



Pictorial Guide

Public Consultations on the Establishment of the Commission of Truth Reconciliation and Healing (CTRH)



Ministry of Justice
and Constitutional
Affairs

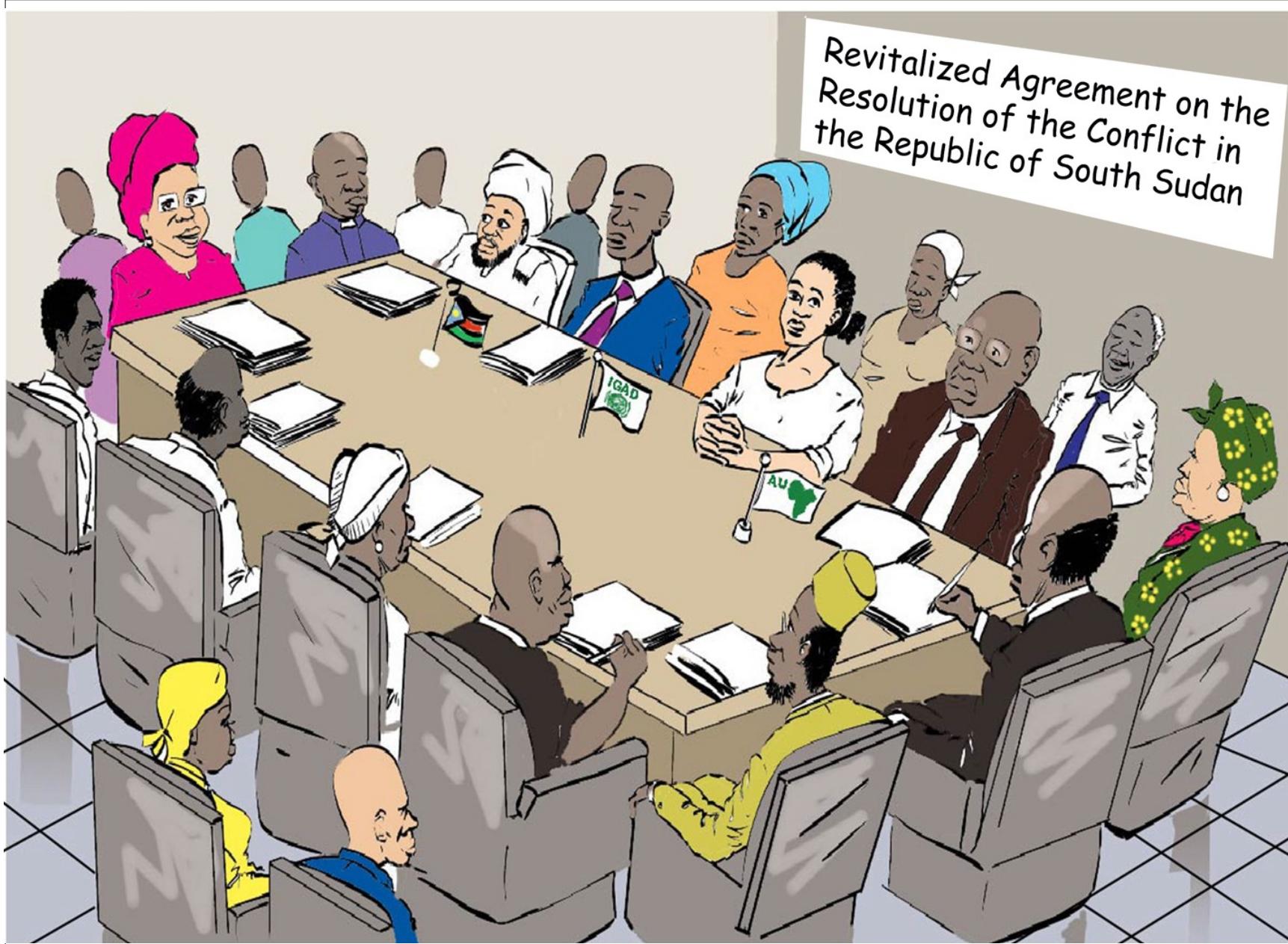
Technical Committee
on the Establishment
of the CTRH

January 2022



What is transitional justice?

- Transitional justice refers to the set of judicial and non-judicial measures available to address the legacies of massive human rights abuses.
- Transitional justice includes, amongst others: prosecutions, truth seeking processes, reconciliation, compensation and reparation, memorialization initiatives, institutional reform, and education.
- Transitional justice are mechanisms that exercises justice, promotes reconciliation and offer compensation during a transitional period and in response to a specific time abuses committed during period conflict.



On 12 September 2018

- High Level Revitalization Forum (HLRF) was in Addis Ababa.
- IGAD mediated the peace talks
- All parties to the conflict participated in the peace negotiations.
- Civil Society, Eminent persons from South Sudan, faith-based leaders, youth, women leaders and other political parties.
- In September 2018, the Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) was signed.
- Chapter V (Five) on Transitional Justice is one of the thematic chapters of the agreement.



