



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



Ministry of Justice and Constitutional Affairs (MoJCA)

Technical Committee on the Establishment of the Commission for Truth, Reconciliation and Healing (CTRH)

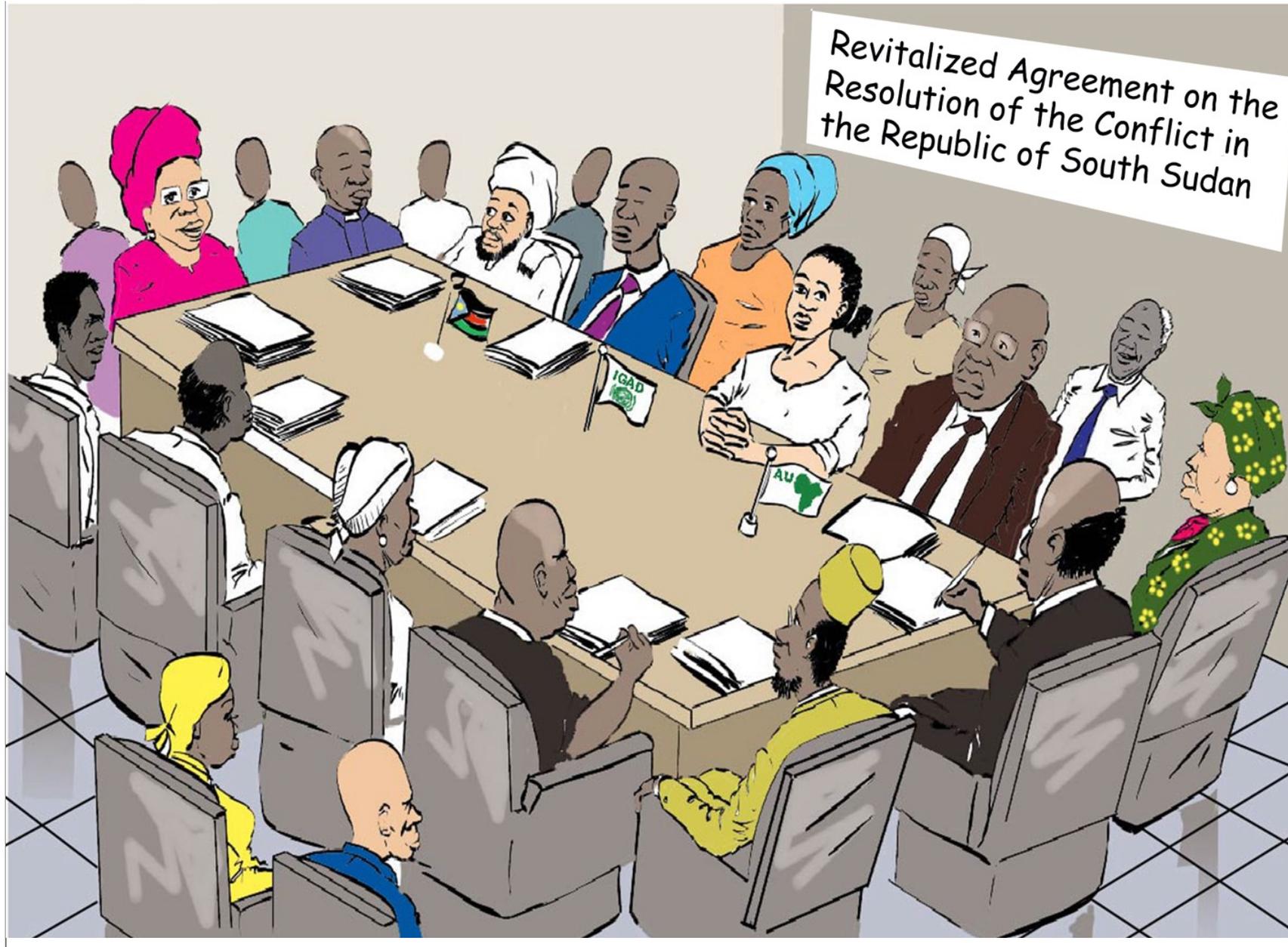


May, 2022



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 R-ARCSS

- 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 participated too.
- On September 12, 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). It sets out:

