



Prosecute atrocity crimes

Prosecutions will require international support and legal reforms, including of the military law and justice system.

Promote transformation

The future of South Sudan depends upon widening opportunities for citizens to participate in public life and decision-making without fear. Civil society organisations, community and religious leaders, and citizens have expressed demands for transformative justice and reconciliation processes to counter the dominant politics of violence and corruption.

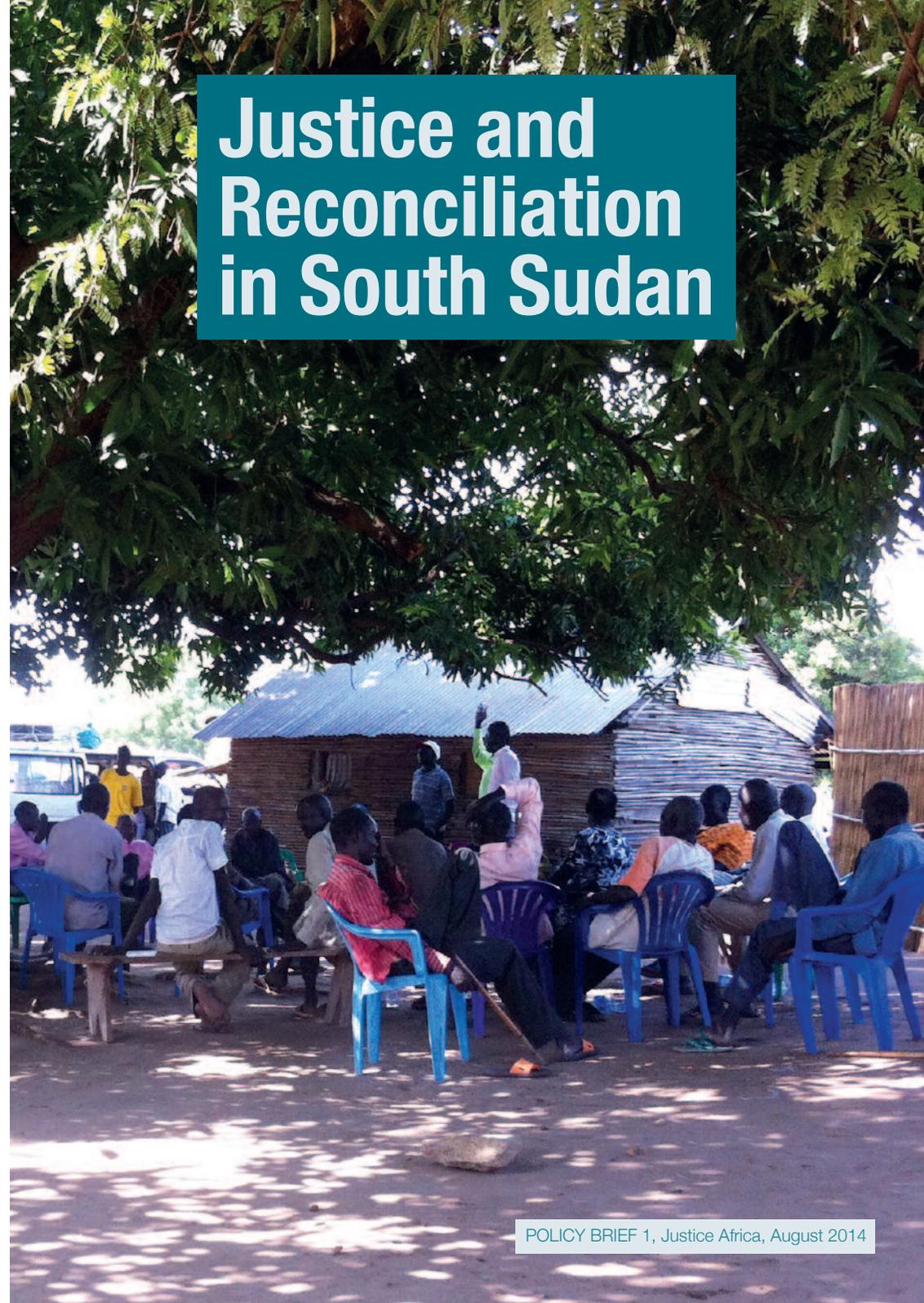
‘The justice we have now is just by words not actions.’