2018 R-ARCSS

R-ARCSS has a chapter on Transitional Justice (Chapter V). Chapter V sets out 3 Mechanisms:

1. **Commission on Truth Reconciliation and Healing (CTRH)**
2. **Hybrid Court of South Sudan (HCSS)**
3. **Compensation and Reparations Authority (CRA)**
 - Consultations with the public should take place to establish these mechanisms
 - The R-TGoNU is responsible for initiating legislation for the establishment of the transitional justice institutions, which will clearly define their mandate and jurisdiction.
 - The African Union shall also nominate the 3 other Commissioners for the CTRH for appointment by the RTGoNU
 - The MoJCA, in collaboration with other stakeholders and civil society, is to conduct public consultations for at least one month, to inform the legislation.

Key elements of CTRH

Chapter V states that the CTRH will:

Truth:

- establish an accurate and impartial historical record of human rights violations, breaches of the rule of law and excessive abuses of power, committed by State and non-state actors from the date of signing of this Agreement to July 2005.

Reconciliation and Healing:

- lead efforts to facilitate local and national reconciliation and healing,
- supervise proceedings of traditional dispute resolution, reconciliation, and healing mechanisms,
- develop standard operating procedures for the functioning of such mechanisms, using principles of natural justice

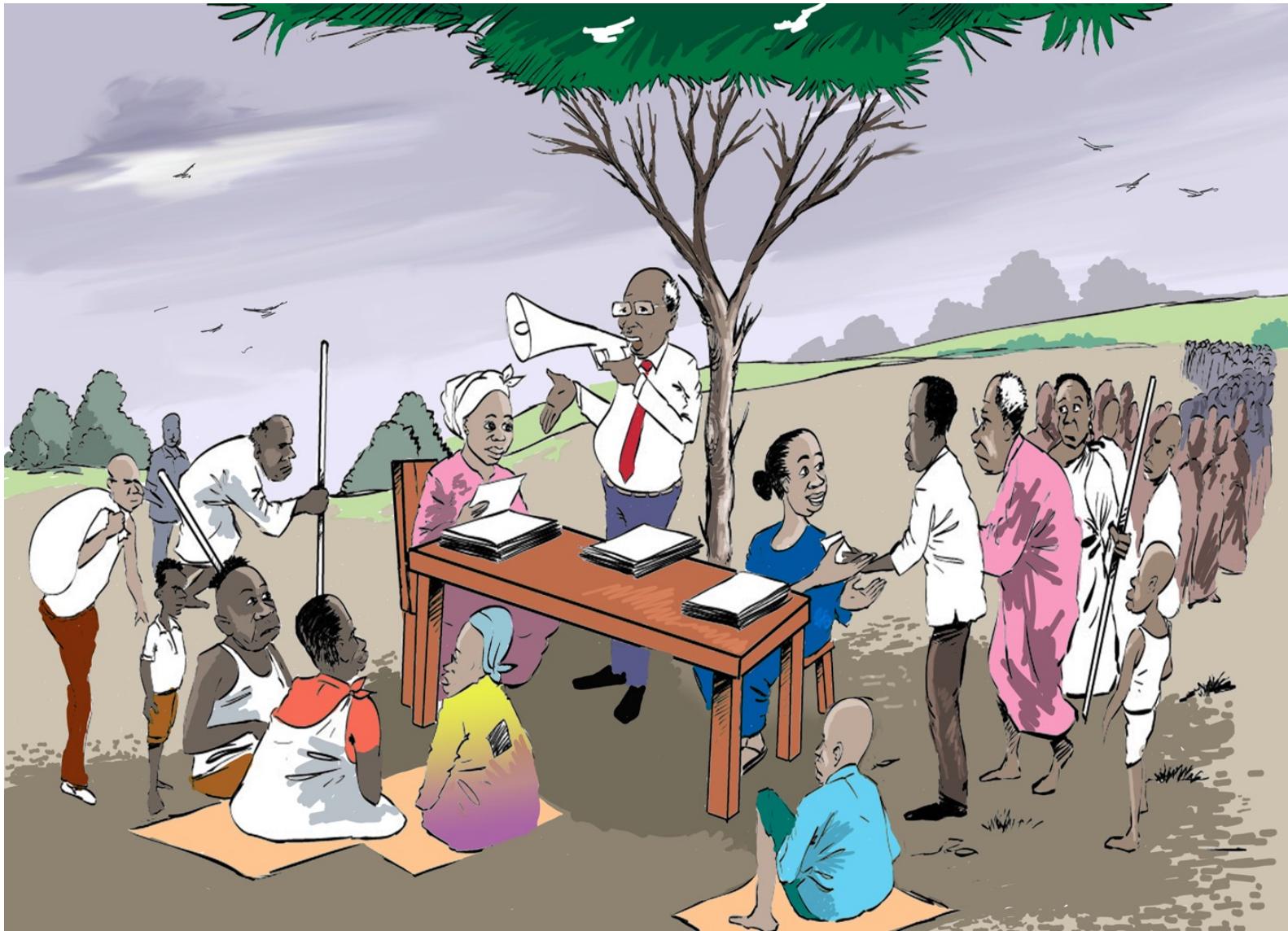


Composition of the Commission for Truth Reconciliation and Healing (CTRH)