1. Commission for Truth, Reconciliation and Healing (CTRH).
 2. Hybrid Court of South Sudan (HCSS).
 3. Compensation and Reparations Authority (CRA).
- Consultations shall be conducted to collect public views which shall inform the legislation to establish these mechanisms. The Consultations shall be conducted by the MoJCA in collaboration with civil society and other stakeholders.
 - The consultations shall consider and ensure experiences of women, men, girls and boys are sufficiently documented
 - The legislation shall clearly define the composition, mandates and jurisdiction of the 3 transitional justice mechanisms.
 - The R-TGoNU shall cooperate and seek assistance of the African Union, the UN and the African Commission on Human and Peoples Rights to design, implement and facilitate the work of three transitional justice mechanisms.



Key elements of the Commission for Truth, Reconciliation and Healing (CTRH)

The major elements of the CTRH are:

Truth:

- To establish an accurate and impartial historical record of human rights violations, breaches of the rule of law and excessive abuses of power committed by the state and non- state actors from 2005 to the date of the signing of the R-ARCSS.
- Unconditional acknowledgement of the existence of legacy of conflict within society and amongst communities and individuals.
- Sincere show of remorse and acceptance of personal or collective responsibility for past wrong doings.

Reconciliation:

- Voluntary acceptance of responsibility for past abuses by the perpetrators to promote forgiveness, social cohesion and post conflict unity.
- Show of willingness by victims (individuals, groups and communities) to forgive the perpetrators or one another for past violations.

Healing:

- Commitment to ensure non-recurrence of conflict and human rights abuses through public statements, security guarantees and reforms of laws, institutions and policies.
- Promotion of traditional dispute resolution and peace building mechanisms.



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

- There shall be 7 Commissioners
- 4 South Sudan (at least two of whom must be women) and 3 from other African countries (at least one of whom must be a woman).
- The CTRH shall be chaired by a South Sudanese and Deputised by a non-South Sudanese.

Procedures for appointment of the CTRH Commissioners

- The legislation should clearly define the processes for public participation in the selection of the CTRH Commissioners.
- The Executive of the R-TGoNU shall nominate the four South Sudanese Commissioners and present them to the Reconstituted Transitional National Legislative Assembly (R-TNLA) for endorsement.
- The Nomination of the three Commissioners from other African countries shall be done by the Executive of the R-TGoNU in consultation with the Chairperson of the AU Commission and the UN Secretary General. The R-TGoNU shall present the list to the R-TNLA for endorsement.



