

STATEMENT

National Survivors Network South Sudan

14 June 2022

(The National Survivors Network South Sudan was established on 14 June 2022, and is made up of State level networks that started to be created from three years ago).

“Let us build truth and then come and reconcile. If we get true words, we will have reconciliation. In South Sudan there’s no truth, even the Bible says: “Speak the truth and it shall set you free”. After truth we reconcile and after reconciliation, people will start healing.” - survivor

Considering that survivors play an important role in ensuring a holistic Transitional Justice process, our voices are critical to the process and must be reflected.

Considering that the CTRH process should be all inclusive and ensure participation from all areas of South Sudan, citizens from all States, Administrative Areas, Counties, Payams and Bomas have a right and deserve to be heard;

Considering that the truth must be investigated, reconciliation can only happen when truth is uncovered, acknowledged and the past put behind us;

Recognising that today there are thousands upon thousands of survivors across South Sudan and as refugees who are living with trauma;

Recognising that Survivors, including survivors of sexual violence, have suffered unspeakable harms affecting them physically, psychologically, socially, economically;

Considering that mistrust amongst people and communities must be tackled and this can only be achieved through truth telling;

Recognising that survivors are living in fear, there should be implementation of the Security Measures under Chapter two for the CTRH enable widespread participation;

Jurisdiction

CTRH should investigate ethnic killings and the ethnic dimensions of the violence;

Conflict related sexual violence (CRSV) should be prioritized and investigated separately from others; the role of cultural norms and discrimination against women should be questioned within the context of investigating sexual violence;

CTRH should investigate child abduction, the plight of child soldiers and other child victims, including those orphaned and born of rape;

Enforced disappearances and torture as well as starvation inflicted on civilians are also key areas to be investigated;

Considering the widespread land disputes and land grabbing, truth telling about land issues should also be prioritized and investigated;

In looking at causes of conflict, it is important for people to know why the fighting started in 2013, and the people who caused it are to come out and explain;

In looking at causes of conflict there should be a focus on understanding proliferation of small arms within the community.

In looking at causes of conflict there should be a focus on lessons learnt and those testifying should be asked what they might have been done differently and how we can combat tribalism.

Corruption, unequal distribution and exploitation of natural resources should be investigated, as well as how land resource issues have contributed to cattle raiding;

The jurisdiction of the CTRH should include non-State actors like the LRA and the possibility to look into violations since 1983 up to the date the CTRH is established;

Investigation should also cover violations by companies and corporations and how they have funded the conflict.

Composition

The seven Commissioners should be impartial individuals with knowledge and experience in conflict matters;

Commissioners should include representation from the three Regions, that is Upper Nile, Central Equatoria and Bhar el Ghazal.

The Commission must be comprised of ordinary citizens without political affiliations or associations or known link to the hostilities;

"Individuals from neighbouring countries or countries already involved in the Peace Agreement should not form part of the commission to allow for independence of the commissioners.

Selection Process

Nominations for the role of Commissioner should be solicited from the public.

A Technical Selection Committee comprising local chiefs, religious leaders, activists, CSOs, women and youth representatives should review nominations and select the 7 Commissioners;

The Technical Selection Committee should conduct thorough investigations and vetting of nominated candidates in a manner that is independent and transparent.

Preparation for the CTRH

Recognizing that survivors are living in fear, there needs to be ample sensitisation and public endorsement of the process to ensure people feel comfortable;

There will be a need for trauma awareness and healing amongst survivors so that they will be able to open up and participate;

Some categories of victims such as orphans and children born of rape may need dedicated support to help them prepare;

Working Methods

Leaders should be brought forward and asked what they are fighting for, and also what they could or might have done differently;

The CTRH working methods for truth telling as well as reconciliation should get down to village level and involve civil society and tribal chiefs to ensure trust;

Tribal chiefs are trusted and have witnessed violence and should be given space to hold local level hearings or reconciliation efforts of the CTRH;

There should be separate trauma-informed arrangements for those wanting to testify about sexual violence;

In addition to having a specific hearing to address sexual violence, gender questioning should be mainstreamed into all thematic hearings and systematically asked of all those testifying. (For instance, when looking at root causes of the conflict, root causes of CRSV should be investigated; or when looking at conditions of detention this includes detention of women, etc.;

There should also be special arrangements for children and youth wishing to take part, especially orphans and children born of rape;

Commissioners when starting a hearing should start with prayers and explain who are they are to those testifying in a trauma-informed way;

Survivors should be treated with dignity, respect and compassion;

During testimony, the original words spoken should be recorded. If translation is used, the translation should be faithful to the original.

Protection

The CTRH should be flexible and enable dedicated hearings and special arrangements making statements for women, youth or other vulnerable groups;

One-on-one arrangements for testifying should also be possible;

Staff should be trauma-trained so that they are able to support traumatised individuals;

Anonymity, use of a veil or face covering, voice distortion and other methods should be allowed to protect identity;

Security provided can be the police or otherwise but they must absolutely be well paid;

The international community should be on standby to step-in, in case there are threats against individuals testifying or insecurity in the context of the CTRH's work;

Temporary safe houses should be available for sexual violence and other vulnerable survivors to be safe and recover after testimony;

Support and Assistance

Survivors' testimony should be voluntary – they should not just be 'picked' to go and testify;

Young survivors should be accompanied of an adult of their choosing;

Survivors will need support to be able to access CTRH hearings including transport reimbursement and refreshment;

Survivors will need trauma awareness training or healing session to be able to open up and be able to testify;

Lawyers should be able to support survivors to provide orientation, to help them structure their testimony and be prepared so that they do not lose confidence or panic;

Support persons with trauma training should accompany the survivor before and after testimony, especially as they might break down and need assistance.

Support persons should know their story before-hand so in case they forget, lose confidence or panic they can help them to continue;

Survivors may need support with looking after children or babies during testimony so that they can concentrate;

Testimony from vulnerable survivors should only be conducted by trauma-trained Commissioners, Statement takers or personnel, who can help them recover if they break down, or calm them if they become angry;

Survivors should be treated with respect, politeness, dignity and compassion;

Hearings should include provision for translation support;

Survivors may need disability accessible venues.

Child and youth friendly hearings

Educating and briefing children about the process will be necessary so that all children can access if they wish;

Provision should be made for child and youth friendly hearings, which may be in smaller, private spaces;

Special reconciliation hearings should be foreseen for reconciling families, especially families with children born of rape;

Specially trained staff and young lawyers should support children to build them up so they can be confident to testify;

Safe recovery centres should also be provided so that children may be given orientation and space to recover, with referral pathways made known for child orphans and children born of rape that are rejected by their families.

Commission outcomes

The CTRH should encourage apologies so that where appropriate people can be forgiven and reconcile;

The CTRH should focus recommendations on reforms;

The law establishing the CTRH should place an obligation on the government to implement the CTRH's recommendations (like the law that established the TRC in Sierra Leone).

Reparations

The reparations recommended by the Commission should be survivor-centered not just including compensation but also other forms of reparation like rehabilitation;

In particular, the law should state that reparations should prioritise survivors of CRSV, child victims and people with physical injuries like amputations.

Reparations should not have to wait until the final report of the CTRH: recommendations for interim reparations should be within the CTRH mandate, as victims have urgent unmet needs;

Finally, we call on the government to protect all survivors.