- There shall be 7 Commissioners of the CTRH
- 4 from South Sudan and 3 from the African Continent.
- At least 3 must be women
- The CTRH shall be established by law
- Public consultations shall inform the design of the legislation.
- The consultations shall consider and ensure experiences of women, men, girls and boys are sufficiently documented and the findings incorporated into the legislation.

How shall the Commissioners be appointed?

- The legislation should clearly define the processes for public participation in the selection of the CTRH Commissioners.
- The Executive of the Transitional Government shall nominate the four Commissioners of South Sudanese nationality and present to the Legislative Assembly for endorsement.
- The Executive of the Transitional Government, in consultation with the Chairperson of the AU Commission and the UN Secretary General, shall nominate the three commissioners from other African countries
- The R-TGONU shall present the list to the Legislative Assembly for endorsement.



Mandate of the Commission for Truth Reconciliation and Healing (CTRH)

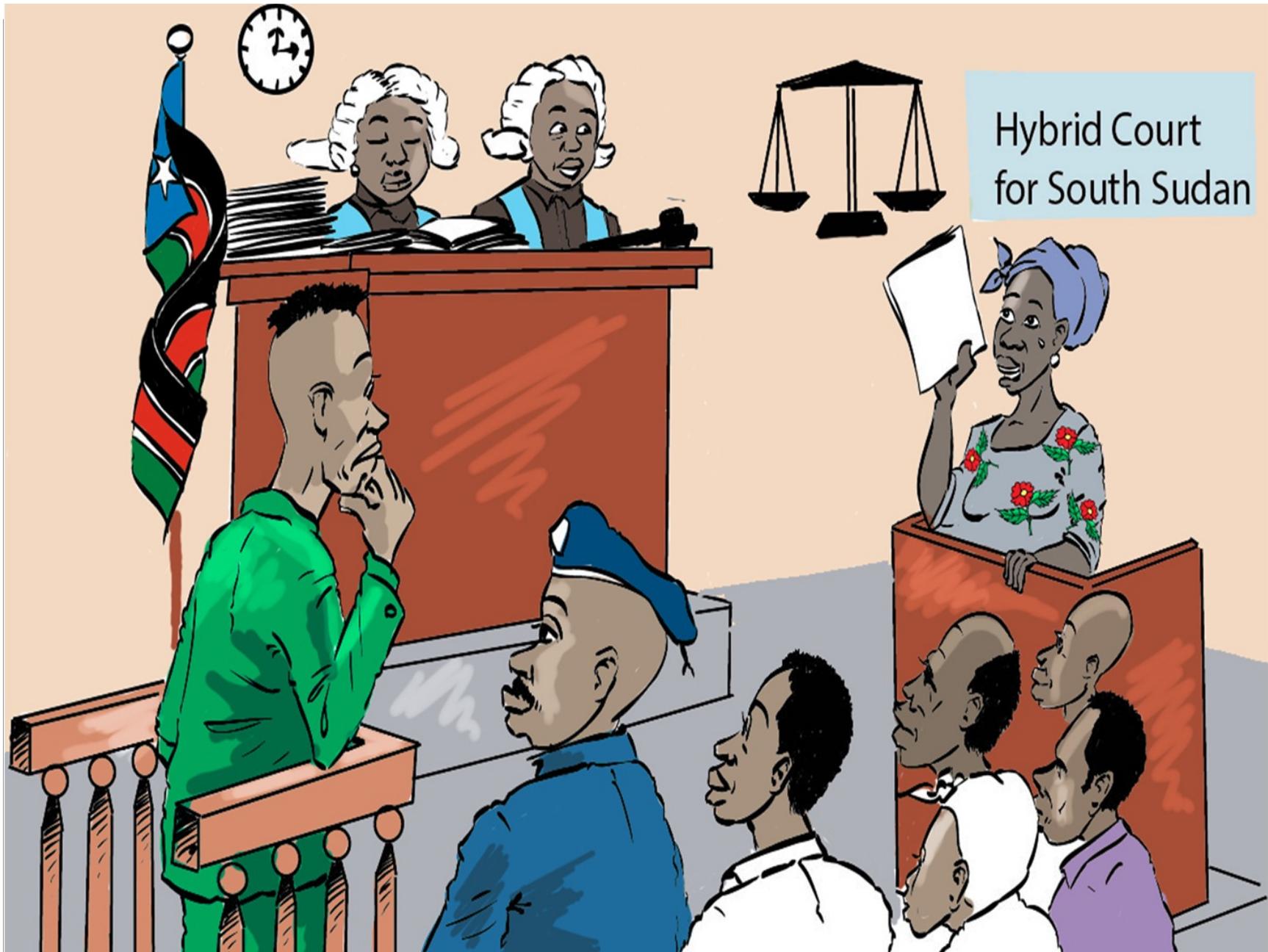
- Inquire into all aspects of human rights violations and abuses
- Breaches of the rule of law and excessive abuses of power committed against all persons in South Sudan
- By the State, non-State actors and or their agents and allies
- Report and document on the course and causes of conflict