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

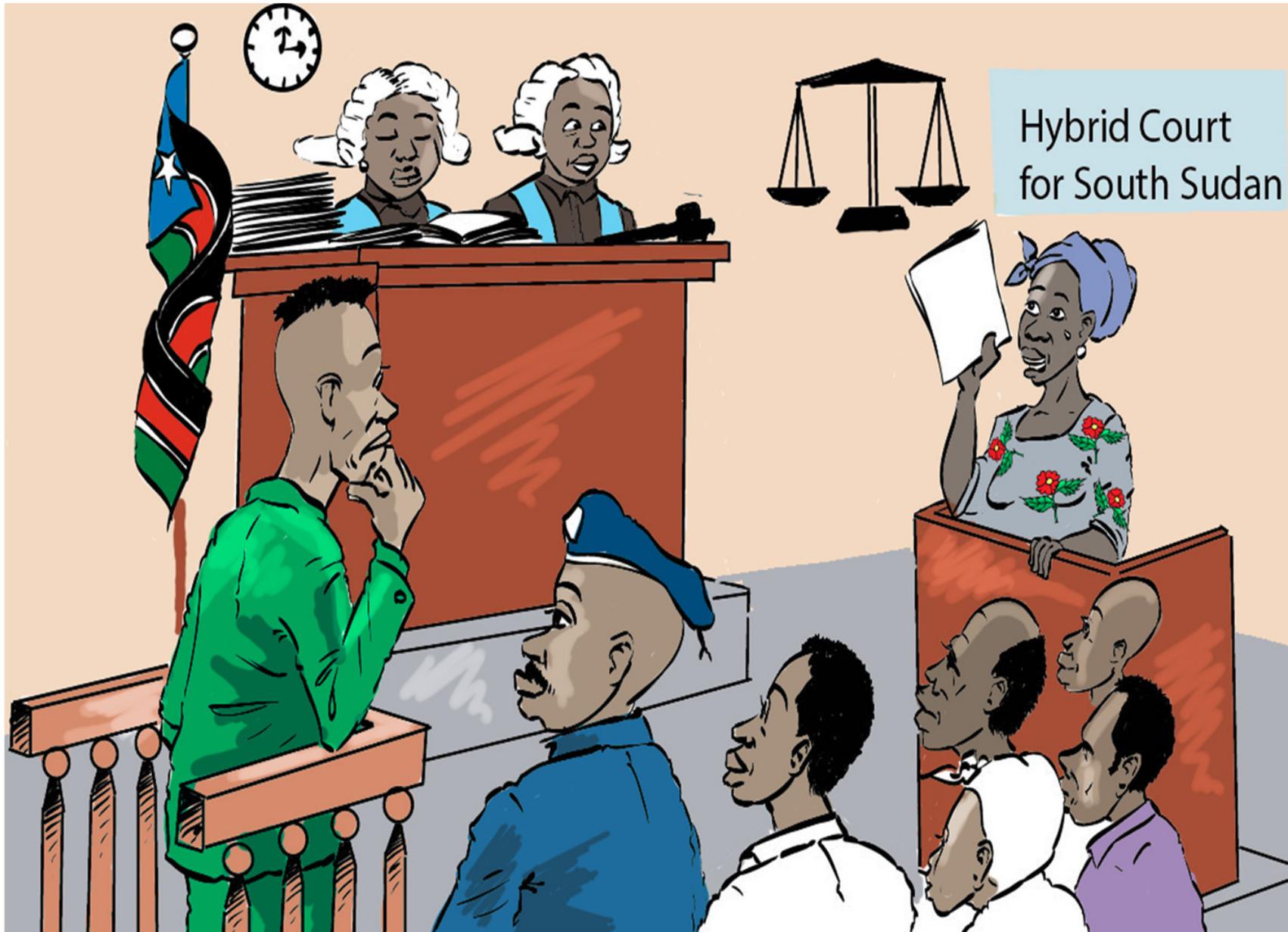
- To inquire into all aspects of human rights violations and abuses, breaches of the Rule of Law and abuses of power committed in South Sudan by state and non-state actors or their agents and allies.
- Document and report on the course and causes of conflict in South Sudan.



Functions of the CTRH

The CTRH shall:

- Adopt South Sudanese traditional and international best practices for promoting truth, reconciliation and healing.
- Carry out public education, awareness raising and civic engagement activities to inform the public of its work and solicit feedback.
- Investigate the causes of conflicts and recommend possible ways of preventing recurrence.
- Receive applications from victims, identify and determine their right to remedy.
- Identify perpetrators of violations and crimes committed in South Sudan
- Subpeona persons, documents and other materials deemed necessary for purposes of discharging its responsibilities.
- Record the experiences of victims including women and girls.
- Recommend processes for the full enjoyment by victims of the right to remedy including suggesting measures for reparations and compensation.
- Develop detailed recommendations for legal and institutional reforms.



The Hybrid Court for South Sudan (HCSS)

- The African Union Commission shall establish the Hybrid Court for South Sudan, which shall be independent.
- The HCSS shall investigate and where possible prosecute crimes committed during the conflict in South Sudan.
- The AU shall develop guidelines and regulations for the establishment of the HCSS.
- The African Union shall nominate the judges, prosecutors, investigators, defense counsel, and the registrar of the Court.
- The Court shall where necessary prosecute individuals bearing responsibility for violations of international and/or applicable South Sudanese law.



