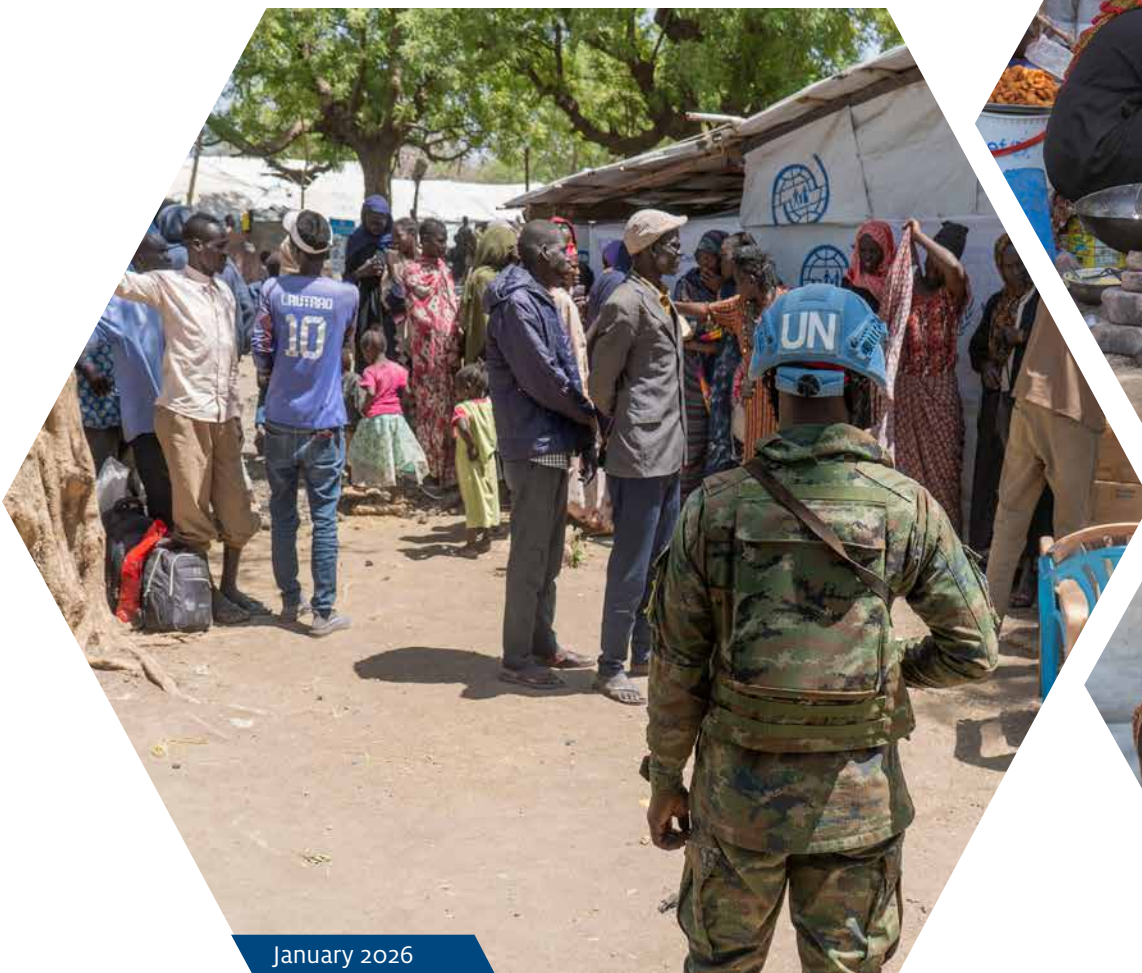


RESEARCH REPORT

‘Thoughts on Our Beloved Country’

A Call for Inclusion of Displaced Persons in South Sudan’s Transitional Justice Process



January 2026

ICTJ

Justice
Truth
Dignity

Cover Image: Returning South Sudanese refugees, fleeing the war in neighboring Sudan, take shelter in the Transit Center in Malakal Town, Upper Nile State, South Sudan, in March 2024. (UNDP)

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Justice Process

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Agatha Ndonga

About the Author

Agatha Ndonga is ICTJ's Head of Program for South Sudan. She previously led ICTJ's office in Kenya. She has over 10 years of experience in the fields of transitional justice, peacebuilding, human rights, and international relations.

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About ICTJ

The International Center for Transitional Justice (ICTJ) works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit www.ictj.org

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ACRONYMS

ARCSS	Agreement on the Resolution of the Conflict in South Sudan
AUC	African Union Commission
AUCISS	African Union Commission of Inquiry on South Sudan
CAVR	Commission for Reception, Truth, and Reconciliation
CPA	Comprehensive Peace Agreement
CRA	Compensation and Reparation Authority
CRP	Community reconciliation project
CTF	Commission for Truth and Friendship
CTRH	Commission for Truth, Reconciliation and Healing
DDR	Disarmament, demobilization, and reintegration
FGD	Focus group discussion
H.E	His Excellency
HCSS	Hybrid Court for South Sudan
ICTJ	International Center for Transitional Justice
IGAD	Intergovernmental Authority on Development
IDP	Internally displaced person
POC	Protection of civilian
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan
R-TGoNU	Reconstituted Transitional Government of National Unity
SPLM/A	Sudan People's Liberation Movement/Army
TRC	Truth and Reconciliation Commission
UNHCR	United Nations Commission for Human Rights
UNMISS	United Nations Mission in South Sudan
UNOCHA	United Nations for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council

Executive Summary

This report seeks to bring understanding to South Sudanese policymakers on the perspectives of displaced persons, refugees and those who are internally displaced, on the transitional justice processes proposed in the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). Due to displaced persons’ remote physical and social location in society, the International Center for Transitional Justice (ICTJ) found it important to consult with them to consider and help amplify their perspectives, which undoubtedly will enrich ongoing transitional justice programs in South Sudan.

In seeking to understand the perspectives, needs, and demands of excluded populations, particularly the internally displaced, and their role in South Sudan’s transitional justice processes, this report starts with an analysis of the history of transitional justice efforts in South Sudan. It further analyzes how peace packages brokered by South Sudanese elites have approached transitional justice process. The report offers contextual analysis of several comparative contexts, paying particular attention to the manner in which they engaged with displaced communities, and outlines lessons from these contexts for policymakers. It is evident that active engagement with displaced persons is a critical aspect of South Sudan’s transitional justice program. There must be an active effort to reach out to displaced communities and engage them in transitional justice interventions and the broader peace processes to break cycles of conflict and to promote reconciliation between the state and these communities and among communities themselves.

The study incorporates the verbatim unredacted perspectives of displaced persons, laying out their unfiltered thoughts and feelings on the harm they have suffered and their sense of betrayal by political leaders and abandonment in camps for displaced persons. The South Sudanese displaced communities shared their sense of hopelessness in the consistent failure of peace agreements to achieve peace for them and their families. They challenged the country’s leadership to create a country that is at peace with itself—this was the greatest gift they could imagine, given their profound struggle to survive the brutality of South Sudan’s periods of conflict.

The report ends with a set of findings based on respondents’ perspectives and comparative experiences. It proposes recommendations for different actors before sharing concluding thoughts. Displaced communities perceive the transitional justice process, if implemented, as critically important. They retain a strong belief that all is not lost and that South Sudan’s political leadership can still rescue the nation from the clutches of cyclical violence and trauma and fulfil the promises they made to citizens during the struggle for independence.

The experiences of conflict that led the displaced persons to abandon their homes for safety and security obviously colors the perspectives in this report. Unsurprisingly, their context and current conditions in camps have led them to prioritize immediate peace, deeming it the highest objective of the country's transitional justice program. However, in the long term, they suggest that their country has little choice but to establish itself in the rule of law, justice, and accountability, which they named as central pillars to achieving sustainable peace, not just immediate peace.

Recommendations

Recommendations to the RTGoNU

- Ensure a transparent public recruitment of CTRH and CRA commissioners and Secretariat personnel and enable the participation of displaced persons, including in the camps, to ensure inclusion.
- Operationalize the CTRH and adequately fund it so that it can issue interim relief measures and reparations, including to displaced persons.
- Prioritize the establishment of psychosocial health care institutions to provide long-term support for the trauma experienced by those affected by displacement.
- Establish effective models of communication/engagement with displaced persons, given the lack of understanding of the peace agreement and its implementation, especially among women.
- Provide displaced communities, including young people born outside of South Sudan and children born out of rape, with identification documents, including citizenship documents.
- Establish and operationalize the Special Reconstruction Fund as per Chapter III of the R-ARCSS to enable reconstruction of conflict-affected areas and support conflict-affected communities, particularly those still in displacement camps.
- Establish a micro-enterprise fund for livelihood start-ups that target returnees and displaced persons, particularly women and youth, to encourage return or enable resettlement.
- Provide support through the Youth Enterprise Fund¹ to young returnees who wish to further their education, especially by expanding access to technical and vocational training.
- Ensure restitution of land and property where there is a possibility and potential goodwill for occupying persons and communities to return to their places of origin and not cause further destabilization.
- Where restitution of occupied land and property is not possible, resettle displaced persons in areas provided with hospitals, schools, roads, and critical social services.
- Conduct criminal investigations and prosecutions for past and ongoing forced displacement.
- Deploy security personnel in areas where displaced persons are to return or be resettled, in order to instill confidence in the safety of those areas.

¹ R-ARCSS, Article 4.15.1.4, proposing the establishment of the Youth Enterprise Fund, with the mandate to bring more youth into economic growth and development.

- Consider undertaking community-based policing and having those returning or resettling included in the management of their own security, to build trust and confidence.
- Vet/remove known perpetrators within the security sector, particularly in units that have forcefully displaced populations, to reinforce trust and encourage return.
- Establish comprehensive civilian disarmament programs and demobilization of armed groups in order to guarantee the safety and security of returnees, with support from international partners.²

Recommendations to the CTRH

- Prioritize assessing the experiences and harms suffered by displaced persons, in order to help the country to better understand and empathize with the plight of refugees and IDPs.³
- Decentralize services, including through the establishment of satellite and border offices, to increase accessibility to and adequate participation of refugees, IDPs and those in diaspora.
- Use technology to support the collection of remote testimonies and evidence from IDPs, refugees, and those in diaspora, including audio- and visually recorded hearings.⁴
- Consider undertaking victim- and witness-centered hearings, especially for young people and female refugees and IDPs.
- Adopt a low-evidentiary threshold for displaced communities to account for the lack of documentation of violations and encourage their participation.
- Undertake adequate sensitization and civic education among displaced communities about the CTRH and its mandate before documentation and public hearings begin and throughout the life of the commission.
- Produce regular and popular versions of the law and rules of procedure during sensitization forums in IDP and refugee camps.
- Consider adopting traditional, indigenous, or local reconciliation approaches to support community reconciliation and return.⁵
- Establish an adequately resourced trauma-healing unit to provide psychosocial support to displaced persons who participate in the truth-telling process.

Recommendations to the CRA

- Sensitize displaced communities about the concept of reparation, before consultations are undertaken with the entire South Sudanese population.
- Ensure reparation processes are preceded by consultations with displaced persons in order for them to be as effective and impactful as possible.

² R-ARCSS, Articles 2.4.9 and 2.4.10 on the DDR program. A DDR commission has been in place but lacks funding for its operations. A civilian population disarmament bill is being considered and if passed would guide the process of disarmament. This bill has been approved by the Council of Ministers and is currently before of the Legislature.

³ R-ARCSS, Article 5.2.2.3, providing that the CTRH will establish an accurate record of human rights violations, receive applications from victims, and recommend remedial measures.

⁴ Closed door and confidential hearings.

⁵ R-ARCSS, Article 5.2.2.3.9, encouraging the use of traditional justice and dispute resolution processes in the process of truth seeking and reconciliation. It encourages the CTRH to adopt such approaches when implementing its mandate.

- Provide compensation appropriate to the specific harms and losses suffered by displaced persons, including physical and psychological harms and lost livelihoods and property.
- Provide compensation packages for female-headed households, given the financial burden of raising children alone for many displaced women.⁶
- Provide collective reparations such as building or rebuilding schools, markets, medical facilities, roads, and other social amenities in the home areas of displaced groups.
- Provide psychosocial support for displaced persons, especially for women who continue to suffer trauma and illnesses associated with having to protect their families.
- Provide educational support to young people who lost opportunities to receive an education due to displacement.
- Initiate certain reparation programs relevant to displaced populations before the CTRH process concludes, such as educational, physical, and psychosocial rehabilitation and reconstruction programs.

Recommendations to Civil Society

- Support the sensitization and civic education among displaced communities about the CTRH and the CRA mandates before the documentation process and public hearings begin and throughout the life of these two mechanisms.
- Organize displaced persons into networks to engage with the CTRH and CRA processes, and mobilize and coordinate joint efforts.
- Consider undertaking shadow regular and final reporting of the CTRH and CRA operations as part of monitoring and to ensure that the public has access to information related to these processes.