The expected results of the CTRH

Chapter V says:

- The CTRH shall recommend processes for the full enjoyment by victims of the right to a remedy including suggesting measures for reparations and compensation.
- The CTRH shall adopt best practices for promoting truth, reconciliation and healing from Africa and elsewhere.
- The CTRH shall establish an accurate and impartial historical record of human rights violations, breaches of the rule of law and excessive abuses of power committed by State and non-State actors from 2005-18
- It shall receive applications from alleged victims, identify and determine their right to a remedy
- Identify perpetrators of violations and crimes (genocide, war crimes and crimes against humanity)
- Record the experiences of victims including women and girls
- Investigate the causes of conflicts and recommend possible ways of preventing recurrence
- Develop detailed recommendations for legal and institutional reforms
- Lead efforts to facilitate local and national reconciliation
- Supervise proceedings of traditional dispute resolution, reconciliation and healing



The Hybrid Court for South Sudan (HCSS)

- The HCSS shall be independent
- The Court shall be established by the African Union Commission to investigate
- The AU shall develop guidelines and regulations for the establishment of the HCSS
- The AU shall nominate the judges, prosecutors, investigators, defense counsels, and the registrar of the Court
- The Court shall where necessary, prosecute individuals bearing responsibility for violations of international law and/or South Sudanese law
- The crimes to be prosecuted cover the period of 15th December 2013 through the end of the Transitional Period.



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Compensation and Reparations Authority (CRA)

The Transitional Government will establish a Compensation and Reparation Authority (CRA), which will administer a Compensation and Reparation Fund (CRF).

- The CRA shall manage the Compensation and Reparation Fund, the utilization of which should be guided by a law enacted by the R-TNLA
- The CRA shall receive applications from victims including natural and legal persons from CTRH, and make the necessary compensation and reparation as provided for in R-ARCSS
- The CRA shall provide material and financial support to citizens whose property was destroyed by the conflict and help them to rebuild their livelihoods in accordance with a well-established criterion by the RTGoNU

