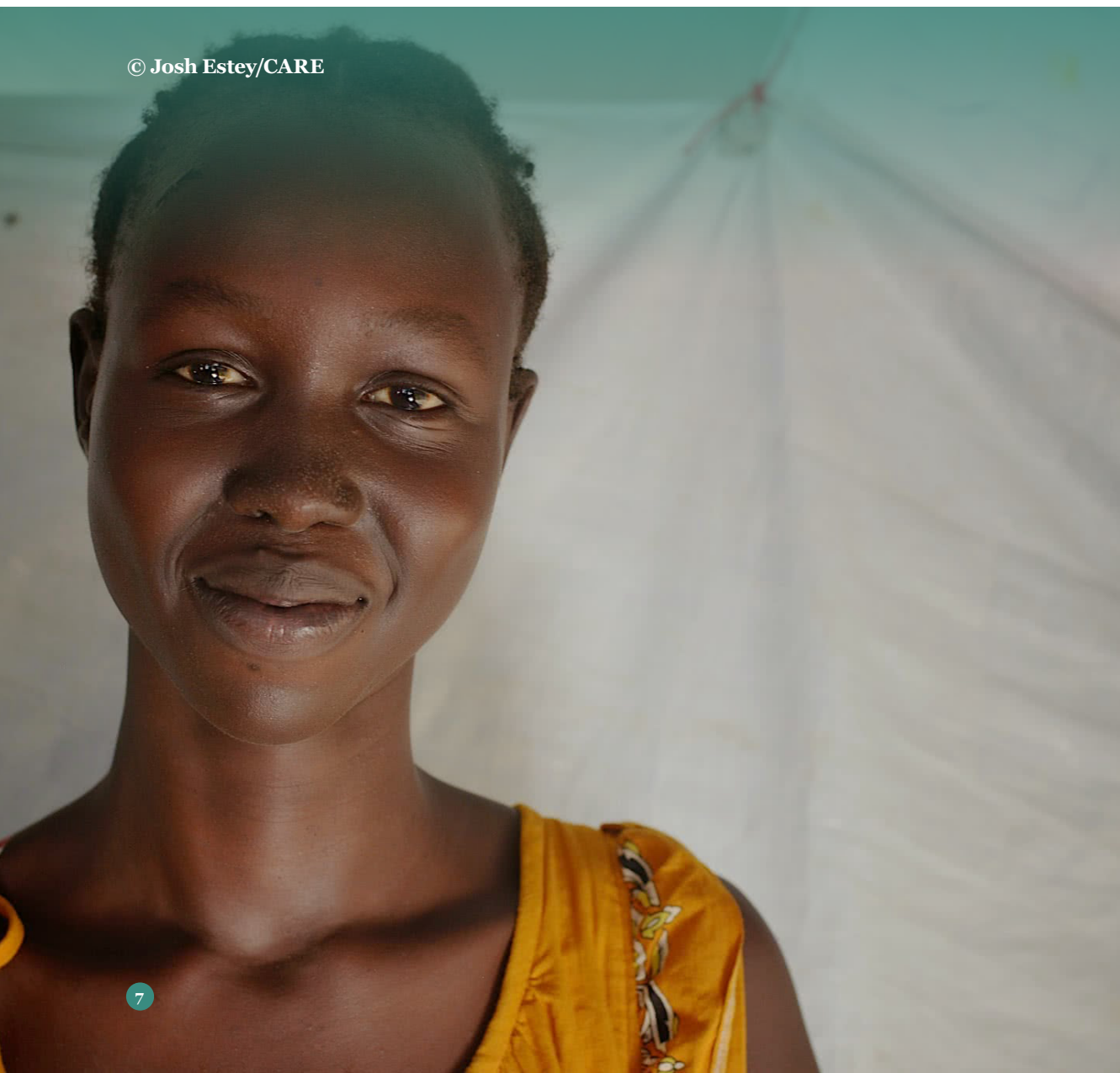
It is worth noting that the questionnaire used to facilitate the focus group discussions was not tailored to pick the specific views and experiences

10 *What do you think the CTRH should do to promote effective public participation, especially by vulnerable people, in its processes?*

all the ten (10) states and three (3) administrative areas of South Sudan. The Nationwide Public Consultations were launched by President Salva Kiir and all his Deputies on April 5, 2022 and members of the Technical Committee were dispatched across South Sudan.