Compensation and Reparations Authority (CRA)

- The R-TGoNU shall by enact a sperate legislation establishing the CRA.
- The CRA shall receive applications from victims (natural and legal persons) directly or through the CTRH, and award them necessary compensation and reparation.
- The CRA shall administer the Compensation and Reparation Fund (CRF) and accordingly award material and financial compensation to victims of the conflict to help them to rebuild their livelihoods.

Public Sensitization and Consultations on the Establishing the CTRH

- The objective of the public sensitization and consultations is to educate the citizens and gather their views on the CTRH mandate and processes.
- Public consultations can take the form of community briefings, meetings, dialogues, workshops and conferences.
- Effective and inclusive public participation is an important element of the CTRH process. This in particular includes the participation of victims, conflict affected communities and the general public.



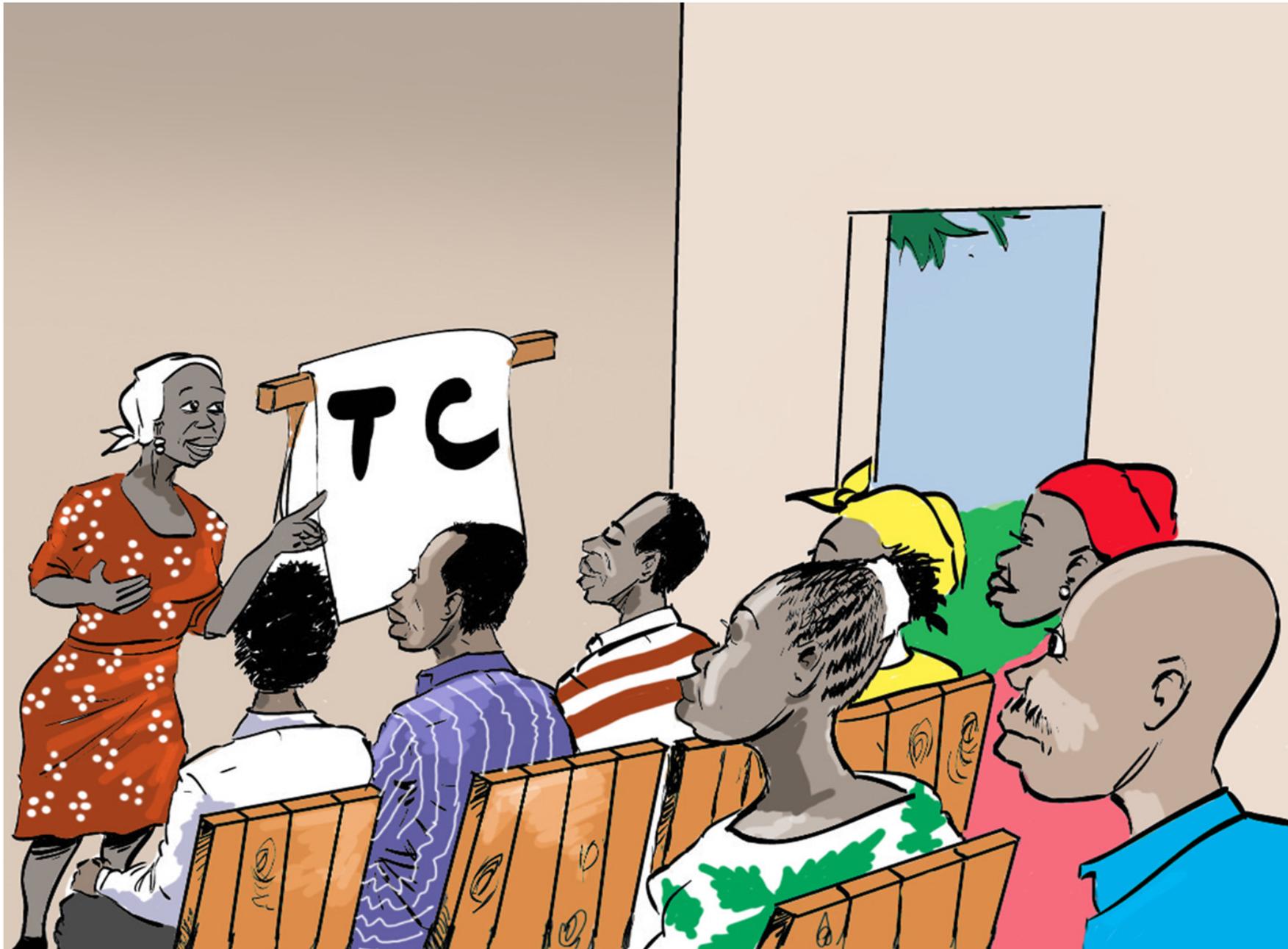
Establishment of the Taskforce and the TC-CTRH