Sensitization and Public Consultation in establishing the CTRH

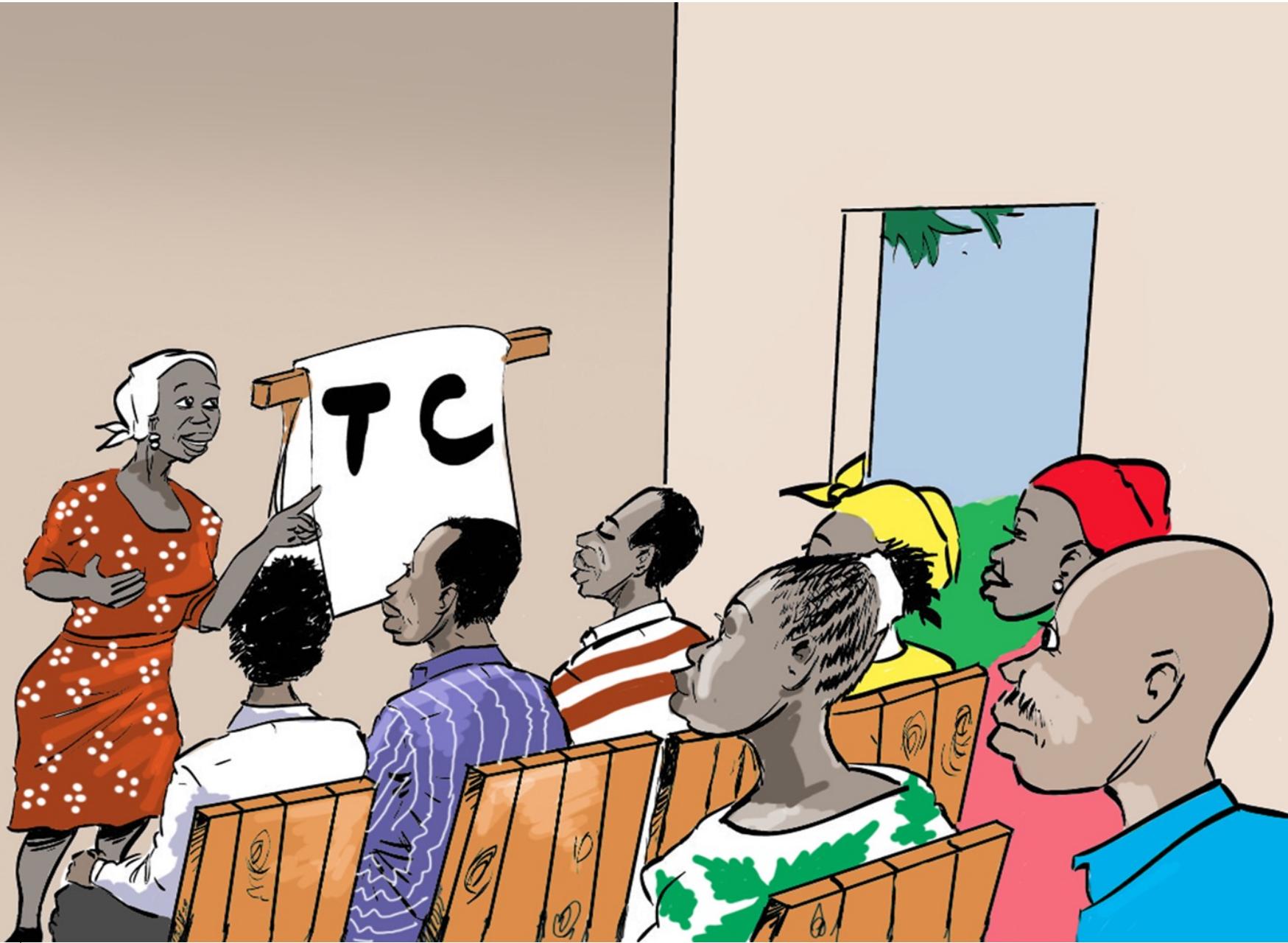
Sensitization and Public Consultation

- Sensitization and public consultation are a means of educating citizens about a regulatory process that affects them, and gathering information about their views on the process.
- Public consultations can also generally be referred to as community consultations or community dialogues.
- Public participation is an important part in the transitional justice process.
- Consultations shall include victims, affected communities, and the general public to determine needs of victims and aims of transitional justice process.
- Legitimate process requires society contribution for broader and for rebuilding sustainable peaceful future.

Progress so far:

- On 29 January 2021, the Council of Ministers of the Revitalized Transitional Government of National Unity (R-TGONU) issued Resolutions on Transitional Justice Mechanisms:
- It requested the Ministry of Justice & Constitutional Affairs to initiate processes to establish CTRH, HCSS and CRA.
- On 26 March 2021, the Ministry of Justice established a Task Force to coordinate the implementation of the transitional justice mechanism, the Constitutional Making Process and judicial reform.





- On 30 June 2021, a reconstituted **Technical Committee** was launched, responsible for leading public consultations that will inform the legislation establishing the CTRH.
- The TC-CTRH comprises of 36 members from civil society, faith-based, traditional and academic institutions, political actors and senior officials from the MoJCA and other relevant government Ministries.