After the consultations, the Technical Committee is required to submit a report to the Ministry of Justice and Constitutional Affairs which will draft the bill to the Transitional National Legislature for adoption and subsequently assented to by the President.

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Women's Participation in the Consultation Process

Women in South Sudan face extraordinary challenges. Rates of sexual and gender-based violence are among the highest¹¹ in the world. Laws and patriarchal norms also limit women's ability to inherit land or lead in public affairs. Most of the more than 4 million¹² South Sudanese who are forcibly displaced are women and girls. This marginalisation has resulted in a highly challenging environment for survivors to advocate for their right to remedies and reparations. Women who survived the conflicts are further affected by their unmet need for medical, psychological, social, economic and legal support, resulting from the specific sexual violence experienced.

South Sudan's domestic justice system provides different avenues for reparations through formal and customary courts that CRSV survivors could access. These include: the special court for gender-based violence and juvenile cases; mobile courts; military courts and customary law. Substantial gaps remain in the areas of prevention, accountability, compliance, and reparations, exemplified by inadequate judicial systems where barriers to investigation and prosecution remain, including: physically inaccessible police stations

and courts; the prohibitive costs of legal representation; fear of backlash; and insufficient knowledge of one's rights which severely contribute to the under-reporting of CRSV. Thus, the failure to provide reparations has resulted in survivors' preference of other forms of accountability, such as human rights investigations.

Moreover, the majority of the survivors in South Sudan live in rural communities, making access to services problematic due to the presence of armed groups and a poor road network. It is also estimated¹³ that 90% of cases are resolved through customary courts, which often require unmarried rape survivors to marry the perpetrator as a form of settlement. These barriers make transforming cultures of impunity into cultures of accountability an uphill task.

11 [*Conflict-related sexual violence against women and girls in South Sudan*](#)

12 [*South Sudan emergency*](#)

13 [*UN Security Council, 'Conflict Related Sexual Violence: Report of the Secretary General' \(20 April 2016\), UN Doc S/2016/361 pg 4*](#)

According to the 2021 Report¹⁴ of the United Nations Secretary-General on Conflict Related Sexual Violence, the levels of compliance by parties to conflict remain low. First of all, responsibility for CRSV in South Sudan is shared between the South Sudan People's Defence Forces (SSPDF), the National Security Service (NSS), the Police Service, the Sudan People's Liberation Army- in Opposition (SPLA-IO), militias aligned to both parties in the conflict (including youth militias) as well as unidentified uniformed men among others. However, these groups are seldom held to account for their actions.

In February 2017¹⁵, a group of soldiers raped six women at Kubi village, south-east of Juba, along Juba Nimule Road. Five low-ranking SPLA soldiers were arrested in 2018 for alleged involvement, but there has been no further progress. Similarly in 2019, a civilian court sentenced six SPLA-IO elements and one member of the SSPDF for the rape of four women, with prison terms ranging between two and six years and the obligation to make payments in compensation to survivors. Two of the perpetrators escaped¹⁶ detention.

Secondly, there is evidence of limited coordination between judicial systems with other relevant actors such as security organs and medical institutions. The lack of coherence

and knowledge among the actors limits information sharing, creates unrealistic expectations, contributes to fragmentation, reduces available resources and undermines efforts to deliver justice in an integrated, coherent and sustainable manner in line with international standards.

Instances where survivors are led around in circles between hospitals and police stations while documenting evidence and left frustrated by the stigma and lack of support come to mind. There are also concerns that survivors who appear as witnesses during court cases will face reprisals from their perpetrators as the government has not made any demonstrated commitments towards providing their security.