‘We can stop fighting and sign peace agreements at any time, but still, the wounded heart... is very difficult to heal.’

Acknowledgements

This policy brief draws on a discussion forum bringing together some 65 South Sudanese civic actors in a forum in Juba, South Sudan, on 14 April 2014, organised by a partnership of Justice Africa, the Centre for Peace and Development Studies at the University of Juba, and South Sudan Women Lawyers Association, with support from the Justice and Security Research Programme (JSRP) at the London School of Economics and Political Science. It is also based on research into justice processes in Central and Eastern Equatoria. Justice Africa thanks all the partners, participants and interviewees for their contributions. We take responsibility for any errors or omissions. *The JSRP programme is funded by UK Aid. However, the views expressed do not necessarily reflect the UK government’s official policies.* © Justice Africa, August 2014.

Justice and Reconciliation in South Sudan



For generations, the people of South Sudan have suffered, violent conflict, mass atrocity, injustice and famine-related crimes. Outsiders have repeatedly inflicted abuses, and tragically the South Sudanese have also committed abuses against one another. But there are many South Sudanese who oppose violence: they are building coalitions for peace, trying to make existing institutions work, or seeking reforms. They speak out in pursuit of justice and reconciliation despite threats, insecurity and violence. Often their efforts go unrecognized or supported while peace talks are focused at national level, or outside the country. South Sudan's future depends on strengthening everyday attempts to respond to the injustices facing ordinary citizens, and the social fractures that are the legacy of war.

Policymakers must listen to South Sudanese citizens who call for urgent investigations of international humanitarian law, war crimes and crimes against humanity. They demand accountability in order to counter a long tradition of impunity.

They also emphasise that other ongoing and historical injustices must be addressed, while practices of dialogue, truth-telling and reconciliation, including those rooted in customary justice systems, must be cultivated. This will require renewed efforts to document and report on abuses, provide legal advice and education and promote reforms. Peace will remain elusive in South Sudan without collective efforts to transform the justice system, uphold basic rights and eradicate corruption and militarism.

Address the root causes

The wrongs suffered by the general population must be addressed openly, including in communities that have not taken up arms.

'15 December was a trigger for existing issues... the root causes are social injustice, people are not equal in life'.

'Corruption is the issue. This is our system. We need to dismantle the system from the top.'



'Land disputes are a ticking time bomb that can catalyse the current conflict'.

Remember the victims

The value and dignity of human life has been assaulted over generations—social practices of memory and accountability have been undermined or cannot match the scale of these atrocities. Every South Sudanese victim of conflict must be named, counted and be the subject of collective remembrance and initiatives for justice. It is time to end a militaristic culture in which victims are neglected and rewards are given to perpetrators.

'In our past experience of reconciliation, no one talks of reparation.'

'If you kill someone you are promoted.'

Launch 'a people's process' of dialogue on justice and reconciliation

South Sudan is a patchwork of customary systems of living law, with different and changing interpretations, and a weak statutory system of criminal law. These systems are producing contradictions, inequalities, conflicts and abuses. Citizens, lawmakers and traditional authorities need to clarify, through processes of dialogue, which practices and precepts exist and how they should be interpreted and reformed. Such dialogues are also a means to invigorate practices of deliberation as an antidote to violence.

'In the local courts, women are not respected and they are silenced.'

'People take the idea that when they kill, if they just pay with cows then they'll be free.'

'Customary courts are very resilient and can function even when the conflict is continuing... the statutory courts can't manage that.'

Support documentation and reporting of abuses

South Sudanese civic actors need support to gather testimony and write detailed and critical histories of conflict. Documentation must encompass a wide range of abuses, including corruption and land grabbing, as well as violations of civil and political rights, and of humanitarian law. Findings should be widely shared. These are steps on the road to recognizing the past and accounting for it:

'Truth-telling only works when the grassroots are empowered... it cannot work now because there are still examples of people being killed for telling the truth.'

'We need to do research, record people's stories.'

'The people themselves can document if they are given resources.'