Public Consultations on the CTRH Law

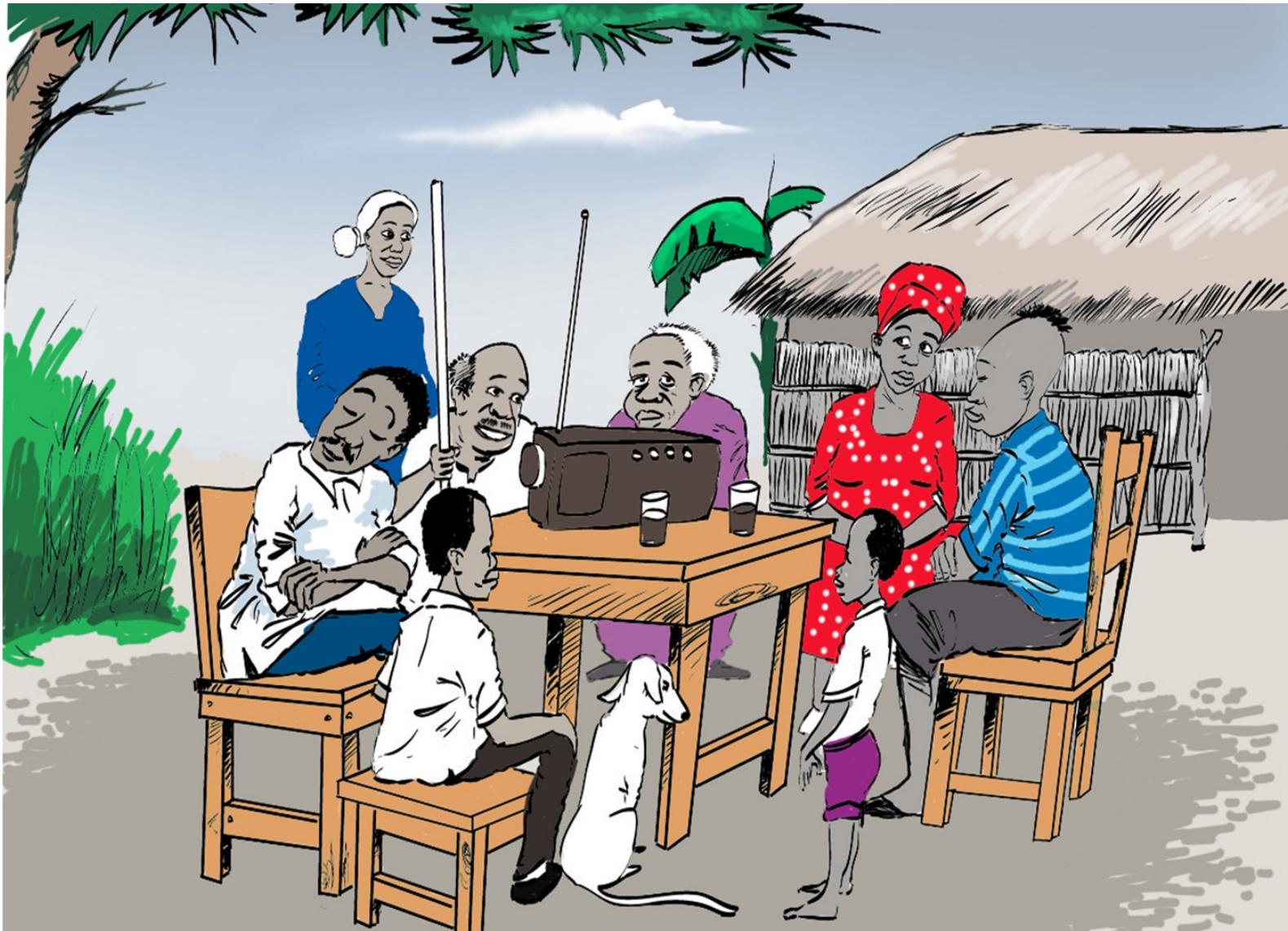


Public Consultations

Citizens have the right to take part in the conduct of public affairs, directly or through freely chosen representatives, without unreasonable restrictions, as set out in Article 25 (a) of the International Covenant on Civil and Political Rights.

Victims of conflict-related violence have a right to be informed of relevant information concerning violations and reparation mechanisms.

Consultations include women and men and boys and girls. This entails ensuring that there is equal and effective participation by all genders and that the process is comprehensive, non-discriminatory and inclusive.



Media Outreach & Information Dissemination

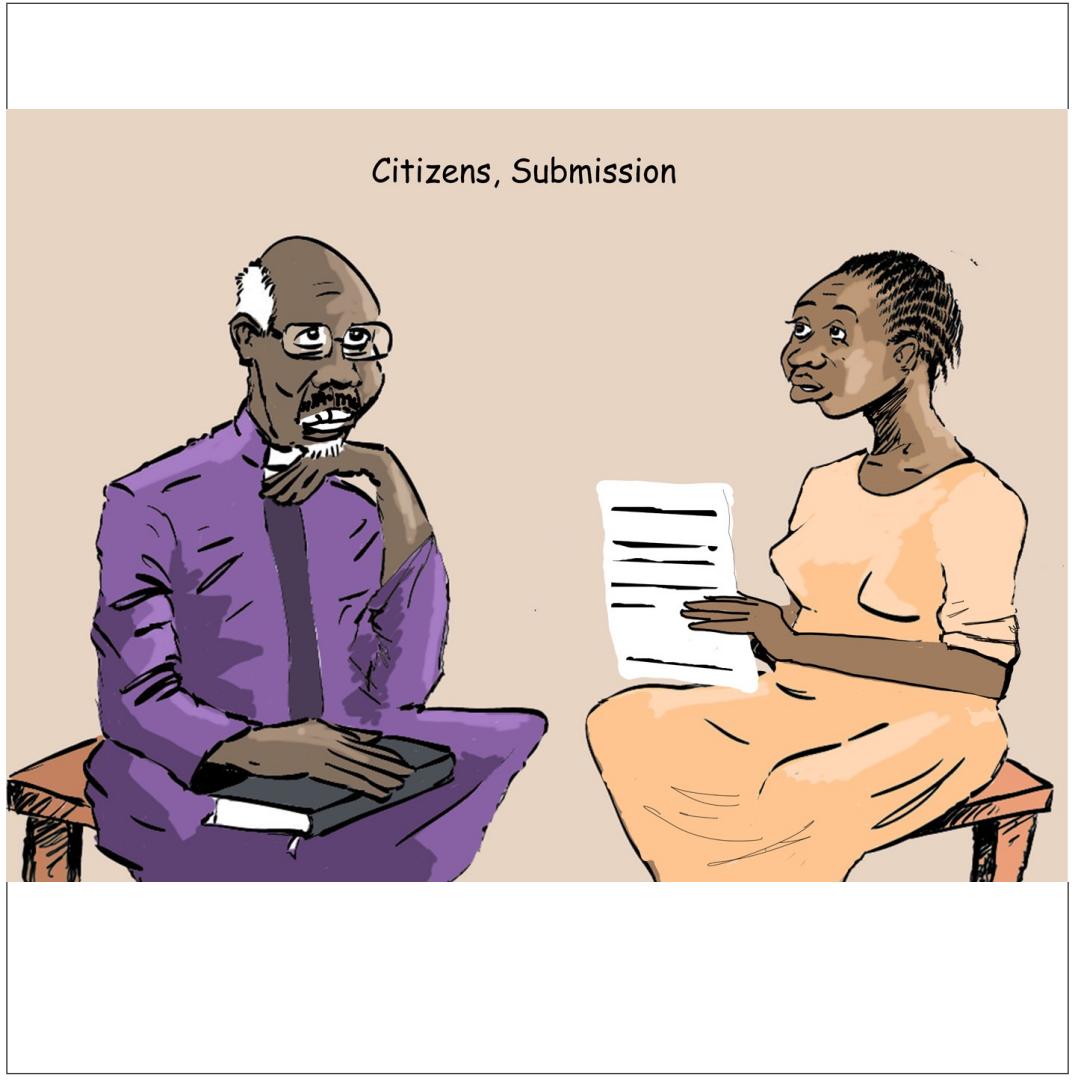
The consultation process will begin at the start of March for 2 weeks of sensitisation and public consultations