⁶ R-ARCSS, Article 5.4.2.4, providing for a Compensation and Reparations Fund, as managed by the CRA, that will provide material and financial support to citizens whose property was destroyed by the conflict and help them rebuild their livelihoods.

Introduction

South Sudan, while still a part of Sudan and as an independent state, has experienced decades of multiple and recurring conflicts at the national and sub-national levels. These conflicts continue to have reverberating intergenerational impacts, with many South Sudanese nationals still displaced and living in internally displaced camps or as refugees in neighboring countries. Few things capture the depth and range of these impacts better than engaging with displaced persons of all ages and both genders on the indignity of displacement and its negative social, economic, and physical consequences.

ICTJ therefore provided a platform for displaced South Sudanese to share their experiences, fears, and aspirations related to the human rights violations they suffered and the appropriate responses to those violations. The project was premised on the provisions in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) on return, resettlement, reintegration, and participation in building a new South Sudan. However, it also takes into consideration recent events that have dimmed hopes for these objectives, including multiple extensions of the agreement's transitional period, violent flare-ups of conflicts between armed groups at the national and sub-national levels, and an utter failure of the South Sudanese government to implement the R-ARCSS.

Displaced persons have the right, capacity, and agency to participate in their country's peace process from the onset. The inclusion of their views is critical, especially in determining the manner in which transitional justice processes should be designed and implemented. Their insights are crucial to ensuring an inclusive process that can achieve sustainable peace for South Sudan. They ought therefore to be given the opportunities and platforms to engage.

This research study was designed to assess the capacity of displaced persons to engage with and gather their perspectives on transitional justice processes getting underway in their country. The target audiences were South Sudanese refugees in Kenya and Uganda and IDPs in Juba, South Sudan. According to the United Nations Commission for Human Rights (UNHCR), there are 2.3 million South Sudanese refugees, 72 percent of whom reside in Uganda and Sudan. Ethiopia hosts approximately 18 percent of these refugees, while Kenya hosts approximately 7 percent.¹ Further, IDPs equal the total number of refugees (2.2 million people).² Refugees and IDPs currently make up 40 percent of the 12.5 million total population of South Sudan.³

1 UNCHR, "Refugees from South Sudan," accessed April 30, 2023, <https://data.unhcr.org/en/situations/southsudan>

2 UNHCR, "IDPs in South Sudan," accessed April 30, 2023, <https://data2.unhcr.org/en/country/ssd>

3 Fred Olouch, "South Sudan Population Data Raises Political Heat," *The East African*, April 16, 2023, <https://www.theeastafrican.co.ke/tea/news/east-africa/south-sudan-population-data-raises-political-heat-4200274>

Displacement occurs when a person or group of persons have to involuntarily flee their homes or places of habitual residence. A displaced person may be a refugee (displaced outside the territory of their nation) or an IDP.⁴ A refugee is defined as someone who flees across a border to avoid persecution,⁵ or the effects of armed conflict, situations of generalized violence, or violations of human rights.⁶ IDPs are defined as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”⁷

Causing forced displacement is a human rights violation and can constitute an international crime (war crime or crime against humanity) when it is unlawful, intentional, widespread, or systematic.⁸ It is well studied that during forced displacement, persons can experience multiple types of violations, such as mass killings of their kin, sexual and gender-based violence, torture, arbitrary arrest and detention, destruction of livelihood and property, and theft of property, including through forceful occupation of their land. Moreover, those who suffer displacement, especially children, become extremely vulnerable to further acts of violation after displacement, such as murder, rape and other forms of sexual and gender-based violations, forced conscription into militia or other armed groups, discrimination, and forced starvation.⁹

In South Sudan, millions of citizens have experienced forced displacement and, in the process, massive human rights violations. They have had to seek safety elsewhere, inside and outside of South Sudan, as internally displaced persons or refugees. The transitional justice program in South Sudan is encapsulated by Chapter V of the R-ARCSS. This section provides for the establishment of mechanisms, including the CTRH and the HCSS,¹⁰ with mandates that require the search for the truth through inquiry or investigation into the commission of massive human rights violations, including forced displacement or violations associated with forced displacement. The mechanisms are also required to allocate responsibility for the violations, for the purposes of accountability, identification of the root causes of the conflict, devising reform proposals to guarantee nonrecurrence, identification of victims harmed, and proposing reparation interventions as part of redress.

The CTRH is tasked with inquiring into gross violations of rights, including forced displacement, from July 2005 (signing of the CPA) to September 2018 (signing of the R-ARCSS), to identify victims, identify perpetrators (where possible), and recommend remedial measures.¹¹

The HCSS is mandated to investigate the commission of international crimes such as genocide, war crimes, and crimes against humanity, with the objective of holding those most responsible to account.¹²

4 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa [hereinafter, Kampala Convention], December 6, 2012, <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>, Article 1(l).

5 Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150, Art. 1, <http://www.unhcr.org/3b66c2aa10.html>

6 Organisation of African Union, OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, September 10, 1969, 1001 U.N.T.S. 45.

7 Kampala Convention, Article 1(k).

8 Roger Duthie, “Contributing to Durable Solutions: Transitional Justice and the Integration and Reintegration of Displaced Persons,” in *Transitional Justice Responses to Displacement*, ed. Roger Duthie (International Center For Transitional Justice and Social Science Research Council, 2012), 13. See also UN General Assembly, Rome Statute of the International Criminal Court 1998, 17 July 1998, ICC-PIOS-LT-01-003/18_Eng, Articles 7 (1) and (2)(d)(and 8 (2)(b)(viii).

9 Report of the Special Rapporteur on the human rights of internally displaced persons A/74/261 para. 48, July 31, 2019.

10 R-ARCSS, Articles 5.2 and 5.3.

11 Ibid. at Article 5.2.1.5.

12 Ibid. at Article 5.3.

Meanwhile, the CRA is mandated to receive applications for compensation and reparations from victims who experienced human rights violations, such as forced displacement and other harms suffered in the course of or as a result of displacement.¹³ It is critical for the people of South Sudan, particularly persons who experienced displacement, to not only be aware of the operations of these mechanisms but also to fully participate in their mandated processes. Displaced persons should be fully engaged in the designing of these mechanisms, to increase the process's legitimacy and public ownership of outcomes.

ICTJ hopes to leverage current and ongoing transitional justice processes in the report by studying and reporting on the views and perspectives of South Sudanese displaced persons, both refugees and IDPs. ICTJ therefore found it important to conduct qualitative research among South Sudanese refugees in Kenya and Uganda and IDPs in Juba to collect their views on transitional justice measures, return, and peaceful coexistence that are meaningful to them. The research study examined refugees and internally displaced persons' knowledge, concerns, and expectations about truth, peace, security, justice, healing, reconciliation, and return. The study, therefore, presents important findings and gives recommendations based on them. The recommendations were enriched by several roundtables and bilateral discussions with civil society groups operating in South Sudan as well as policymakers (local, regional, and international).

¹³ Ibid. at Article 5.4.

Methodology and Objectives

This study seeks to amplify the voices and perspectives of South Sudanese IDPs and refugees about policymaking, specifically in relation to the proposed national transitional justice processes. It presents their views, experiences, insights, and needs, to inform transitional justice policymaking. By examining the needs, expectations, and concerns of South Sudanese internally displaced persons and refugees, the report can guide and inform stakeholders who are involved in designing, implementing, and monitoring the transitional justice processes defined in the R-ARCSS to ensure an inclusive and victim-centered approach.

As mentioned above, ICTJ consulted displaced persons in three countries, Kenya,¹⁴ Uganda¹⁵ and South Sudan. Displaced communities included:

- South Sudanese refugees residing in Kakuma Camp, Turkana County, Kenya, from July 27–29, 2022;¹⁶
- Urban-based South Sudanese refugees residing in Nairobi, Kenya,¹⁷ on August 30, 2022;
- South Sudanese refugees residing in Maaji Camps (II and III), Adjumani, Northern Uganda, from September 27–30, 2022;¹⁸

14 UNHCR Kenya, "Operational Data Portal, Country-Kenya" (UNHCR Kenya, n.d.), <https://data.unhcr.org/en/country/ken>. As of March 2023, Kenya is reported to host about 511,461 refugees and asylum-seekers in Kakuma/Kalobeyei Integrated Settlement, Dadaab refugee camp, Nairobi, El Doret, Nakuru and Mombasa. Most refugees and asylum seekers are from Somalia (54 percent), followed by South Sudan (30.8 percent), Congo (6.6 percent) and Ethiopia (4.3 percent). Most of the refugees in Kenya reside in Dadaab (44 percent) and Kakuma (40 percent) in Kakuma, with 16 percent living in urban areas (mainly Nairobi).

15 As of March 2023, Uganda is reported to host approximately 1,532,168 refugees, with Adjumani hosting about 13 percent of the total population (209,574) and Kampala hosting about 9.1 percent (139,275). South Sudanese make up 56.6 percent of the total refugee population in Uganda (867,391).

16 UNHCR Kenya "Kakuma Refugee Camp and Kalobeyei Integrated Settlement" (UNHCR Kenya, n.d.), <https://www.unhcr.org/ke/kakuma-refugee-camp>. "The Kakuma refugee camp is located in the North-western region of Kenya. The camp was established in 1992 following the arrival of the 'Lost Boys of Sudan' . . . The camp is located on the outskirts of Kakuma town, which is the headquarters for Turkana West District of Turkana County." According to UNHCR, Kakuma camp and Kalobeyei Integrated Settlement had a population of 196,666 registered refugees and asylum-seekers at the end of July 2020. With an influx of new arrivals in 2014, Kakuma surpassed its capacity by over 58,000 individuals, leading to congestion in some sections. Following negotiations involving UNHCR, the Kenyan national government, the county government of Turkana and the host community, land for a new settlement was identified in Kalobeyei, 20km from Kakuma town.

17 UNHCR Kenya, "Urban Areas," <https://www.unhcr.org/ke/urban-areas>. The Urban refugee program caters for 80,750 (as at the end of July 2020) asylum-seekers and refugees residing mainly in Nairobi and other urban locations including Mombasa, Nakuru, Eldoret, Kitale, Meru-Maua, Isiolo and Bungoma.

18 UNCHR Uganda, "UNHCR Refugee Statistics 2023- Adjumani," UNHCR Uganda, n.d. <https://data.unhcr.org/en/documents/download/99970>. Adjumani district, in the West Nile region, hosts the highest number of refugee settlements (18) in the country, accommodating around 209,567 refugees. Some settlements were established in the 1980s during earlier Sudanese civil wars and others were more recently established to host refugees fleeing from South Sudan after

- Urban-based refugees residing in Kampala, Uganda, on September 31, 2022;
- IDPs residing in camps in Juba and Mangateen (just outside of Juba City) from October 4–7, 2022;¹⁹

Overall, ICTJ utilized a focus-group discussion (FGD) model as a means of soliciting information from participants. ICTJ interviewers held FGDs with displaced persons from a range of demographic groups, including men, women, youth, the elderly, and persons with disabilities. FGDs were of three types:

1. Mixed group, comprising men, women, youth, and persons with disabilities of both genders;
2. Women-only, integrating persons with disabilities;
3. Youth-only, integrating all genders and persons with disabilities;

Additionally,

- Four mixed FGDs were conducted with urban refugees living in Nairobi, Kenya, and Kampala, Uganda.
- Nine FGDs were held with refugees from refugee settlement camps within Kakuma Camp in Northern Kenya, with three mixed-group, three women-only, and three youth-only discussions.
- Eight FGDs were held with refugees in Northern Uganda (Maaji Camps Block II and III in Adjumani): three mixed-group, three women-only, and two youth-only discussions.
- Eight FGDs were held with IDPs in Juba protection of civilian (POC) Camp 1, POC Camp 3, and Mangateen Camp, including three mixed-group, three women-only, and two youth-only discussions.

In total, ICTJ engaged approximately 475 to 500 displaced people. Each FGD with refugees comprised an average of 15 participants, and each FGD with IDPs comprised an average of 20 participants. ICTJ used observation and on-site visits to refugee and IDP camps and their state, and desk research.

The study ensured a gender-sensitive approach by holding separate FGDs to obtain perspectives from women and girls and also drew out women voices in all FGDs.

Given the sensitivity of the discussions and to protect respondents, ICTJ adopted appropriate modalities of do no harm, including the provision of safe spaces and asking respondents to not identify themselves during discussions. ICTJ also adopted other security measures, such as affirming confidentiality to enhance participation. ICTJ took a deliberate decision not to cite names of respondents in the report. Ethical considerations regarding consent and confidentiality were taken into account during the interview and report-writing processes.