1. The Taskforce:

- On January 29, 2021, the Council of Ministers of the R-TGoNU passed the resolution authorising the MoJCA to initiate the process for establishment of the three Transitional Justice Mechanisms.



- The Minister for Justice and Constitutional Affairs issued a Ministerial Order on 26 March 2021, establishing the Taskforce to coordinate the implementation of Transitional Justice, Constitution-Making Process and Judicial Reforms in South Sudan.
- The Taskforce assists with coordination of the administrative, financial and logistical matters of the TC-CTRH.



The Technical Committee on the Establishment of the CTRH

- The TC-CTRH was established on May 10, 2021 by the Minister for Justice and Constitutional Affairs.
- The TC-CTRH is comprised of 36 members drawn from the civil society, faith-based groups, traditional and academic institutions, parties to R-ACRSS and other stakeholders.
- The TC-CTRH was launched on 30 June 2021.
- The TC-CTRH is mandated to conduct nation-wide and victim-centred public sensitization and consultations on the CTRH legislation.

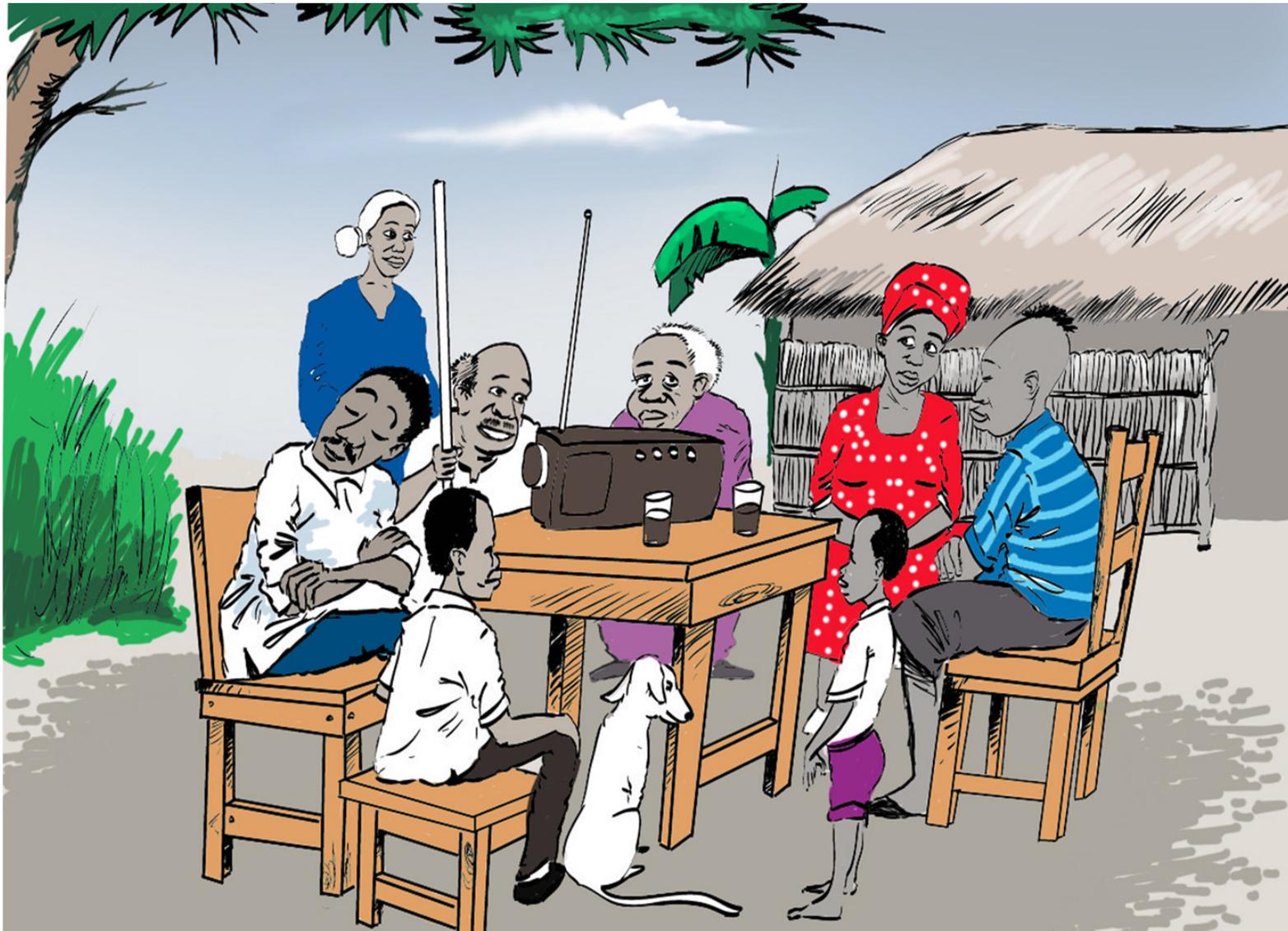


Public Sensitization and Consultations on the CTRH Law



Rights of the Citizens and Victims in Public Sensitization and Consultation Processes

- The citizens and victims shall have the right to freely participate in and contribute views to the CTRH legislation and processes.
- The citizens and victims shall have the right of access to information and to freely express their views on the CTRH legislation and processes.
- In Particular, women and men, boys and girls shall have the right to equally and effectively participate in the public sensitization and consultation processes.



Media and Information Dissemination

- The TC-CTRH shall use media (online and print) to disseminate information on the CTRH legislation

These shall include:

- Radio talk shows
- Radio debates
- Jingles
- TV shows and discussions
- Social media engagement
- Interviews
- surveys
- Bill Boards and Banners



Methodology for Public Sensitization and Consultations on the CTRH Law

Consultations shall be conducted through:

- Community briefing,
- Focus Group Discussions (FGDs)
- Key Informant Interviews (KIIs)
- Meetings
- Community Dialogues
- Seminars
- Workshops

Citizens, Submission



Consultations with the Victims and Survivors

Consultations with the victims and survivors shall take into consideration certain basic rights and freedoms including the following:

- Freedom of expression.
- The right to reparations.
- The right of access to justice.
- The right to fair and dignified treatment.
- The right to Information.
- The right to protection (physical & psycho-social).
- The right to non-discrimination.
- Right to privacy.