This shall be done through radio talk shows, radio debates and radio messages, TV shows and discussions, and social media engagement.



Workshops, Seminars, and Dialogue on the CTRH Law

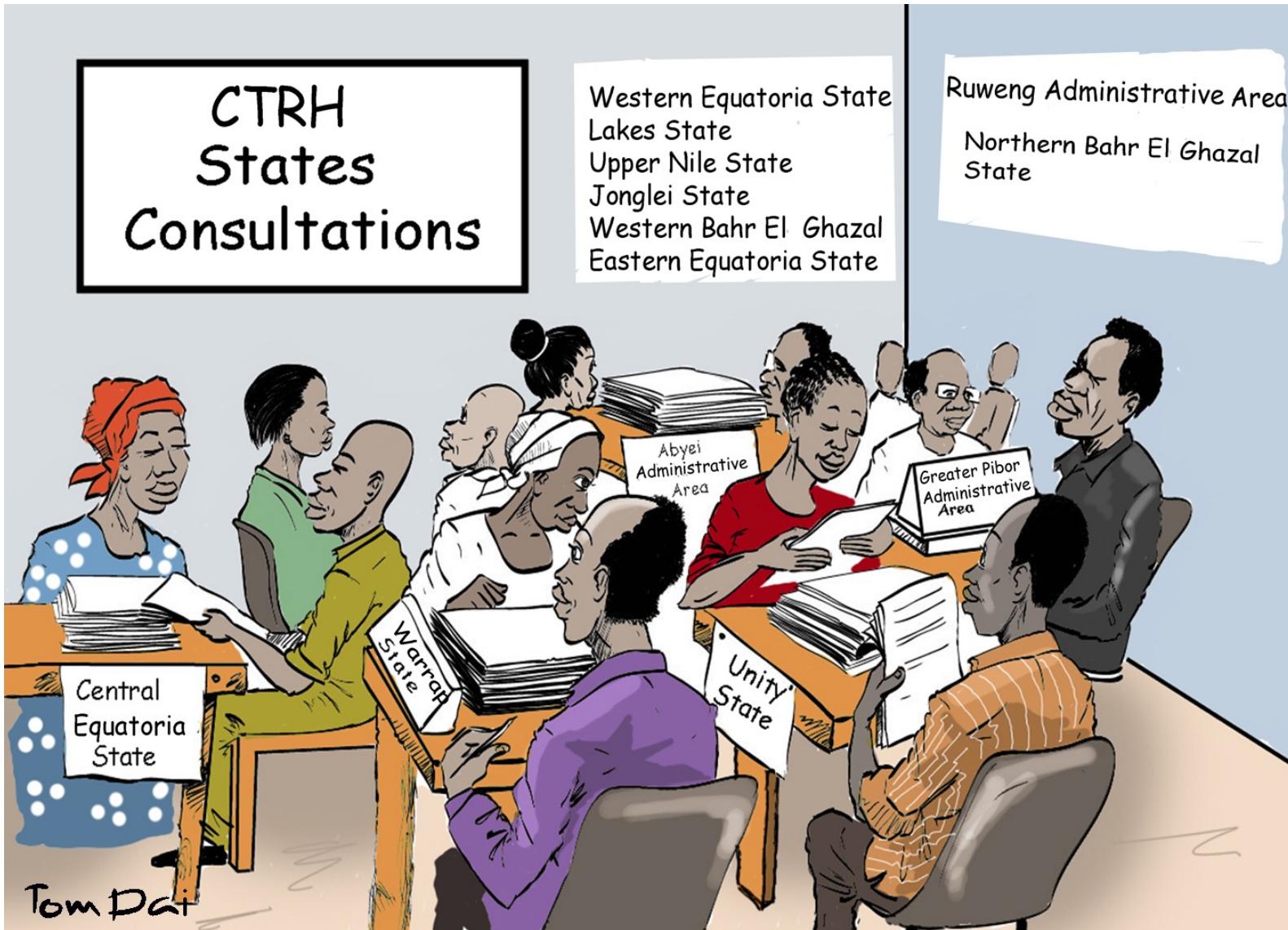
- Consultations shall be conducted through:
- community briefing,
- focus group meetings
- Community dialogues
- Seminars
- workshops