July 2016. Refugees compose 55% of the district's population. Adjumani is divided into 19 zones with the following populations for camps visited i.e. Maaji Camp I (585), Maaji Camp II (19,061) Maaji Camp III (16,758).

19 Takaki Imai, "What Is the Mangateen Domestic Refugee Camp? - South Sudan," *ReliefWeb*, January 21, 2019, <https://reliefweb.int/report/south-sudan/what-mangateen-domestic-refugee-camp>. See also Danish Refugee Council, "Site Profile," September 2018, <https://reliefweb.int/map/south-sudan/south-sudan-juba-mangateen-idp-site-site-profile-3-september-2018>. Mangateen is located in the north of the Munuki district, which is situated in northwest Juba, South Sudan. When a civil war broke out between the president's forces and the vice president's anti-governmental forces in December 2013, a number of evacuees flowed into this area from all over POC Camp 3 due to tensions between two different ethnic sub-groups. As a result, a refugee camp was established in 2015. The camp is divided into "Camp 1" and "Camp 2." About 600 families are residing in both camps in total or about 14,000 people up from an initial figure of just above 3000.

South Sudan's Transitional Justice Context: Historical Developments of Transitional Justice in South Sudan Before and After Independence

Proposed Transitional Justice in the Pre-Comprehensive Peace Agreement Period

According to ICTJ,²⁰ transitional justice refers to different processes adopted by societies to respond to the legacies of massive and serious human rights violations. Transitional justice asks some of the most difficult questions in law, politics, and the social sciences and grapples with innumerable dilemmas. Most importantly, transitional justice is about restoring the dignity of victims of gross human rights violations and building pathways to peace, reconciliation, and democracy.

The Africa Union Transitional Justice Policy outlines transitional justice as measures that societies adopt to understand the causes of past violations and to overcome them. This is to create conditions for a country to achieve peace, security, democracy, and socioeconomic transformation.²¹ Transitional justice processes assist societies that have experienced conflict or serious human rights violations to deal with the major impacts of such events and to transition into societies where people can live in equality, justice, and dignity. African societies are encouraged to adopt holistic transitional justice approaches that balance retribution (punishment) and restoration (reconciliation), based on each country's context.²²

The origins of transitional justice in South Sudan are closely tied to the country's history of conflict, violence, and abuse. South Sudan gained independence from The Sudan in 2011, after decades of civil war that left approximately 2 million people dead and 5 million displaced.²³ After this devastating war between the North and the South, tedious peace negotiations started with the Machakos Protocol in 2002,²⁴ which provided the basis for a ceasefire and peace talks. The war officially ended with the signing of the Comprehensive Peace Agreement (CPA) in

20 ICTJ, "What Is Transitional Justice?," <https://www.ictj.org/what-transitional-justice>

21 African Union Transitional Justice Policy, April 25, 2019 n.d. Au.int. para. 19, <https://au.int/en/documents/20190425/transitional-justice-policy>

22 Ibid., para. 38.

23 Bathsheba Crocker and Dina Esposito, "Sudan: To Guarantee the Peace," Center for Strategic and International Studies, January 22, 2004, 1, <https://reliefweb.int/report/sudan/sudan-guarantee-peace>

24 Machakos Protocol, July 20, 2002, https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_020710_MachakosProtocol.pdf

2005 between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) (2005 CPA) in Nairobi, Kenya, on January 9, 2005.²⁵ It comprised six peace protocols that were executed between 2002 and 2005.²⁶

The 2005 CPA only contained a brief reference to reconciliation and did not address questions of accountability for crimes, atrocities, and human rights abuses that had been committed in the country during decades of civil war. Article 1.7 states: "The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity."²⁷

It is reported that during negotiations, the parties considered including general amnesties in the final peace agreement but were advised against it.²⁸ The Interim National Constitution,²⁹ along with the Interim Constitution of Southern Sudan of 2005,³⁰ provided that the state would initiate processes of national and local reconciliation and healing. Both Sudan and the SPLA purportedly opposed investigation of atrocities and accountability measures.³¹

From an observation of South Sudan's history, it can be concluded that government actors and political leaders feel differently about transitional justice than civil society and the international community. This is exemplified in the peace negotiations and post-agreement conduct of leadership, which favor a policy of unconditional political amnesty over criminal justice and other forms of accountability.

South Sudan's culture of impunity (including with amnesties) dates back to the period of the unified Sudan. The 1972 Addis Ababa Agreement,³² for example, awarded a blanket amnesty to all who committed grave human rights abuses.³³ The 2006 Juba Declaration, which unified the SPLA armed forces and the South Sudan Defence Forces, allowed for a general amnesty covering "any crimes" committed during hostilities.³⁴ Further, actors in South Sudan have only paid lip service to peace and reconciliation efforts, rather than pursue them or the accountability required for them with strong political support and leadership.

25 Comprehensive Peace Agreement Between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan's People Liberation Army [hereinafter CPA], January 9, 2005, United Nations Mission in Sudan, https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_o6o0oo_The%20Comprehensive%20Peace%20Agreement.pdf

26 Scherr, Katherine, "Of Justice, Accountability and Reconciliation – Preliminary Stocktaking on Transitional Justice Efforts in South Sudan," in *Handbook of Research on Transitional Justice and Peace Building in Turbulent Regions*, eds. Fredy Cante and Hartmut Quehl (Hershey PA: IGI Global, 2016), 3.

27 CPA, Article 1.7.

28 Human Rights Watch, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan" (March 2006) 16, <https://www.hrw.org/reports/sudano306.pdf>

29 The Interim National Constitution of the Republic of The Sudan 2005, Article 21 <https://www.refworld.org/pdfid/4ba749762.pdf>

30 Ibid. at Articles 39 (2)(b) and 173 (6)(g).

31 Scherr, "Of Justice, Accountability and Reconciliation," 5.

32 Addis Ababa Agreement on the Problem of South Sudan of 1972 (Draft Organic Law to organize Regional Self-Government in the Southern provinces of the Democratic Republic of the Sudan), <https://peacemaker.un.org/sudan-addisababa-southsudan72>

33 Ibid. at Article 1 (Chapter III, Amnesty and Judicial Arrangements): "No action or other legal proceedings whatsoever, civil or criminal, shall be instituted against any person in any court of law for or on account of any act or matter done inside or outside the Sudan as from the 18th day of August 1955, if such act or matter was done in connection with mutiny, rebellion or sedition in the Southern Region. Article 6 states: Notwithstanding the provisions of Articles 4 and 5 above a Special Tribunal with ad hoc judicial powers shall be established to examine and decide on those cases which in the estimation of the authorities do not meet the conditions for amnesty specified in Article 1 of this Agreement. The Special Tribunal shall be composed of a President appointed by the President of the Republic and not more than four members named by the Cease-fire Commission."

34 Juba Declaration on Unity and Integration between the Sudan People's Liberation Army (SPLA) and the South Sudan Defence Forces (SSDF), January 8, 2006, 1, <https://peacemaker.un.org/sudan-juba-declaration2006>

Transitional Justice Interventions in the ARCSS and R-ARCSS (post-CPA)

The motivation for South Sudan's post-CPA transitional justice process is deeply rooted in historical grievances and unredressed human rights violations that date back to the 21 years of the liberation struggle and before. In normative terms, transitional justice debates did not start until the 2013 conflict. The report of the African Union Commission of Inquiry on South Sudan (AUCISS),³⁵ published in 2014, established the relationship between the resurgence of violence in the independent state of South Sudan and the history of accumulated grievances over time. Whether the reasons for disregarding these grievances was deliberate or not, evidence suggests that there is sluggish interest in pursuing transitional justice among South Sudan's political establishment.³⁶

As noted earlier, the 2005 CPA provided for a national reconciliation process. However, the government of the autonomous Southern Sudan at the time did not formally implement the proposed initiatives. This is perceived to have been out of fear that they could stir up old grievances and threaten the unity of the South Sudanese people and thus endanger the 2011 peace referendum.³⁷ This perception continued even after South Sudanese independence.

At the time, South Sudan's leaders and civil society and the international community broadly recognized the need for transitional justice measures to address the country's past and present abuses. There were a few proposed initiatives and efforts to address transitional justice in South Sudan, including the establishment of a national reconciliation committee in 2013 and the development of a National Peace and Reconciliation Plan in 2014.³⁸ However, these efforts faced numerous challenges, including lack of political will, ongoing violence and conflict, and limited resources.³⁹ Too much emphasis was also said to lay on holding big national events rather than on reconciliation processes leading up to or after such events.⁴⁰ For example, in early 2013, a national reconciliation process was reintroduced,⁴¹ with calls from First Vice President H.E. Dr. Riek Machar Teny, who had earlier issued an apology for the 1991 Bor massacre,⁴² to mend broken ties among communities in South Sudan.⁴³ He attempted to spearhead a series of consultative meetings with different stakeholders, including civil society, religious groups, and members of the regional and international community. This process, however, failed to gain traction due to political animosity between H.E. President Salva Kiir Maryadit and Machar (his deputy at the time).⁴⁴

Efforts to establish a national reconciliation committee in early 2013 strongly backed by Machar hit a snag by mid-2013, due to the president's strong suspicion that Machar was seeking to use the truth and reconciliation process to his political advantage.⁴⁵ This prompted the

35 African Union, Final Report of the African Union Commission of Inquiry on South Sudan, Addis Ababa, October 15, 2014, <http://www.peaceau.org/uploads/auciss.final.report.pdf>

36 Ibid. at paras. 853 and 1156.

37 David Deng, "Compound Fractures, Political Formation, Armed Groups and Mediation and Regional Mediation in South Sudan" (Institute for Security Studies, December 2018), 4, <https://issafrica.s3.amazonaws.com/site/uploads/ear-21-1.pdf>

38 *Sudan Tribune*, "South Sudan's Newly Appointed National Reconciliation Committee Takes Over," May 5, 2013, <https://sudantribune.com/article45622/>

39 Ibid.

40 Sansculotte-Greenidge et al., "Reconciliation Without Regret: National Healing and Reconciliation in South Sudan" in *Policy and Practice Brief* 27 (November 2013), 3.

41 *Sudan Tribune*, "S. Sudan Cabinet Approves Launching of National Reconciliation," January 12, 2013,

<https://reliefweb.int/report/south-sudan-republic/s-sudan-cabinet-approves-launching-national-reconciliation>.

42 Gatkuoth Lam, "What Is This So-Called 'Dinka Bor Massacre,'" *Sudan Tribune*, August 31, 2007,

<https://sudantribune.com/article23757/>.

43 David Phillips and Ahmed Adam, "Actions Speak Louder than Word," *Sudan Tribune*, April 18, 2013,

<https://sudantribune.com/article45439/>.

44 Ibid.

45 Ibid.

president to disband the national reconciliation committee chaired by Tor Deng Mawein, strip Machar of his role in the national reconciliation process,⁴⁶ and cancel the planned national reconciliation conference.⁴⁷

However, a public outcry prompted the president to decree a new National Reconciliation Committee. The mandate for the committee, as established by the president, was to develop objectives of national peace and reconciliation; determine short-term and medium-term activities; research modern and traditional conflict resolution; and to form a consultative body comprising South Sudanese elders. It was chaired by then Episcopal Archbishop Daniel Deng Bul,⁴⁸ with other members including Bishop Paride Taban (Deputy Chairperson), Bishop Rudolf Deng Majak, Bishop Enock Tombe, Moderator Peter Lual Gai, one representative from the Muslim community, one from each of the ten states of South Sudan, one youth representative, and one civil society representative.⁴⁹

The circumstances surrounding Deng Bul's appointment generated substantial differences of opinion. While there seemed to be a consensus on the church leading the reconciliation process, the president's involvement in appointing the committee chair raised concerns about the committee's independence and ability to engage as a neutral mediator. Despite these reservations, the church proceeded to initiate some local reconciliation initiatives. However, these processes achieved little toward reconciling longstanding political differences in the country.⁵⁰ It was suggested that some sections of the South Sudanese society felt the church-led process lacked legitimacy, its leadership lacked credibility, it leaned towards government, and it excluded key sectors of South Sudanese society.⁵¹

The need to implement transitional justice processes, including criminal accountability measures, was spurred on by the deadly conflict that gripped South Sudan from December 15, 2013, to August 2015. The conflict is perceived to have been precipitated by an episode of in-fighting between the country's two top leaders, Salva Kiir and Machar.⁵² This conflict, that continued for 18 months, resulted in gross human rights abuses, atrocities, and suffering on a massive scale.⁵³ Violations recorded by the AUCISS included unlawful killing of civilians, torture, sexual violence, and looting and destruction of property.⁵⁴ In January 2014, amid the conflict, the South Sudan Law Society released a statement calling for investigations into the atrocities while also urging a parallel truth and reconciliation process, stating:

The two parties should be compelled to submit themselves . . . to an independent investigation into the crimes committed . . . Given the lack of capacity, credibility and independence of the justice system, it is clear that without international support, impartial investigations and prosecutions cannot take place. Such international support could best be provided within the framework of a hybrid court established within South Sudan's judiciary . . . The Government . . . should . . . sign on to the Rome Statute as a demonstration of its commit-

46 Allan Ngare and Jame Kolok, Institute for Security Studies, "Citizens' Perceptions on Transitional Justice Processes in South Sudan," (November 2019) <https://issafrica.s3.amazonaws.com/site/uploads/ear-29.pdf>, 3.