CTRH States Consultations

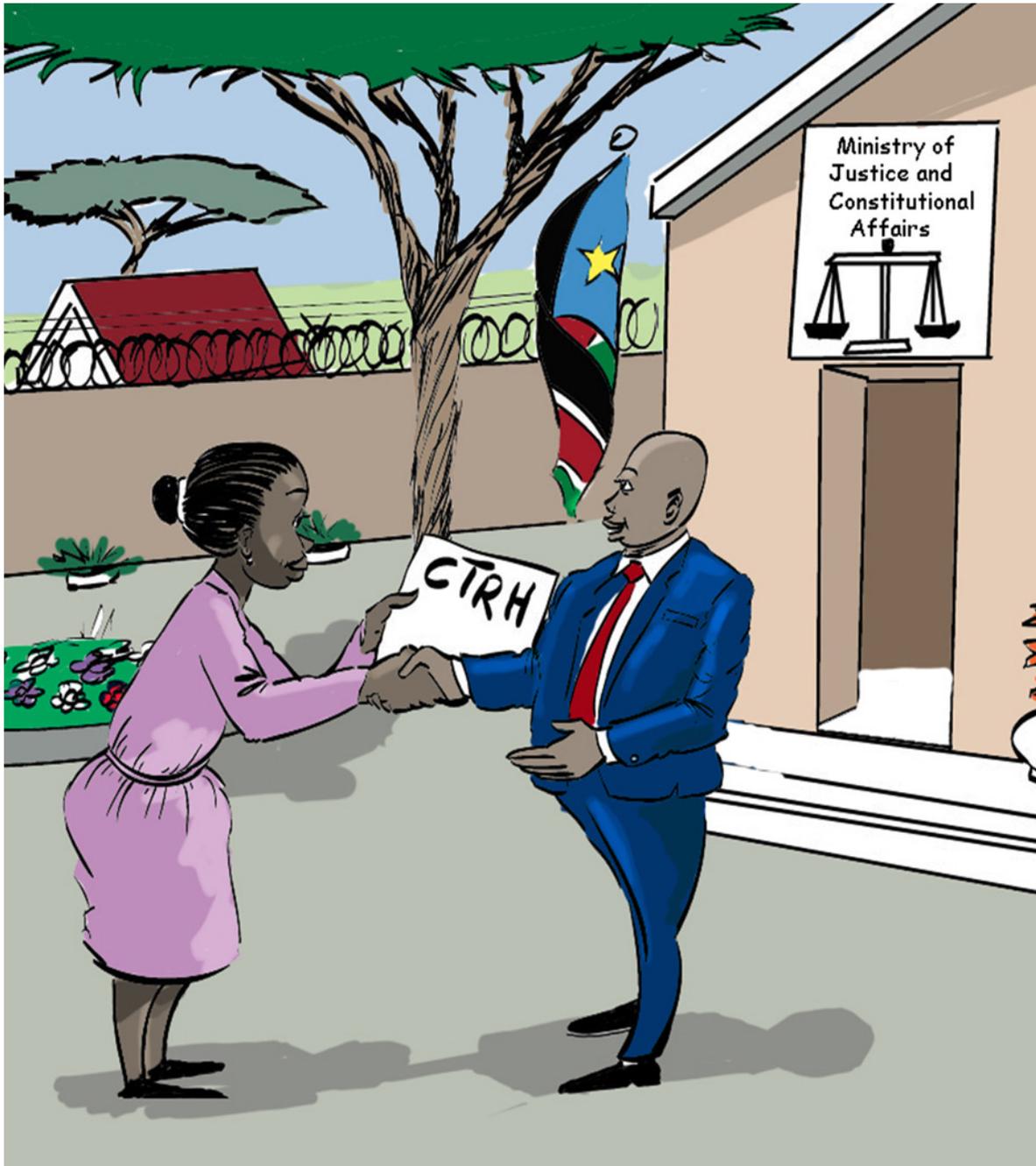
Western Equatoria State
Lakes State
Upper Nile State
Jonglei State
Western Bahr El Ghazal
Eastern Equatoria State

Ruweng Administrative Area
Northern Bahr El Ghazal
State



Compiling and Incorporating Citizens Views

The TC-CTRH shall compile the report from the public sensitization and consultations



Final Report of the TC-CTRH

- At the end of the public sensitization and consultations, the TC-CTRH shall compile and validate its final report.
- The Report shall incorporate the views of the citizens, victims and survivors, especially vulnerable women and girls, men and boys.
- The Report shall be submitted to the Ministry of Justice and Constitutional Affairs (MoJCA).
- The MoJCA shall use the report to draft the CTRH legislation which shall then be submitted to the Executive of the R-TGoNU and R-TNLA for adoption.



Ministry of Justice and Constitutional Affairs



Technical Committee on the Establishment of the Commission for Truth, Reconciliation and Healing (CTRH)

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