14 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/04/auto-draft/SG-Report2021for-web.pdf>

15 [WAR CRIMES AND PUNISHMENT
The Terrain Compound Attack and
Military Accountability in South
Sudan, 2016–18](#)

16 UNSC, 'Report of the Secretary General on Conflict Related Sexual Violence' (3 June 2020) UN Doc S/2020/487 para 50

Despite the impunity surrounding CRSV in South Sudan, the Technical Committee was not deliberate about including the specific voices of women through women-only consultations. Where women were engaged in the public consultations, they were involved homogeneously, as part of the general public. However, the representatives from women's rights organisations on the TC-CTRH underscored the need for women-only discussions and supported organisations such as Women's International Peace Centre (The Peace Centre), CARE International and Victims-Survivors Alliance Worldwide to conduct these consultations in different States. The recommendations below were proposed by the women who were consulted by the Peace Centre.

Other hindrances to women's effective participation in the consultations were: poor roads which limited their movement to the consultative meetings; flooding in some areas; insecurity for example due to recent¹⁷ cattle raids as well as the overall slow implementation of the R-ARCSS which

has led to citizen's mistrust in public institutions. South Sudanese women and girls living in refugee settlements and in the diaspora were also not consulted. This means that their justice and peace needs may not be prioritised by the Commission.

“A woman was once raped to bleeding point. When she got to the police station, she was asked for evidence of the rape. The police claimed that the blood was because she was menstruating. What evidence shall women present to the Commission for acts that were committed years ago?”



— A participant at the National Women's Conference for Consultation with Women Leaders on the Establishment of the CTRH bill.

Juba, July 2022

17 [*Soldiers among 25 killed in South Sudan cattle raid*](#)



South Sudan Women's Recommendations for the CTRH Bill

The appropriate timeframe for the mandate of the CTRH

The CTRH is expected¹⁸ to focus on human rights violations, breaches of the rule of law and excessive abuses of power which took place between July 2005 and 12 September 2018. However, for the women, this period leaves out conflicts and injustices which happened before 2005 and after 2018.

For example, the conflict of Anyanay I and II left lasting effects on survivors, which have not been resolved. Similarly, there is need for reparations from Khartoum for injustices which were committed before the independence of South Sudan.

Highlight

For women in Bor, the CTRH should therefore focus on the time period between 1991 to date. On the other hand, the women in Yei proposed that the investigations of the CTRH should begin in 1983 and the women in Juba proposed 2011 to date.

The nature and scope of abuses to be investigated by the CTRH

Truth commissions are official, independent, non-judicial panels of inquiry that investigate serious violations of human rights or war crimes committed in a country's past, including conflict-related sexual violence to determine what happened and why, in order to prevent future abuses. They should take a survivor-centred, and gender-sensitive, approach.

Highlight

Therefore, for women in South Sudan, the CTRH should investigate murders including extrajudicial killings; sexual violence against women and girls; abductions, arbitrary arrests and detentions; the use of child soldiers and recruitment of refugees to the military; land grabbing and forceful displacement; ethnic clashes and genocide; mismanagement of resources which has resulted in the current poverty levels in South Sudan.

18 Clause 5.2.2.3.1 of R-ARCSS

The ideal composition of the Commission on Truth, Reconciliation and Healing in South Sudan

According to the R-ARCSS, the CTRH will be composed of 7 Commissioners, 4 of whom shall be South Sudanese nationals, including two women. The 3 remaining Commissioners shall be from other African countries, of whom at least one shall be a woman. The CTRH shall be chaired by a South Sudanese national and deputised by a non-South Sudanese national.

Highlight

Yet for women, seven commissioners are not an adequate number to execute the mandate of the CTRH.

This is because 7 is not representative of the richly diverse ethnicity of South Sudan people. Since the conflict was largely tribal and all tribes deserve justice, women recommend that efforts should be made to ensure that all the 64 tribes in South Sudan are represented on the Commission. Of these, 35% should be women as stipulated by the R-ARCSS. Other key groups to consider are youths and PWDs.

Appointment to the Commission on Truth, Reconciliation and Healing in South Sudan

The R-ARCSS requires the Executive of the RTGoNU to nominate the four Commissioners of South Sudanese nationality and present them to the Transitional National Legislative Assembly (TNLA) for endorsement. Furthermore, the Executive of the RTGoNU, in consultation with the Chairperson of the African Union Commission and the UN Secretary General, shall nominate the three from other African countries and present their list to the TNLA for endorsement.