47 Ibid. See also Sansculotte-Greenidge, "Reconciliation Without Regret." The said Republican Decree suspended the National Reconciliation Initiative and dissolved the committee supervised by the former vice president.

48 *Sudan Tribune*, "South Sudan's Newly Appointed National Reconciliation Committee Takes Over," May 6, 2013, <https://sudantribune.com/article45622/>. See also, Republican Order No 05/2013 for the Formation of the National Reconciliation Committee for Healing Peace and Reconciliation Conference, 2013.

49 Final Report of the African Union Commission of Inquiry on South Sudan, para. 918–20.

50 *Sudan Tribune*, "Newly Appointed National Reconciliation Committee."

51 Final Report of the African Union Commission of Inquiry on South Sudan, para. 1160.

52 Ibid. at para. 80.

53 Ibid. at para. 1125.

54 Ibid. at para. 1125.

ment to justice for international crimes . . . If the parties fail to agree on or to implement a mechanism for holding perpetrators of the violence accountable, the Security Council could consider referring the matter to the International Criminal Court.⁵⁵

Similar statements were issued by human rights groups and other civil society organizations and actors. Some called for prioritization of peace and reconciliation over justice, while others called for striking a balance between justice and accountability and reconciliation and peace building.⁵⁶

The trajectory of noncommitment to resolving past grievances increased the trend of human rights violations, especially after the 2013–2015 conflict and the AUCISS recommendations for the establishment of a hybrid court,⁵⁷ which generated substantive interest in making transitional justice an indispensable part of peace building in South Sudan.

Commitments to transitional justice approaches re-emerged with the signing of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) in August 2015, in Addis Ababa, Ethiopia. Notwithstanding the collapse of the ARCSS due to lack of political goodwill,⁵⁸ transitional justice remained part of the 2018 revitalized peace agreement. Civil society activists played a central role in influencing peace negotiations to retain the transitional justice mechanisms that they had managed to have inserted in the 2015 ARCSS.⁵⁹ Both agreements provided for a transitional justice process and specifically mentioned the establishment of a truth commission, a hybrid court, and a compensation-and-reparation mechanism.⁶⁰

The proposed transitional justice mechanisms represented an unprecedented challenge to impunity for war crimes and crimes against humanity in the region. Chapter V of the ARCSS, which covers Transitional Justice, Accountability, Reconciliation and Healing, was retained in the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS).⁶¹ A transitional justice program is proposed to be implemented by the Reconstituted Transitional Government of National Unity (RTGoNU), while the African Union Commission is mandated with establishing the Hybrid Court for South Sudan (HCSS) to try those most responsible for violations.⁶²

The three mechanisms envisaged under the R-ARCSS as an essential precondition for sustainable peace are a necessary requirement to remedying the past and establishing conditions that can prevent the recurrence of conflict. Ultimately, the mechanisms are expected to promote the common objective of facilitating transitional justice, accountability, reconciliation, and healing.⁶³ They are also expected to address the legacy of human rights violations in South Sudan and remedy and restore the dignity of thousands of South Sudanese victims.

55 Flora McCrone, "Civil Society Views on Justice and Reconciliation for South Sudan (blog)" Peace Direct, February 20, 2014, <https://www.peaceinsight.org/en/articles/civil-society-south-sudan-transitional-justice/?location=sudan&theme=human-rights>

56 Ibid.

57 Final Report of the African Union Commission of Inquiry on South Sudan, paras. 1148 and 1157. The AUCISS recommended that accountability must be pursued as part of a wider process of societal reconciliation, if sustainable peace is to be achieved in South Sudan. The AUCISS recommended an Africa-led, Africa-owned, Africa-resourced legal mechanism under the aegis of the African Union to bring those with the greatest responsibility for violations and abuses at the highest level to account, due to the lack of confidence in domestic capacities.

58 John Young, "Isolation and Endurance: Riek Machar and the SPLM-IO in 2016–17," Small Arms Survey (Graduate Institute of International and Development Studies, October 2017), <https://www.smallarmssurvey.org/resource/isolation-and-endurance-riek-machar-and-splm-io-2016-17>, 22–24.

59 Rachel Ibreck, *South Sudan's Injustice System: Law and Activism on the Frontline* (London: Zed Books, 2019), 54.

60 Agreement on the Resolution of the Conflict in South Sudan 2015, August 17, 2015, IGAD, Article 1.1 of Chapter V: Transitional Justice Reconciliation and Healing, [PA-X: Peace Agreements Database](#)

61 Revitalized Agreement on the Resolution of the Conflict in South Sudan 2018, September 12 2018, IGAD PA-X: [Peace Agreements Database](#), 62–70.

62 Ibid. at Article 5.1.3.

63 Ibid. at Article 5.1.1.

So far, since the ARCSS process was revitalized in 2018, none of the mechanisms have been established. But recent engagements show a semblance of political will, especially around the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). A Technical Committee established by the Minister of Justice and Constitutional Affairs,⁶⁴ comprising various actors that include the civil society, professional bodies, religious groups, government agencies and the officials from the Ministry of Justice, was constituted to undertake broader public consultations in line with the provision of article 5.2.1.3 of the R-ARCSS.⁶⁵ The aim of the consultations was to gather citizens' views about the nature of legislation required to establish the CTRH. These consultations were preceded by a January 2021 Cabinet resolution that endorsed a Ministry of Justice proposal for a road map towards the establishment of the various transitional justice mechanisms in line with the R-ARCSS.⁶⁶

The Technical Committee's consultations, while credited with reaching a broader section of the South Sudanese population, faced several logistical challenges, including insecurity, a limited budget that affected outreach capabilities, and political anxiety as to the consequences of engaging in such a process. Consequently, it has not sustained an inclusive, comprehensive consultative process. One potential shortfall has been the exclusion of South Sudanese refugees, who represent a population of the citizenry directly impacted by the conflict. The Technical Committee submitted its report in July 2022, having visited about 37 locations and consulted 4,543 people (3,080 male and 1,436 female) through key informant interviews, focused group discussions, and self-administered questionnaires.⁶⁷

In May 2023 the RTGoNU High-Level Standing Committee of the Parties to the Agreement in collaboration with the Ministry of Justice and Constitutional Affairs held the Conference on Transitional Justice Mechanisms: Building Sustainable Transitional Justice System for South Sudan in Juba where major decisions were taken.⁶⁸ This conference and the public consultations report informed the drafting and finalization of the draft bills. The Commission for Truth and Reconciliation Act 2024 and the Compensation and Reparations Act 2024 were assented to by the president of South Sudan, H.E. Salva Kiir Mayardit, on the November 11, 2024. The enacted laws provide for the establishment of the CTRH and CRA.

As the processes unravel, it has been observed that strong reservations remain from South Sudan's top leadership on the establishment of the HCSS, which is to pursue criminal accountability.⁶⁹ The tendency to shy away from accountability, as observed in the pre-CPA days, persists; it is thought that this nurtures South Sudan's culture of impunity and unending cycles of violence.

Findings of this study are analyzed in the next chapter.

Experiences of Displacement

Similar to several comparative contexts where ICTJ has worked, South Sudanese displaced persons interviewed for this study stated that they had suffered both physical and psychological harm during their escape from their homes in South Sudan and while living in IDP

64 RTGoNU Ministry of Justice and Constitutional Affairs, Ministerial Order Number 02 of 2021 dated 10 May 2021.

65 Wote, Charles, "Review of Gov't Starts Process to Set up Truth and Healing Commission," June 30, 2021, *Eye Radio*.

66 Richard Jale, "Cabinet Approves Establishment of Hybrid Court," *Eye Radio*, January 30, 2021, <https://shorturl.at/eszC1>.

67 Technical Committee on the Establishment of the Commission For Truth Reconciliation and Healing (TC-CTRH), *Public Sensitization and Consultations Report* (July 2022), p. 9.

68 UNDP, *Conference Report: Transitional Justice Mechanisms in South Sudan 15th to 17th May 2023* (2023).

69 Salva Kiir and Riek Machar, "South Sudan Needs Truth, Not Trials," *New York Times*, June 7 2016, <https://www.nytimes.com/2016/06/08/opinion/south-sudan-needs-truth-not-trials.html>

and refugee camps. These harms included bodily harms such as sexual violence and gunshot wounds; loss of loved ones either through death or forced disappearance; and loss of property, especially land and cattle, which ultimately had affected their livelihoods and income sources. Most of the displaced indicated that they continued to live with psychological trauma because of the experiences they had survived and witnessed and the harms they continued to suffer.

Forced displacement was observed to cause disruption of life, including loss of family and social ties, in several comparative contexts (camps). Many women told interviewers about the pain of losing husbands and sons who stayed behind in South Sudan to join the war rather than flee to camps. Some were unsure if their husbands or sons were still alive, while others reported that their male relatives had died as a result of the conflict. Other male relatives were said to have simply forgotten their families and started new lives in South Sudan, unbothered about their situation in the camps.

The most obvious impact of this situation was a rise in female-headed households, which has led to additional challenges. Challenges include women having to singlehandedly provide for their families in an often-scarce resource environment and the lack of protection for and inclusion of women and girls in a patriarchal society.

As observed in other contexts as well as in South Sudan, displacement usually disrupts access to education and forces many young people to stop their education without any assurance that they will return to school once they are resettled inside a camp. ICTJ found that there was greater access to education in the camps as compared to the young people's places of origin in South Sudan, thus making it harder for families with school-aged going children to leave the camps and return to the regions of origin. The lack of education facilities in South Sudan was attributed to a number of challenges, including government neglect and destruction caused by the conflict.⁷⁰

ICTJ interviewed several displaced persons who expressed a strong desire to return because of the ties they felt to their ancestral lands. However, they worried that going back could ignite a new round of conflict with those who had settled on their land. They also reported that they felt that they had lost their identity because they were now labelled "refugees" or "IDPs." Getting back their identity as South Sudanese who belonged to different communities and had ties to the ancestral land was important to them. This differed from the two comparative contexts of Syria and Liberia, where respondents viewed the state as the aggressor and therefore feared return.

As in other contexts, especially Syria, some displaced South Sudanese in Uganda who spoke with ICTJ reported that they had experienced ongoing conflict in the places where they had fled to within South Sudan.⁷¹ Incidences of further conflict caused them to leave South Sudan for Uganda.⁷² ICTJ observed the phenomenon of persons being repeatedly re-displaced, resulting in grave psychological harm to them and their young families.

Displacement into camps also brought new vulnerabilities, such as loss of property from theft and robbery, sexual violence, constant raids and pillaging of camps by "unknown gun men," and hostility from host communities. Refugee respondents also reported being vulnerable to violence from host communities in the event of disagreement. There was, however, consistent efforts by local authorities to support mediative efforts to ensure good relations between the communities.

70 FGD Juba, October 2022.

71 FDG Adjumani Maaji Camps, September 2022.

72 Ibid.

The impact of cultural disruption for South Sudanese refugees and IDPs was very pronounced, with respondents reporting that displacement brought new challenges to communities, whether they were displaced inside or outside of South Sudan. Women reported feeling more vulnerable without male community members, including experiencing more incidences of violations such as sexual and gender-based violence due to absence of male family members who would usually act as protectors. Men were reported to be more confused about their roles after losing their traditional role as providers while living in the camps. All described having to depend on humanitarian aid as dispiriting. Some resorted to alcoholism.

Displacement had a ripple effect on the lives of families, includes separating families during conflict or in the camps. Lack of transmission of traditional ethnic social values to children was argued to have resulted in the younger generation aping foreign/western cultures and abandoning their own rich traditions. Women complained that, in the absence of male role models and father figures, the younger generation was vulnerable to becoming involved in truancy, such as substance abuse, early pregnancy, and crime.