Victim and Survivor Consultations

Victims and survivors have specific rights, including:

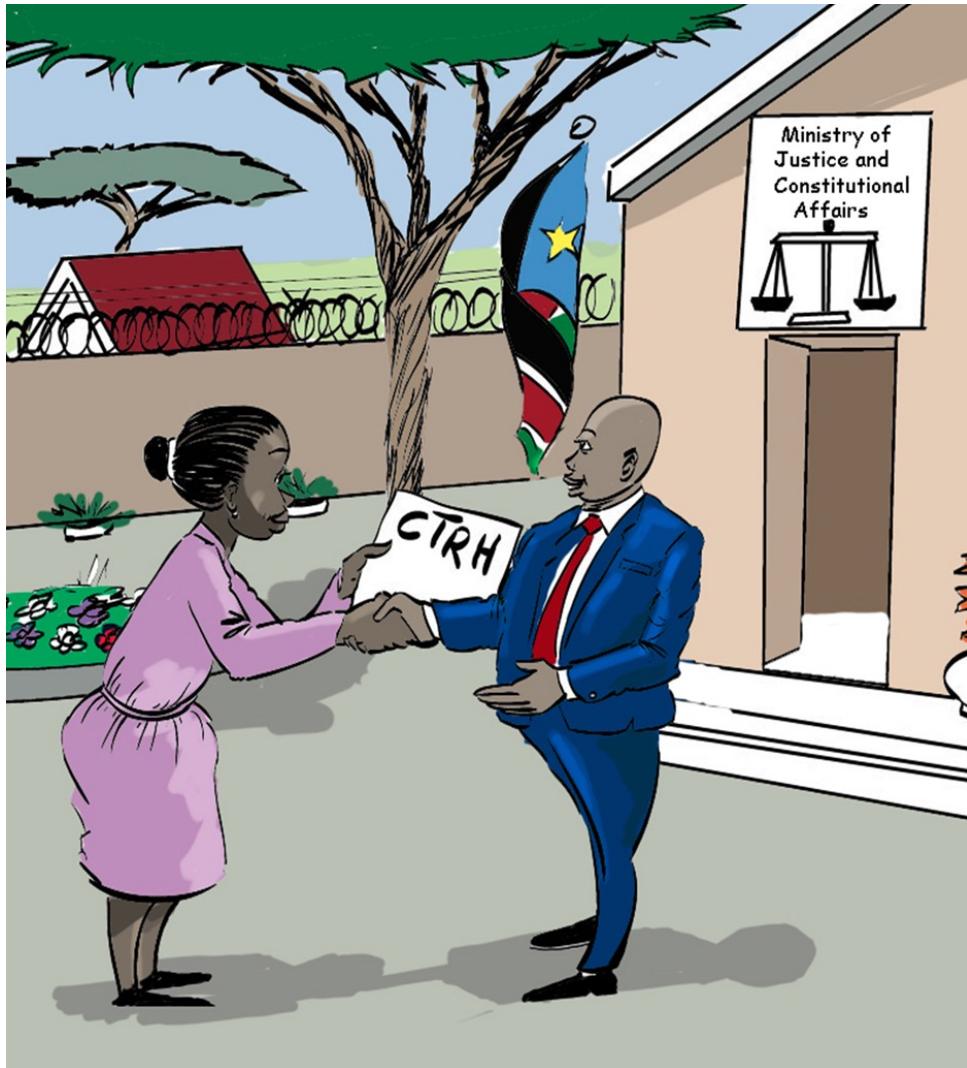
- The Right to a Remedy and Reparation
- The Right to Access Justice
- The Right to Fair and Dignifying Treatment
- The Right to Information
- The Right to Protection (physical & psychosocial)
- The Right to Assistance
- The Right to Non-Discrimination



Compiling and Incorporating Citizens Views

The CTRH can use different methods for public participation, including:

- statement taking,
- public hearings,
- closed hearings,
- interviews,
- focus group discussions,
- community visits and engagements.



The Technical Committee Report will inform the design of the CTRH Law

- Following the Public Consultations, a **Report** will be compiled by the Technical Committee, incorporating the views of victims, including women and girls.
- The **Report** will be delivered to the Minister of Justice (end April 2022)