Highlight

However, the women leaders recommend that members of the CTRH should be publicly nominated by the citizens of South Sudan.

Like they were consulted for the drafting of the CTRH bill, the government should use consultations and a participative nomination process at the state level, including public calls for nominations to ensure citizens' involvement in the selection process. If done this way, control over the selection process will be diversified and the consequent allegiance of the Commissioners to the appointing authority will be addressed. They also

propose that the CTRH bill should include a provision for women to nominate their representatives to the Commission. This will ensure that women's needs and concerns are prioritised by the Commission.

The public is also in position to ensure that the selected persons exhibit the desirable qualities that were proposed including integrity; respect for human rights; a lack of previous criminal offences; non-partisanship; knowledge of the traditional system of justice and neutrality.

In case there are foreign representatives, they should not be from the neighbouring countries of Uganda, Kenya and Ethiopia. This is because of the relationship between the leaders of these countries and South Sudan's government which has previously influenced the nation's processes. For instance, Uganda had a close relationship¹⁹ with the Sudan People's Liberation Movement/Army (SPLM/A) under John Garang. The SPLM/A was allowed to operate inside Uganda, where hundreds of thousands of South Sudanese lived in refugee camps. In 2014, Uganda allowed the Sudan People's Liberation Movement-in-Opposition (SPLM-IO) to open an office in Kampala, and hosted several opposition politicians there.

Ethiopia was also actively involved²⁰ in efforts by the African Union to broker high-level peace talks between South Sudan and Sudan as well as between Sudan and the Sudan People's Liberation Movement-North. The representatives on the Commission from these countries are likely to prioritise their country's agendas instead of the healing and justice needs of South Sudan nationals. Further, the guarantors to the Peace Agreement for example IGAD Member Countries should also not be included because they have not demonstrated neutrality during the peace process.

The independence of the Commission on Truth, Reconciliation and Healing in South Sudan

The revitalised peace agreement states that Commissioners, investigators and staff of the CTRH shall be persons of high moral character, impartiality and integrity. They are required to be independent in the performance of their functions and shall not accept or seek instructions from any third party.

19 [*South Sudan – Uganda Relations*](#)

20 [*East Africa Report - The regionalisation of the South Sudanese crisis*](#)

The CTRH members should also have their own code of conduct and be independently funded. These are key in ensuring that the CTRH adopts a survivor-centred approach which guarantees survivors' rights to be treated with humanity and respect; information; access to justice; protection and support; assistance and reparation.

It is therefore important that the women and the general public are able to trust the CTRH. To maintain its independence, the Commission should not report directly to the President.

Highlight

The women recommend that the CTRH should report to a technical body such as the Troika (United States, United Kingdom, and Norway) which is better placed to hold the government accountable in the event that any of its members are implicated.

Women's Engagement with the Commission on Truth, Reconciliation and Healing in South Sudan

Citizens have the right²¹ to take part in the conduct of public affairs, directly or through freely chosen representatives, without unreasonable restrictions. Further,

survivors of conflict-related violence have a right to be informed of relevant information concerning violations and reparation mechanisms. The CTRH is also expected²² to make sustained efforts to involve the people of South Sudan in all its tasks and activities and shall regularly inform them and solicit their feedback through public education, awareness-raising and civic engagement activities.

Therefore, women can be engaged to contribute as witnesses through taking statements in public, public hearings, closed hearings and contribute to access for justice for members in their communities. They can also participate in public spaces through dialogues and consultations, where they are able to share their views and concerns.

In addition; ...

Highlight

... information related to CTRH processes should be made readily accessible to women for them to make informed decisions and hold the Commission accountable where necessary,...

21 Article 25 (a) of the International Covenant on Civil and Political Rights.

22 Article 5.2.2.4 of the R-ARCSS

...for them to make informed decisions and hold the Commission accountable where necessary, for example through the establishment of a toll-free number and increased civic education.

Further, the ...

Highlight

... women leaders underscored the need for women to participate in the above processes in a safe and secure environment.