ICTJ's overall assessment is that forced displacement of South Sudanese has been continuous and multifaceted. A significant number of South Sudanese remain displaced and continue to suffer multiple harms in displacement. The government of South Sudan was consistently viewed as responsible for allowing this situation to continue for far too long and enabling what should have been a temporary situation to become permanent. For many, the failure of those in authority to act on their behalf meant that they have had to resign themselves to their fate of "permanency in the temporary."⁷³ This is particularly true for victims who arrived in Kakuma Kenya in 1991, during the Sudanese civil war (1983–2005).⁷⁴

73 FDG Kakuma Town, July 2022.

74 Ibid.

Perspectives of Displaced Persons on Transitional Justice Processes in South Sudan

Truth Telling

Displaced South Sudanese respondents interviewed for this study eagerly anticipated the state's planned truth-seeking process, with many seeing the CTRH as an opportunity for people to confess their actions and seek forgiveness from each other. There was overwhelming support for the truth commission, with many indicating their willingness to engage with the commission once it was established. However, some respondents wondered if the country was ready to hear their truth and listen to their experiences. To them, a truth-seeking process will be critical to enabling better understanding of the root causes of the conflict and their sufferings.

"We want to engage the CTRH so that there can be an investigation of what our leaders have signed onto in the numerous peace agreements and not followed up on to conclusion."⁷⁵

"We would like a platform [the CTRH] to engage our leaders in South Sudan and question them and ask them . . . why are [you] doing this?"⁷⁶

"The CTRH is an opportunity for people to confess and ask for forgiveness."⁷⁷

Still, some were skeptical about whether a truth-seeking process was necessary. Some young people felt that South Sudan should not focus on uncovering the past but concentrate on present challenges. To them, addressing their current challenges is the priority, not what had happened in the past. However, older respondents tended to counter that view, stressing the need to understand the past because it informs their present circumstances and the future.

"We are ready to say all that we know. Let them come to us and we will talk. Otherwise, people will go to [South Sudan to give testimonials], not knowing they may be killed on the way."⁷⁸

It was stressed repeatedly in all group discussions that the environment in which the truth-commission process is established is critical. They expect a truth-commission process would

75 FDG Kakuma Town, July 2022.

76 FDG Kakuma Town, July 2022.

77 FDG Adjumani Maaji Camp, September 2022.

78 FDG Kampala, September 2022.

need to operate in an environment where freedom of expression, press freedom, and freedom of association are highly protected and promoted. But in their experience, these basic freedoms were not guaranteed in South Sudan, making truth telling difficult. Many argued that truth, in a weak and unsupported environment, can become a victim, citing instances of media representatives having been attacked by powerful people for reporting on certain issues that they opposed.

Respondents also communicated their expectations for the truth commission's leadership. There was unanimity that those who are appointed should be persons of high integrity, neutral, and not affiliated with any political party. Further, commissioners should be impartial to all ethnic and religious groups and be persons "who love human beings." They recommended that commissioners have certain important traits, like fearlessness, courage, and the ability to stand up for and defend the truth.

"We hope that those who are appointed [to the CTHR] are the kind of people who hate war and love human beings."⁷⁹

"We should be given the right to suggest who should be on the commission. We will not accept those who kill us to sit on the commission."⁸⁰

Some respondents expressed doubts about the proposed commission unless they had a member from the region as commissioner. Regional representation at the commission emerged as an important issue for many displaced persons when asked about the kind of truth commission that should be established. Given that only four commissioners of South Sudanese origin will be appointed to the commission,⁸¹ some respondents wondered whether the commission would be able to fully represent the diverse interests of South Sudanese society. They called for an amendment to the CTHR structure to have an expanded number of local commissioners.

"The truth commission should be citizen owned. It should include people like us [the displaced or refugees], to increase public ownership and trust."⁸²

Respondents also expressed apprehension about the way in which commissioners would be selected and appointed; they critiqued the process set out in the R-ARCSS. They noted that the current political leadership was responsible for the state of the country and could not be trusted to appoint independent commissioners. They hoped for a process that would safeguard commissioner appointments from interference, to realize the objective of ensuring that commissioners were not under the control of political players.

"Will the CTRH be able to fulfill its duties under the constitution and the agreement or is this a waste of public finances? If they're going to be faithful and independent, then the number of commissioners doesn't matter."⁸³

Given the environment that the CTRH will operate in, respondents urged that the CTRH be given sufficient powers to summon powerful individuals and to protect witnesses and victims who wish to give testimony. Strong witness and victim protection measures would bolster their

79 FDG Kakuma Town, July 2022.

80 FDG Kampala CBD, September 2022.

81 R-ARCSS, Article 5.2.3.2: "the CTRH shall be composed of seven (7) commissioners, four (4) shall be South Sudanese nationals, including two (2) women. The remaining three (3) commissioners shall be from other African countries, of whom at least one (1) shall be a woman. The CTRH shall be chaired by a South Sudanese national and deputized by a non-South Sudanese national."

82 FGD Juba, October 2022.

83 FDG Adjumani Maaji Camps, September 2022.

confidence in the process.⁸⁴ Many respondents suggested that there should be willingness from the public and other communities to accept their testimonies about their truth and experiences. Further, they stated that there should be adequate security, though no one should seek vengeance after hearing the testimonies given to the CTRH because truth seeking is aimed at reconciliation and healing.

"Will the truth commission have soldiers of its own? How can they ensure that the powerful people will be brought before them if they don't have the power to arrest them?"⁸⁵

Respondents resoundingly called for the RTGoNU, civil society, and the CTRH to undertake sensitization and civic education about the CTRH and its mandate before documentation and public hearings begin and throughout the life of the commission.⁸⁶ This would enable greater public participation in the truth, reconciliation, and healing process, particularly by the displaced. Respondents further stressed the need for the CTRH to have a strong trauma-healing section, so it could deliver psychosocial support to respondents. The majority indicated that they continued to suffer the psychological effects of the hardships they had suffered during periods of conflict and displacement.

Finally, respondents expressed hope that the truth commission would remain faithful to its objectives and not be swayed by political elites. They hoped that the truth commission's report would neither hold back on the truth nor be interfered with by external forces. They hope to see a truth commission that breaks with the past, unlike previous justice processes in the country. The CTRH should be truly independent and present itself in a way that sows the seeds of sustainable peace, justice, and reconciliation in South Sudan.

Justice Through Prosecutions

Respondents held distinct views on the need to prosecute those responsible for atrocities committed against them as a means of pursuing justice. Some respondents, notably those in IDP camps and those who had experienced the most recent conflicts and violations, strongly supported prosecutions, particularly against those most responsible. In their view, the very top rungs of South Sudanese leadership was most responsible for the harms they had suffered, and they insisted that the African Union must not fail to establish the HCSS.⁸⁷

The HCSS, they believed, was the best forum for holding leaders accountable for the serious crimes that they allegedly perpetrated, because it will be beyond their control and influence. This view was commonly shared by IDP respondents because, in their estimation, the court will have its seat outside of South Sudan, thereby making it even more potent. They also shared that it would help to guarantee the safety of judicial officers and witnesses, as compared to a court established in South Sudan.

84 R-ARCSS, Article 5.2.4.1: "the CTRH shall implement measures to protect victims and witnesses, in particular youth, women and children. Such protection measures shall include, but not limited to the conduct of in camera proceedings and the protection of the identity of a victim or witness."

85 FDG Kampala, September 2022.

86 R-ARCSS, Article 5.2.2.4: "the CTRH shall make sustained efforts to publicly and regularly inform and involve the people of South Sudan in all its tasks and activities, and be responsible for carrying out public education, awareness-raising and civic engagement activities, to inform the public in particular youth and women, about the Commission's work and solicit continuous feedback."

87 R-ARCSS, Article 5.3.3.1: "there shall be an independent hybrid judicial court, the Hybrid Court for South Sudan (HCSSo). The Court shall be established by the African Union Commission to investigate and where necessary prosecute individuals bearing responsibility for the violations of international law and/or applicable South Sudanese law committed from 15th December 2013 through to the end of the Transitional Period."

Some refugees and IDPs felt that the top two South Sudanese leaders were either directly or indirectly responsible for their sufferings and tribulations. They felt that the HCSS should be established to hold them to account. When further probed as to whether there should be accountability for those who directly caused them harm, some responded that they do not know their perpetrators. However, their view was that once the top two leaders are arrested and facing charges, they would give the court information on other persons who are jointly responsible for atrocities.

*"We would like the current top leadership to be brought before the court and face accountability. When they are before the Hybrid Court, they can then name other people who they know are responsible for the many violations we have suffered."*⁸⁸

Prosecution through the HCSS was viewed by respondents as the best option for prosecuting those responsible, because the local judicial system was "not fit for purpose." Consequently, judicial reforms are perceived as inevitable and must be undertaken for South Sudan to have a judicial system that works for all.

*"Justice should be at the core of our society for there to be peace and harmony in South Sudan."*⁸⁹

*"Justice should be the center of gravity in South Sudan."*⁹⁰

For respondents,⁹¹ prosecution was viewed as a cathartic or therapeutic process for healing and reconciliation in the society to take root. Prosecutions contribute to acknowledgment of the harms suffered, in their view, and thus contributes to reconciliation and healing.

*"If there are prosecutions, we will begin to forget our sufferings."*⁹²

Others felt that the HCSS is a central and fundamental part of the peace process.

*"One cannot discuss peace without discussing the court."*⁹³

*"The court can only succeed if the process is done outside South Sudan. Otherwise, in South Sudan, we know it can't allow for the trial of people in Juba."*⁹⁴

Other refugees, particularly those who had left the country in South Sudan's early years or earlier, during Sudan's civil war, could not see prosecutions playing a viable role in realizing justice. Some felt that it would even undermine reconciliation efforts. Others took a pragmatic view, doubting whether prosecutions would be possible against the political elite who are still in power. Prosecutions in their view would be a distraction to the overall peace process and likely spark new rounds of conflict.

*"Will they prosecute themselves?"*⁹⁵

*"Prosecution cannot work in South Sudan. Yes, they may prosecute during the day, but at night the perpetrators are released. There is no justice in South Sudan."*⁹⁶

88 FGD Juba, October 2022.

89 FDG Kakuma Town, July 2022.

90 FDG Kakuma Town, July 2022.

91 FGD Juba, October 2022.

92 FGD Juba, October 2022.

93 FGD Juba, October 2022.

94 FGD Juba, October 2022.

95 FDG Adjumani Maaji, Camps September 2022.

96 FDG Nairobi, August 2022.

"Nobody in any community would allow for their people to be prosecuted. Even the government fears arresting some people because they're afraid of how the community would respond."⁹⁷

Some respondents argued that South Sudan was not ready for prosecutions because communities would view any of their own members being prosecuted as an affront to their interests.

"How many people will we jail? What will my community think of my being jailed for avenging atrocities committed against them? Will there be reconciliation? Will they think there has been justice? The communities will not be convinced of this justice. There needs to be elements of forgiveness and reconciliation."⁹⁸

Some respondents felt that a balance needed to be struck between pursuing peace and pursuing justice through prosecutions. They felt that both were extremely important, but it depended on their sequencing. They felt that the country should secure peace through stability and security sector reforms before attempting to pursue justice through prosecutions. Others felt that communities should be sensitized to seeing prosecution as a form of accountability, not punishment or vengeance.

"We need to separate prosecution from revenge. We don't want to punish or revenge; we just want to hold people accountable for their actions."⁹⁹

"How long will we have to clap our hands for the same people who made us refugees?"¹⁰⁰

Compensation and Reparations

ICTJ encountered mixed reactions from respondents on the idea of receiving reparation and compensation for the harms they have suffered. Some respondents who suffered atrocities in the 2013 and 2016 conflicts were adamant that the government should acknowledge the harms they suffered by providing reparations and that a reparation program must be established. For this set of victims, the effects of those injustices persist, and memories of what transpired were still fresh in their minds, reinforced by their long stay in camps. Some even argued that reparations was a condition that had to be met for them to leave the camps.

Several respondents, both IDPs and refugees, held similar sentiments about the viability of reparation programs and who exactly would pay for reparations. A majority of those interviewed argued that compensation and reparation was not possible for a young, poor country like South Sudan. Further, a good number of South Sudanese were victims of the wars, making it difficult to discern who should receive reparations and who should be left out. Others argued that because most people in South Sudan would qualify and the compensation money would come from public funds acquired from the same people who had suffered violations through taxes, not from external sources, it made little sense to pursue financial reparation.

"Will it not be my taxes as a victim that will pay for reparations?"¹⁰¹

97 FGD Juba, October 2022.

98 FDG Adjumani Maaji Camps, September 2022.

99 FGD Juba, October 2022.

100 FGD Kampala, September 2022.

101 FGD Juba, October 2022.

"We would most likely see the same people who are supposed to compensate victims themselves be identified as victims. I don't believe it could be done fairly when it comes to compensation."¹⁰²

"I wish compensation could bring back my husband. Because it can't, then nothing material could help me deal with the loss I suffered."¹⁰³

Moreover, respondents wondered if government funds could sustain huge reparation demands, given the large number of potential victims in South Sudan. This perspective was linked to concerns about the state of peace in South Sudan, because of intercommunal conflicts that undermined the peace process. As such, many wondered if it was a good idea to start reparation programs amid ongoing subnational conflict,¹⁰⁴ flooding in some regions,¹⁰⁵ and severe hunger that was affecting the country.¹⁰⁶

Several other respondents argued that they preferred collective reparation over individual reparation, to enable communities to receive reparations as a group, considering that they had been targeted as a group. Some respondents, particularly IDPs, proposed building or rebuilding schools, markets, medical facilities, roads, and other social amenities in their home areas, as a form of reparation. In their view, this would confirm that the country was serious about reconciliation.

This position, however, received some resistance, particularly from victims of sexual and gender-based violence, who argued that individual reparations should not be replaced by collective reparations because harm suffered by each victim was very individualized.

ICTJ observed that some respondents, particularly refugees, had difficulty understanding the concept and role of reparation because they were displaced during Sudan's civil war. For some, the violations they suffered at that time were viewed as part of the "war effort" to achieve independence from the Sudan and were not open to discussions on reparations. However, some reported that they would demand reparations for the harm they suffered during South Sudan's internal conflicts because violations inflicted by one "citizen against a fellow citizen" was inexcusable.¹⁰⁷

"To me the liberation wars and suffering that me and my family experienced cannot be compensated. That was part of the war effort, for our independence. But I consider the 2013 and 2016 wars to be a betrayal, and the suffering they caused me should be compensated. It was a political fight between politicians and should not have involved the population."¹⁰⁸

102 Ibid.

103 FDG Adjumani Maaji Camp, September 2022.

104 Human Rights Division UNMISS, "Annual Brief on Violence Affecting Civilians," March 18, 2023, https://unmiss.unmissions.org/sites/default/files/unmiss_annual_brief_violence_against_civilians_2020_final_for_publication.pdf.

According to UNMISS, in 2022 there were 3,469 civilians affected by conflict, a 2 percent increase from 2021. The violations suffered included killing, injury, abduction, and conflict-related sexual violence. Intercommunal violence by community-based militias or civil defence groups accounted for more than 47 percent (1,642) of civilian casualties.

105 Center for Disaster Philanthropy, "South Sudan Humanitarian Crisis," March, 17 2023, <https://disasterphilanthropy.org/disasters/south-sudan-humanitarian-crisis/>. As of Oct. 28, 2022, over 1 million people were verified as affected by torrential rain and flooding in 36 counties across South Sudan.

106 UNOCHA, "South Sudan: Humanitarian Snapshot (February 2023) - South Sudan," *ReliefWeb*, March 22, 2023), <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-february-2023>. South Sudan experienced four years of consecutive flooding starting in 2019, with about 6.3 million people in the country (50 percent of the population) being food insecure.

107 FGD Juba, October 2022.

108 Ibid.

A minority of respondents felt that reparations should only be implemented after prosecutions of some sort and not for selfish political interests perceived as merely checking the box. They felt that lessons should be taken from how traditional justice processes deal with violations, where perpetrators are taken through an accountability process and afterwards they give reparations to the victim. This process has strengthened the community and, in some cases, reconciled the parties, they felt. Respondents, therefore, advised that the CRA should adopt traditional practices and methods of providing reparations within the South Sudanese context.¹⁰⁹

Others felt that compensation and reparations programs would fall victim to corrupt practices by public officials, just like other funds in the past, including apparently a War Veterans Fund.¹¹⁰ That fund, some said, fell prey to abuse due to weak governance systems, with numerous false claims being honored while genuine cases were ignored.

Refugees who had lost their ancestral lands due to forced displacement by cattle herders in areas such as Magwi in Eastern Equatoria were clear about the form of reparation that they wanted: restitution.¹¹¹ Those displaced from their homes during recent conflicts between farmers and herders pointed out that their land was now occupied by foreign communities and that, for them, the right form of reparation was for those communities give back their land as restitution. To them, no other form of compensation was sufficient. The land currently occupied was sacred to them and is revered as the burial grounds of their ancestors.

It was generally agreed across FGDs that reparative measures were only meant to be symbolic, with the objective of contributing to reconciliation, because of the country's dire economic situation. However, central to most respondents was the government of South Sudan's acknowledgment of the harm they had suffered and a commitment to ensure that sustainable peace in the country is achieved as the utmost form of compensation and reparation.

Security Sector Reform

On security-sector reform, the refugees and IDPs who ICTJ spoke to stated that their continued to stay in the camps contradicted the position taken by the government and the international community, including the Intergovernmental Authority on Development (IGAD), that peace and security had returned to South Sudan. Refugees indicated that they have made attempts to return to South Sudan only to flee back to the camps due to the extreme levels of violence they experienced as returnees.

109 R-ARCSS, Article 5.2.4.4: "The CRA shall provide material and financial support to citizens whose property was destroyed by the conflict by the conflict and help them rebuild their livelihoods in accordance with well-established criterion by the RTGoNU. Further Article 5.2.2.6 provides that the CRA shall receive application from victims from CTRH and make necessary compensation and reparation. Article 5.2.2.3.4 provides that the CTRH shall recommend guidelines to be endorsed by the TNLA for determining the size and type of compensation and reparation for victims."

110 It is unclear if the War Veterans Pension Fund was ever established. As of January 2023, it was reported in the South Sudanese media that about 71,000 veteran soldiers were said to be awaiting pensions, to allow them to leave the army. See Keji Janefer, "About 71,000 Veteran Soldiers Marked for Retirement," *City Review*, January 31, 2023, <https://cityreviewss.com/about-71000-veteran-soldiers-marked-for-retirement/>. Sadly, there has been no retirement of veterans since 2005, when the CPA was signed. The South Sudan People's Defense Forces pension is reportedly not yet operationalised due to a number of challenges, including lack of infrastructure and capacity.

111 At the beginning of 2022 approximately 14,000 members of a farming community in the Magwi area were forcefully displaced from their homes following a mass influx of cattle herders and subsequent violence caused when grazing animals destroyed crops. Lives were lost, homes were looted and burnt, and crops were destroyed. There were reports of sexual violence against women and girls. See UNMISS, "Following Conflict between Farmers and Herders in Magwi, UNMISS Steps up Patrols," March 17, 2022, <https://peacekeeping.un.org/en/following-conflict-between-farmers-and-herders-magwi-unmiss-steps-patrols>

Returnees indicated that the threat of violence or actual violence by holdout groups like the National Salvation Army along the transport corridors and highways, like the Juba-Nimule Road, made them too afraid to return.¹¹² Others had to flee their farms in South Sudan after being attacked by cattle herders while cultivating their crops.¹¹³ Some in the IDP camps complained of “unknown gunmen” attacking them and committing crimes, including murder, without any follow-up from authorities or interest in investigating reported incidents.

Respondents also bitterly questioned why the South Sudanese unified armed forces were insufficiently armed and trained. Further, they wondered, why they were not deployed to areas where there had been an upsurge in intercommunal violence.

“Why are the forces graduating not with guns but with sticks? Is it not an indication that there is no commitment to the peace process?”¹¹⁴

In essence, peace and security has been attained by the political elite who live in Juba and who are assigned security personnel, not to the majority of South Sudanese who remain exposed to ongoing violence. In their view, only a small minority of people are benefiting from the peace agreement and security arrangements. The ruling elite, as many of the respondents noted, are satisfied with the status quo and feel no urgency to achieve sustained security-sector reforms or stability.

For many, peace and security were intertwined. Peace and security to them means the professionalization of the security sector, where the military can safeguard the territorial integrity of South Sudan, while the police can support internal security. This should be underpinned by a clear disarmament process, to ensure civilians do not have easy access to guns, considering that this has been a major driver of insecurity. Further, political parties should cease maintaining armed factions because it allows political disagreements to devolve into armed conflict.

“When soldiers can receive regular salaries, remain in the barracks, and only deploy to protect the territory of South Sudan, then we will say peace has come.”¹¹⁵

For many who were interviewed, security was a core part of what would enable their return or departure from the camps because it would mean freedom of movement to settle anywhere they chose or resettlement.

Peace, Reconciliation, and Healing (Forgiveness and Apologies)

On matters of peace, respondents felt that the peace agreement sought to benefit the elite, not ordinary South Sudanese citizens outside of Juba.

“Herders have moved to our area, and we are now displaced. They have burnt our property and houses. How has peace come to us under this agreement and we are still displaced?”¹¹⁶

“As long as the cattle herders deny us the right to bury our people on our own land, we will continue to ask the spirit of the dead to deal with them.”¹¹⁷

112 Jackson Opiyo, “Juba – Nimule Road: Where Death Strikes Anytime,” *City Review*, August 18, 2021, <https://cityreviewss.com/juba-nimule-road-where-death-strikes-anytime/>

113 UNMISS, “Following Conflict.”

114 FDG Adjumani Maaji Camps, September 2022.

115 FDG Juba, October 2022.

116 Ibid.

117 FDG Adjumani Maaji Camps, September 2022.

Respondents were animated about discussions on healing, forgiveness, and reconciliation, positing that this was a matter to be led and driven by the political class. They took the view that political fallouts that led to the various conflicts are a political affair, therefore, political elites should lead the conversation on reconciliation.

"The top leadership of the country should start by forgiving each other and reconciling their differences. Afterwards they can come to us and ask for our forgiveness."¹¹⁸

Others suggested that the political class led by the top political leadership in South Sudan should appear before the CTRH and seek forgiveness and reconciliation. This, in their view, would have a significant impact on the country and enable it to begin the healing and reconciling process.

Some took more radical positions, positing that the only way that healing and reconciliation would come to South Sudan is if the country's senior most leaders stepped down and exited the political stage either during the transition period or at the end of the R-ARCSS process.

IDP and refugee respondents argued that ordinary citizens were not the obstacle to forgiveness and reconciliation, but, rather, it was the prerogative of the two political leaders. They felt that they should engage each other with a view to forgiveness and reconciliation and that this would pave way for the country to embark on a reconciliation journey.

They noted that the 2013 and 2016 conflicts have their roots in the political fallout between the two leaders that escalated to ethnic conflict. The roots of the ethnic division are therefore rooted in the political fallout.

Still, many were concerned about South Sudan's culture of denialism, including the denial that some atrocities were ethnically motivated, thereby denying respondents' victimhood. In their view, denial would be a major barrier to forgiveness and reconciliation in the country.

It was well understood that reconciliation and healing were not an event but a process that takes time. Further, youth respondents argued that they should be the targets of reconciliation and healing efforts, to disrupt cycles of intergenerational trauma and dilute the spread of collective ethnic hate within communities. Elderly respondents felt that traditional and local/cultural systems and practices should be encouraged and utilized in the promotion of healing and reconciliation at the grassroots level.

Respondents proposed several activities that should be undertaken to promote forgiveness, healing, and reconciliation. They include:

- Political leaders visiting refugee and IDP camps and disseminating the peace agreement;
- Political partners openly and publicly forgiving each other;
- The CTRH, civil society, and other intervenors facilitating group counselling using local and traditional methods;
- The political class openly acknowledging their actions that have harmed South Sudan and fellow citizens and acknowledging the harm suffered by displaced persons;
- Using sporting and cultural events to promote inter-ethnic harmony;

118 FGD Juba, October 2022.

- Resettling displaced persons and rebuilding their destroyed homes and other social amenities;
- Compensating the displaced for lost livelihood; and
- Restitution of grabbed land and property to their owners.

Return and Integration or Reintegration

The ICTJ team held discussions with respondents about return, integration, and reintegration. Some felt positive about returning to South Sudan, noting that it was their dream to return home and “till their country’s soil.”¹¹⁹ Others felt that, given the trauma they had experienced in South Sudan and their advanced age, they might never return and viewed the refugee camp sufficient for the time being. For those who held such views, they recalled the 2008 repatriation efforts organized by UNCHR that was followed by the 2013 conflict, which saw many refugees forced to return back to refugee camps or flee into IDP camps. Because of this, their skepticism about return is understandable.

Some refugees indicated that they harbored doubts about returning home. The group gave several examples of South Sudanese men and women whom they met at the Kakuma Reception Center in Kalobeyei who were full of news of refugees arriving from South Sudan—some new and many returnees.¹²⁰ Many would return to Kakuma from South Sudan after trying to resettle in South Sudan without success. Respondents heard horror stories from some returnees of violations and crimes such as rape, robbery, destruction of property, and ethnic profiling. This discouraged them from trying to return to South Sudan. Intercommunal conflict remained the key driver of displacement back to refugee and IDP camps whenever the displaced attempted to return and resettle.

Others, especially youth respondents, expressed excitement about the prospect of return and contributing to nation building. They felt that the skills and education that they had acquired in foreign lands would be useful in South Sudan, given that Kenya and Uganda were not accommodative of their skills and they thus remained unemployed or underemployed.