To guarantee this, they propose that the CTRH bill should include:

- ➔ A clause on the protection and prioritisation of women's rights for those women who choose to take part in the process.
- ➔ A provision for the establishment of an independent police force who are well trained and knowledgeable of the mandate of the Commission and protection of survivors and witnesses.

The Technical Committee for the Establishment of the Commission on Truth, Reconciliation and Healing in South Sudan was also urged to conduct online consultations to document the views and concerns of women who are not able to participate physically in the consultative process. These include internally displaced women, women living in hard-to-reach areas within South Sudan, in refugee settlements and in exile.

Integration of traditional justice principles into the Commission on Truth, Reconciliation and Healing in South Sudan

Highlight

It is critical to women that traditional chiefs and leaders are informed of the process of establishing the Commission on Truth, Reconciliation and Healing, and their cultural beliefs are re-aligned with the values of the CTRH, including inclusivity, if the two mechanisms are to work hand-in-hand for healing in the country.

Majority of the traditional leaders are patriarchal, viewing women as of inferior status which has created conditions for injustices such as sexual violence to thrive.

This includes victim-blaming of women who are attacked near checkpoints and roadblocks while travelling to or from urban centres or those attacked in rural areas and camps while tending fields or fetching firewood. In addition, early and child marriages are promoted. The local political economy of the bride price contributes to women and girls being viewed as commodities²³. Traditional systems

23 [*The commodification of women and girls in South Sudan: increased risks and continued violence*](#)

also fall short in that some rituals require the perpetrator's physical presence, yet this is impossible where survivors cannot identify their perpetrators.

Traditional justice systems are male dominated and seek to restore negative social norms, values and belief systems, which are tilted against women. These include social norms that restrict women's rights including access to and ownership of land which may hinder the resolution of land-related conflicts involving women. Where women's participation in public spaces is limited, women will be unable to participate as witnesses for the resolution of injustices. The CTRH bill will have to make provisions for women to participate as witnesses in such public hearings, and ensure their protection as well.

Nonetheless, traditional justice systems are accessible at local level in that their proceedings are carried out in the local language, within walking distance, with simple procedures without the delays associated with a formal system. Additionally, a formal truth commission may not be the most appropriate option in societies where the public revealing of the truth is not strongly rooted in the local culture. Therefore, the CTRH will rely on the traditional systems in certain instances.

The power of the Commission to compel witness and parties to appear before it

Highlight

The Commission should have the authority to arrest/detain perpetrators. They should also be able to withdraw authority from those in positions of leadership.

Protection of survivors and witnesses

Highlight

The CTRH should be mandated to protect survivors, witnesses and all people who engage with it who are at risk of harm by state and non-state actors.

This can be through survivor and witness protection mechanisms such as temporary relocation and resettlement of survivors and witnesses, and ensuring confidentiality of all information that is shared with them.

Ability of the CTRH to grant amnesty to individuals who agree to appear before it

Highlight

To women in South Sudan, the Commission should not be given the power to grant amnesty.

Justice must take its course, unless the survivor says otherwise. While the CTRH is not a court, it should forward cases to the Compensations and Reparations Authority (CRA) and the Hybrid Court of South Sudan (HCSS) for justice to prevail. In addition, blanket amnesties granted by the Commission are likely to be in violation of international law and deny survivors their rights to truth, justice and reparations, as previously seen in 2014.

The president set up a committee to investigate²⁴ human rights violations and abuses from the December 2013 clashes in Juba. While the report was never released to the public, in 2015, the president granted amnesty²⁵ to all armed forces allegedly implicated in serious crimes committed during that attack. In 2016²⁶, similar actions were repeated when government soldiers forced their way into a UN civilian protection site in Malakal, attacking internally displaced people, killing at least 29 people, wounding 140 others and destroying 1,251 shelters.

Implementation of the recommendations of the CTRH

A common theme of truth and reconciliation commissions lies in rewriting a nation's history to provide a history of events that honours and respects survivors and provides citizens an understanding of how violence took place and who was responsible for human rights violations.

For the women, ...

Highlight

... the recommendations from the CTRH can inform budgeting processes; civic education and law development processes.