At the same time, young South Sudanese respondents spoke of feeling a sense of exclusion whenever they tried to return home. They reminded ICTJ interviewers that they had received a better education in the refugee camps than at their places of origin in South Sudan, including tertiary-level education. However, when they attempted to apply for jobs in South Sudan, they were criticized and accused of not being South Sudanese. They even faced threats to their lives due to what some perceived to be their attempt to benefit from the fruits of freedom that they had not fought for because they had fled the country.

There was unanimity that a precondition for return was the restoration of security and stability in South Sudan. Several key benchmarks were set out, ranging from disarmament of civilians to professionalization of the security sector, primarily through putting members of the armed forces in the security sector on the payroll. The question of disarmament was a recurring theme in all discussions. The consensus was that arms in the hands of civilians remained a significant driver of insecurity in South Sudan. Many noted that if civilians were not armed then conflicts would be resolved in civil and lawful ways.

119 FGD Adjumani Maaji Camp, September 2022.

120 Alexander Betts et al, “The Kalobeyei Settlement: A Self-Reliance Model for Refugees,” *Journal of Refugee Studies* (2020) 33(1): 190. Kalobeyei is a reception and transition camp used to receive, monitor and orient refugees before allowing them join the refugee community in the settlement zone as observed during interviews.

Some respondents felt that return to their places of origin or former homes would trigger new episodes of conflict. They were therefore less enthusiastic about return to their places of origin and preferred to resettle elsewhere.¹²¹ Perspectives on modes of resettlement varied among different ethnic groups represented by the respondents, depending on the nature of the atrocities they had faced. Some groups argued that the government should settle the displaced in parcels of land other than those that had been taken away from them by aggressor communities during the conflict. They argued that giving them back their land that now has occupiers might trigger a new round of conflict.

Respondents argued that resettlement in lands away from aggressor communities would be most appropriate. These new resettlement areas should have hospitals, schools, and other critical services, they stated. Other communities, particularly those from agricultural societies who had been forcibly displaced by cattle herders, wanted restitution of their land, given their strong attachment to it. Their ancestors are buried on the land, therefore they cannot accept resettlement as an option.

"Some IDP houses have been taken. People are still living in our houses and land. What if we go and ask for our houses back? Will this not trigger conflict?"¹²²

"When we ask for our houses to be vacated, we are told to bring a bucket of blood because they say they liberated South Sudan with blood."¹²³

There was also consensus that for many to return, they would like assurance of a range of guarantees, such as opportunities to build businesses or find employment. Others hoped that there could be social amenities in the areas where they would be settling, such as schools, clinics, and roads. Some emphasized the need for the South Sudanese state labor system to be more inclusive by ridding practices of nepotism and favoritism and treating citizens equally and equitably.

Many noted that refugee and IDP camps had a modicum of education and health facilities. This was in addition to the meagre food rations provided by humanitarian aid organizations. This support system was underpinned by security in the camps, which, for parents, was an important benefit for their children, who remained their biggest concern.

Respondents also emphasized the need for South Sudan to restore freedom of movement in the country. They noted that the ability to move around was hampered by factors such as insecurity, ethnic divisions, and suspicion of foreigners. They longed for the day when they could move around the country without fear of being attacked. This point re-emphasized the need to ensure security along transport corridors like the Juba-Nimule Road, where some displaced had suffered attacks from unknown gunmen and militia groups.

"Return is not possible if there are still ambushes on the highway."¹²⁴

In summary, respondents' reasons for not returning to South Sudan included high levels of insecurity due to the number of people with illegal firearms; lack of social and economic opportunity; dilapidated and poorly resourced schools and hospitals; and the shrinking civic space, with citizens being targeted for critiquing or opposing the government.

121 During an ICTJ workshop with policy actors, participants discussed this study's preliminary results and the need to ensure that new resettlements do not result in new cycles of conflict with host communities in the new resettled areas. ICTJ Policy Actors Roundtable on Incorporation of South Sudanese Displaced Persons Perspectives for a More Inclusive Implementation of Chapter V of the R-ARCSS, Nairobi, Kenya, December 2022.

122 FGD Juba, October 2022.

123 FGD Adjumani Maaji Camp, September 2022.

124 FGD Juba, October 2022.

Respondents also noted that there were no independent public institutions and that political leaders often intimidated persons working in public institutions to prevent them from making a positive impact or assisting citizens. They also felt that tribalism and nepotism limited their chances of getting job opportunities based on merit.

"Home is home. We want to go, but we need peace."¹²⁵

"For the first time in my life, I prefer someone else's country to my own. Home is no longer home."¹²⁶

They also noted that these challenges were compounded by flooding, drought, and inter-ethnic conflict in South Sudan. They hoped that the country could achieve sustainable peace to enable them to return and rebuild their lives.

Women and Girls' Perspectives

In general, discussion groups conducted by ICTJ exposed low levels of understanding of the R-ARCSS content, including Chapter V that addresses transitional justice, with lower levels of understanding among women than men. Women who were interviewed, including young women, did not seem to know the content of the peace agreement. They felt it was something akin to politics, outside of their domain or interest. Women also felt that the peace process was taking too long and failing to deliver peace dividends. Their highest priority was to be able to raise their family without disturbance or disruptions of war and conflict.

Many women expressed grief about losing loved ones, including their husbands and sons, during the country's periods of conflict. Many continue to suffer trauma and illnesses associated with the pressure of having to protect their families without the support of their husbands. They therefore felt vulnerable without their husbands and sons in the camps.

Many of the women who were interviewed reminisced about the days before the wars, when they lived in peace with their husbands and families. The women shared that when the wars started, they had experienced a complete breakdown of the family and community, with men having to go to the frontlines while women found themselves in camps—refugee camps, protection of civilian (POC) sites, and IDP camps. They therefore look forward to the return of peace to South Sudan so that their families can be reunited and live together again in dignity. The women decried continuing inter-communal violence in South Sudan and argued that it further diminishes peace prospects in the country.

Many of the women, young and old, spoke of the deplorable living situation in the camps and the difficulties they faced eking out a living. They decried the dwindling supply of food and other humanitarian assistance. Women in the POC sites (now IDP camps) said the situation was stark compared to in the situation in refugee camps.

Due to their poor economic situation, some young women in the camps reported that they had to help provide for their families through prostitution, a situation that was disheartening to them. Others indicated that their family survived by buying food in bulk, instead of in retail quantities, and redistributed the amounts accordingly. Some had to provide for their families by making and selling charcoal.

¹²⁵ FDG Kakuma, August 2022.

¹²⁶ FGD Adjumani Maaji Camps, September 2022.

Women in the refugee and IDP camps indicated that they made charcoal in a bid to make ends meet. At times the practice put them in harm's way. Refugees in Kakuma, for example, experience harassment, assault, rape, and murder perpetrated by some aggressors in their host communities. Perpetrators accuse them of degrading community lands by cutting down trees for fuel and use violence as a deterrent.¹²⁷

Women refugees interviewed in Northern Uganda complained about leasing land from locals and cultivating crops, only for locals to turn around against them and claim the land rights back just before the time of harvest. As a result, the refugees lost their harvest and were left dependent on handouts from humanitarian aid organizations. Authorities in Uganda indicated that they have put in place measures to address such disputes.¹²⁸

The women refugees and IDPs felt that their lack of access to financial assistance or lines of credit was an obstacle to their ability to become self-sufficient and independent from humanitarian aid organizations. They noted that men in their community suffered shame because they have had to depend on handouts to survive. Men, including boys and young men, expressed a clear wish to return to South Sudan and engage in work or receive financial support to establish their own sources of livelihood and cease dependency on humanitarian aid assistance.

Due to the same poor economic conditions, young girls were said to drop out of school and experience early pregnancy and early marriage. For women, access to education and health care for their children ranked as the most important benefit of living in the camps, which discouraged them from return. They cited these priorities over and above security. Living in camps offered the possibility to secure some level of education and health care (importantly, reproductive health care) compared to living outside the camps, where it was not guaranteed. Dwindling support in education and health care within the camps from humanitarian aid organizations and the lack of any prospect for such public services in South Sudan, however, left many feeling hopeless.

On a larger scale, women argued that they were excluded from important decision making related to the peace process. They pointed out that they remain grossly under-represented in high positions of government, leaving them less able to steer the peace process. They therefore expressed that it would be critical to have women fully represented in government.

"We are too small to be listened to."¹²⁹

"Our women who we trusted are now speaking the same language of those who tormented us."¹³⁰

Further, the women who were interviewed expressed a desire to have the CTRH headed by commissioners who value inclusion, particularly women's voices and perspectives, and who are not ethnically biased.

Older women decried the breakdown of culture and some traditional practices. Some have had to continue to provide for their grandchildren who were either abandoned or left under their care by parents who were absent for different reasons, including death during conflict. This older generation of respondents expressed disappointment with their situation because they had to undertake chores such as house cleaning and fetching water, a role typically reserved for

127 FDG Kakuma Town, July 2022.

128 Meeting with Adjumani Refugee Office, Office of the Prime Minister, Uganda.

129 FGD Nairobi, August 2022.

130 FGD Adjumani Maaji Camp, September 2022.

young girls and newly married women. This role reversal has been necessitated by the breakdown of the family unit due to conflict.

The women, however, noted an advantage of living in the camp over living in South Sudan: They can make more decisions about issues important to them. In the camps, their daughters can go to school and are less subject to early marriage.

When asked about reparation and compensation, some women shared the view that compensation packages and restitution of property might not be beneficial to them given the patriarchal nature of the society they come from, and because their husband's property will not automatically be restored to them. Further, if compensation is issued, there is no guarantee that the women will receive it and it might end up going to a male relative.

On the Chapter V transitional justice process, including compensation and reparation, some women felt that these processes were important, especially for their sons, who felt grief and hate resulting from violations committed against their families during periods of conflict, which some wanted to avenge.

"Now that you have told us [the CTRH and CRA that are coming], we will go and tell the young people that these processes are coming and they should remove hate from their hearts, stop seeking revenge, and stop the killings."¹³¹

Women argued that they were not the cause of the wars in South Sudan. They viewed themselves as passive actors. But they were ready to become active participants and peace ambassadors to help drive implementation of the peace agreement.

131 FDG Juba, October 2022.

Main Findings: Challenges and Opportunities for Transitional Justice and Displacement In South Sudan

Findings on Truth Seeking and Truth Telling

South Sudanese refugees and internally displaced persons are apprehensive about whether South Sudan is ready for a truth commission. Respondents felt that major obstacles persist and must be overcome for a national truth commission process to proceed smoothly. These include South Sudan's culture of denialism, lack of freedom of speech, potential government interference with the operations of the commission, and lack of guarantees of safety for victims who go before the commission to tell their truth.

Respondents felt dissatisfied with the process for appointing commissioners outlined in Chapter V of the R-ARCSS, which gives the political class an exclusive role in the process. This remains an area of major concern. To them, this goes to the root of the CTRH's independence.

Many respondents felt that with only four CTRH commissioners drawn from South Sudan, it was highly unlikely that they would get one of "their own person" to represent their interests. The process of appointment and the persons appointed will determine their general outlook on the CTRH and how they will engage with the commission.

The RTGoNU and partners should explore current and new models of communicating and engaging with displaced persons, given the dearth of information shared with them. The displaced population lacks concrete information about the progress of implementing the peace agreement. Consequently, they have lost confidence in the process and its proposed outputs and outcomes.

Refugees will face the greatest hurdles to engaging with the CTRH due to their geographical distance from South Sudan and the costs of travel and accommodation to engage with the commission inside South Sudan. Therefore, the CTRH should travel to refugee camps to engage with refugees. Civil society could play a role in organizing displaced persons into networks to engage with CTRH and CRA processes, and in mobilizing and coordinating joint efforts.

Incomplete security reforms, such as the unification of forces and redeployment, means persistent negative perceptions of the possibility for safe return to engage with the truth commission and other transitional justice processes.

The CTRH, as per Chapter V of the R-ARCSS should leverage traditional systems,¹³² such as traditional justice mechanisms that a majority of the South Sudanese including the displaced populations still rely upon for their justice needs, to improve its effectiveness in promoting truth, reconciliation, and healing. The erosion of culture and traditional practices among displaced communities has resulted in the inability to effectively use traditional processes for cohesion and sustained reconciliation. Yet, neo-liberal approaches are largely unavailable, ill understood, expensive, and underfunded.

Findings on Criminal Accountability

Many respondents agreed on the need for security sector reforms and a sturdy security environment for prosecutions to take place. The current security environment needs to be greatly improved, in their perspective.