24 *Joint Civil Society Statement on What the Human Rights Council Must Do to Address the Human Rights Crisis in South Sudan at the 27th Session of the UN Human Rights Council*

25 *Do You Think We Will Prosecute Ourselves?" No Prospects For Accountability In South Sudan, pg 22*

26 *Protection Situation Update: Violence in the Malakal POC Site, (17-18 February 2016)*

These will then influence the planning and restructuring of South Sudan's society. The women also recommend that the CTRH bill should include a provision for the establishment of referral pathways and feedback mechanisms for survivors and witnesses where they feel justice has not been achieved.

Collaboration between the Commission on Truth, Reconciliation and Healing in South Sudan and the Compensations and Reparations Authority (CRA) and the Hybrid Court (HCSS)

The existing Committee for National Healing, Peace and Reconciliation (CNHPR) and the National Platform for Peace and Reconciliation (NPPR) are required²⁷ to transfer all their files, records and documentations to the CTRH within 15 days after its establishment.

Highlight

The CTRH should be mandated to protect survivors, witnesses and all people who engage with it who are at risk of harm by state and non-state actors.

This can be done through sharing findings and reports. Further, key decisions made by the CTRH should be forwarded to the CRA and HCSS which are able to support the implementation of the recommendations.

Going to the Hybrid Court is not bad, because we really need justice. These bodies cannot work in isolation. The Commission should not be seen as a substitute for punitive justice. It is about giving the survivor an opportunity to heal.



Regional and international bodies such as the African Union and IGAD are urged to hold the RTGoNU accountable to its commitment²⁸ to fully cooperate with and seek their assistance to implement and facilitate the work of the transitional justice mechanisms. If actors do not increase their efforts in holding the government accountable for the establishment of the CTRH, the R-ARCSS will not be effectively implemented which may result in the rolling back of gains made towards a peaceful South Sudan.

27 Article 5.2.1.4 of the R-ARCSS

28 Article 5.1.5

Key Recommendations

- ➔ The Technical Committee should conduct online consultations to document the views and concerns of women who are not able to participate physically in the consultative process.
- ➔ The CTRH bill should include:
 - A clause on the protection and prioritisation of women's rights for those women who choose to take part in the process
 - A provision for women to nominate their representatives
 - A provision for the establishment of referral pathways and feedback mechanisms for survivors and witnesses where they feel justice has not been achieved.
 - A provision for the establishment of an independent police force who are well trained and knowledgeable of the mandate of the Commission and protection of survivors and witnesses.
- ➔ Fast-track the establishment of the CTRH for women to receive justice and heal from wrongs committed against them.
- ➔ Regional and international bodies should hold the RTGoNU accountable to its commitment to fully cooperate with and seek their assistance to implement and facilitate the work of the transitional justice mechanisms.
- ➔ Increase civic education especially for women on the R-ARCSS. Some of the views shared by the women were contrary to what is stipulated in the Peace Agreement.

Conclusion

For South Sudan to recover from war and conflict and re-emerge on the path to unity and sustainable peace, it is crucial for truth, reconciliation, and healing to take place. Key for the women leaders who were consulted is the ability of the Commission to identify and put an end to the root causes of sexual violence and also contribute to the successful disarmament of soldiers.

By their nature, Commissions for Truth, Reconciliation and Healing enable countries to acknowledge past violence, enable justice for wrongs committed and support survivors and the society to move beyond painful pasts to united and peaceful futures where grave violations of human rights can never happen again. The extension of the time period for the implementation of the R-ARCSS by 24 months provides an opportunity for South Sudan to expedite the process of

establishing the CTRH and ensure that it implements its mandate.

While the CTRH will not address all injustices in South Sudan, once established, it will be an important milestone in the nation's history. It will provide crucial opportunities for communities to engage in a constructive dialogue and develop concrete solutions to address the history of violence and conflicts in the country.

It will be a decisive step forward in holding all perpetrators of conflict related sexual violence in South Sudan accountable. Responding to the justice needs of women survivors will also contribute to alleviating the other impacts of sexual violence on women's lives including social, economic and political development of women and girls.





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