Traditional justice methods, while seen as viable for the South Sudan context pre-independence, appeared ill-equipped to many respondents given the extent of the post-independence intercommunal atrocities committed, their scale and gravity, the types of victims (women and children), the types of crimes committed, and their macabre nature due to increased militarization. Traditional justice methods seemed inadequate to the task because they have been forced to address such unprecedented levels of “inhumanity,” according to some respondents, despite a lack of expertise to do so. A majority of displaced South Sudanese, especially those who are refugees, view traditional justice mechanisms as an effective restorative accountability mechanism for the realization of healing and reconciliation in South Sudan. That said, many internally displaced persons support the establishment of the Hybrid Court for South Sudan (HCSS) to hold the most culpable including top-ranking armed soldiers accountable and as a deterrence mechanism. Accountability for culpable middle- and lower-ranking ought to be addressed as per Chapter 2 of the R-ARCSS provisions.¹³³

Respondents felt let down by the African Union Commission's (AUC) lackluster effort to establish the HCSS, a critical accountability mechanism. They perceive that the AUC appears to be lenient on powerful perpetrators.

Displaced communities were apprehensive that the HCSS could be used as a tool to subjugate their leaders who had “fought valiantly” to protect their “interests.” To them, the HCSS could be a way of continuing collective hostility against them.

A strong case was made for sequencing transitional justice mechanisms, considering their cost, level of expertise required, and the lack of support from the international community.¹³⁴

132 Art 5.2.2.3.9, provides that “where appropriate, supervise proceeding of traditional dispute resolution, reconciliation, and healing mechanisms. In this regard, and without prejudice to traditional justice mechanisms, develop standard operating procedures for the functioning of the latter, in accordance with the principles of natural justice.”

133 Chapter 2 (Permanent Ceasefire and Transitional Security Arrangements) of the R-ARCSS provides for the following, among others: a permanent ceasefire; the armed forces ending any acts or forms of sexual and gender-based violence as well as the recruitment and or use of child soldiers; respect and full compliance with international humanitarian law; accountability for any breaches of the agreement; and the protection of human rights of civilians at all times.

134 The international community has shied away from robustly supporting the R-ARCSS's implementation due to concerns around political will and financial accountability based on the dismal CPA and ARCSS 2015 experiences. Both agreements remain largely unimplemented.

Findings on Reparations

Both individual and collective forms of reparations would be ideal for South Sudanese situation, given its complexity and context. Reparations was viewed as a critical component of reconciliation and peace-building efforts, including addressing intergenerational trauma.

Compensation for property lost as a result of the wars (particularly by IDPs) stood out as a consistent demand.

Displaced South Sudanese young people viewed educational support as their preferred mode of reparation, because many regretted lost opportunities to receive an education due to ongoing conflict.

Displaced South Sudanese women expressed well-founded fears that, even though reparation programs were to be established, it was unlikely that they would fairly benefit given the patriarchal nature of their society, in which male family members are often prioritized. Women victims believed the chances were high that the community or male family members would receive the benefits for their claims.

Similar to a study ICTJ conducted with Syrian refugees, the South Sudanese refugees interviewed thought that collective reparation can be used strategically to promote healing and reconciliation between displaced communities (IDPs and refugees) and host communities.

ICTJ has established that there is a great need for sensitization of communities and displaced persons about the concept of reparation. This sensitization should be undertaken before consultation with the entire South Sudanese population, including the displaced populations.

Findings on Security Sector Reform

The delay in implementing the Transitional Security Arrangements is contributing to the continued stay of refugees and IDPs in camps.

The lack of DDR programs has meant that armed civilians continue to settle scores through armed violence rather than through peaceful means. This has dissuaded respondents from returning to their homes and villages.

The delay in deploying well-armed and trained soldiers of the unified forces has reinforced the view that there is a lack of political will to implement the revitalized peace agreement.

There is a strong need to establish policing and security services, especially in areas where refugees and IDPs will be resettled, to ensure that law and order is maintained for all, including host communities.

Findings on Peace, Reconciliation, Healing, and Forgiveness

Many respondents felt that peace, reconciliation, healing, and forgiveness processes should be driven from the highest political level, so that citizens can have confidence in the leadership's ability to deliver on this goal. Further, respondents demanded that the top political leadership should consider seeking forgiveness from the people for the decades of violence and spearhead the peace, reconciliation, healing, and forgiveness process.

Many respondents agreed that peace and reconciliation can be better achieved if there is acknowledgement of harm, which is critical for forgiveness, healing, and reconciliation. The top political leadership, are urged to specifically acknowledge the harm that many of the displaced have suffered, ask for forgiveness, and ensure implementation of reparations.

Respondents felt that if the political class agreed to forgive and reconcile with each other, this could bring political reconciliation to the country. CTRH leadership could be instrumental in facilitating these efforts.

While the R-ARCSS has resulted in a noticeable measure of political reconciliation at the top level, this is different from individual- or community-level reconciliation. Community-level reconciliation should be a priority. Indeed, the CTRH is mandated to have a supervisory role (where possible) over traditional justice, reconciliation, and healing mechanisms with respect to transitional justice objectives.

Full implementation of the revitalized peace agreement is the best way to establish sustainable peace, reconciliation, healing, and forgiveness, and thereby, development.

Findings on Return and Integration or Reintegration

Human rights violations experienced by the refugees and IDPs during their flight from their places of origin continue to have an impact on their mental wellbeing. This has impacted their confidence in a safe return to South Sudan. This concern is in addition to how well the displaced can integrate into new communities or reintegrate into communities in their places of origin if they return.

Information received in the camps about the progress on implementing the R-ARCSS was often negative. The limited, incremental progress was largely unknown. This reinforced the respondents' negative perception of their home country.

Women felt particularly skeptical about returning, given their own vulnerability and that of their children. They needed more assurances about safety, security, and access to essential social services, before considering return or settling outside of the camps.

Many refugees felt that there was a hostile perception of them for having "abandoned" the struggle and fleeing for a good life in the camps only to return and demand the "dividends of the peace process." This perceived hostility continued to prevent many South Sudanese refugees from returning to the country.

Some refugees born outside of South Sudan are unable to relate to their country given that they have lived most, if not all, of their lives outside of the country. For them, integration or reintegration are particularly difficult options to consider given their physical and cultural distance to South Sudan. Therefore, programs that support dignified return, resettlement, and reintegration are necessary to enable a "soft landing" for those who wish to return to the South Sudan.

Recommendations

Recommendations to the RTGoNU

- Ensure a transparent public recruitment of CTRH and CRA commissioners and Secretariat personnel and enable the participation of displaced persons, including in the camps, to ensure inclusion.
- Operationalize the CTRH and adequately fund it so that it can issue interim relief measures and reparations, including to displaced persons.
- Prioritize the establishment of psychosocial health care institutions to provide long-term support for the trauma experienced by those affected by displacement.
- Establish effective models of communication/engagement with displaced persons, given the lack of understanding of the peace agreement and its implementation, especially among women.
- Provide displaced communities, including young people born outside of South Sudan and children born out of rape, with identification documents, including citizenship documents.
- Establish and operationalize the Special Reconstruction Fund as per Chapter III of the R-ARCSS to enable reconstruction of conflict-affected areas and support conflict-affected communities, particularly those still in displacement camps.
- Establish a micro-enterprise fund for livelihood start-ups that target returnees and displaced persons, particularly women and youth, to encourage return or enable resettlement.
- Provide support through the Youth Enterprise Fund¹³⁵ to young returnees who wish to further their education, especially by expanding access to technical and vocational training.
- Ensure restitution of land and property where there is a possibility and potential goodwill for occupying persons and communities to return to their places of origin and not cause further destabilization.
- Where restitution of occupied land and property is not possible, resettle displaced persons in areas provided with hospitals, schools, roads, and critical social services.

¹³⁵ R-ARCSS, Article 4.15.1.4, proposing the establishment of the Youth Enterprise Fund, with the mandate to bring more youth into economic growth and development.

- Conduct criminal investigations and prosecutions for past and ongoing forced displacement.
- Deploy security personnel in areas where displaced persons are to return or be resettled, in order to instill confidence in the safety of those areas.
- Consider undertaking community-based policing and having those returning or resettling included in the management of their own security, to build trust and confidence.
- Vet/remove known perpetrators within the security sector, particularly in units that have forcefully displaced populations, to reinforce trust and encourage return.
- Establish comprehensive civilian disarmament programs and demobilization of armed groups in order to guarantee the safety and security of returnees, with support from international partners.¹³⁶

Recommendations to the CTRH

- Prioritize assessing the experiences and harms suffered by displaced persons, in order to help the country to better understand and empathize with the plight of refugees and IDPs.¹³⁷
- Decentralize services, including through the establishment of satellite and border offices, to increase accessibility to and adequate participation of refugees, IDPs and those in diaspora.
- Use technology to support the collection of remote testimonies and evidence from IDPs, refugees, and those in diaspora, including audio- and visually recorded hearings.¹³⁸
- Consider undertaking victim- and witness-centered hearings, especially for young people and female refugees and IDPs.
- Adopt a low-evidentiary threshold for displaced communities to account for the lack of documentation of violations and encourage their participation.
- Undertake adequate sensitization and civic education among displaced communities about the CTRH and its mandate before documentation and public hearings begin and throughout the life of the commission.
- Produce regular and popular versions of the law and rules of procedure during sensitization forums in IDP and refugee camps.
- Consider adopting traditional, indigenous, or local reconciliation approaches to support community reconciliation and return.¹³⁹
- Establish an adequately resourced trauma-healing unit to provide psychosocial support to displaced persons who participate in the truth-telling process.

¹³⁶ R-ARCSS, Articles 2.4.9 and 2.4.10 on the DDR program. A DDR commission has been in place but lacks funding for its operations. A civilian population disarmament bill is being considered and if passed would guide the process of disarmament. This bill has been approved by the Council of Ministers and is currently before of the Legislature.

¹³⁷ R-ARCSS, Article 5.2.2.3, providing that the CTRH will establish an accurate record of human rights violations, receive applications from victims, and recommend remedial measures.

¹³⁸ Closed door and confidential hearings.

¹³⁹ R-ARCSS, Article 5.2.2.3.9, encouraging the use of traditional justice and dispute resolution processes in the process of truth seeking and reconciliation. It encourages the CTRH to adopt such approaches when implementing its mandate.

Recommendations to the CRA

- Sensitize displaced communities about the concept of reparation, before consultations are undertaken with the entire South Sudanese population.
- Ensure reparation processes are preceded by consultations with displaced persons in order for them to be as effective and impactful as possible.
- Provide compensation appropriate to the specific harms and losses suffered by displaced persons, including physical and psychological harms and lost livelihoods and property.
- Provide compensation packages for female-headed households, given the financial burden of raising children alone for many displaced women.¹⁴⁰
- Provide collective reparations such as building or rebuilding schools, markets, medical facilities, roads, and other social amenities in the home areas of displaced groups.
- Provide psychosocial support for displaced persons, especially for women who continue to suffer trauma and illnesses associated with having to protect their families.
- Provide educational support to young people who lost opportunities to receive an education due to displacement.
- Initiate certain reparation programs relevant to displaced populations before the CTRH process concludes, such as educational, physical, and psychosocial rehabilitation and reconstruction programs.

Recommendations to Civil Society

- Support the sensitization and civic education among displaced communities about the CTRH and the CRA mandates before the documentation process and public hearings begin and throughout the life of these two mechanisms.
- Organize displaced persons into networks to engage with the CTRH and CRA processes, and mobilize and coordinate joint efforts.
- Consider undertaking shadow regular and final reporting of the CTRH and CRA operations as part of monitoring and to ensure that the public has access to information related to these processes.

¹⁴⁰ R-ARCSS, Article 5.4.2.4, providing for a Compensation and Reparations Fund, as managed by the CRA, that will provide material and financial support to citizens whose property was destroyed by the conflict and help them rebuild their livelihoods.

Concluding Thoughts from Displaced Persons and Communities

The South Sudanese refugees and IDPs who participated in this study welcomed the opportunity to hold discussions on the South Sudan peace process. Many of those who took part in discussions attested to having not been provided such an opportunity to share their views on peace and transitional justice matters before. Respondents felt that ICTJ's presence in the camps was a recognition of both their humanity and the existence of displaced South Sudanese populations. The IDPs and refugees urged ICTJ to communicate that they wish to be actively included in the peace process implementation discourse and other critical decisions. They also wish to recapture their voices and agency. Many refugees and IDPs, particularly the young, strongly indicated that they looked forward to participating in the peace process and supporting its successful implementation.

Many of the displaced felt that acknowledgment from the RTGoNU or transitional justice mechanisms like the CTRH would be highly impactful. They took the view that engagement with the RTGoNU and the proposed mechanisms from within the camps would provide an opportunity for these mechanisms to gain insights about the plight of the displaced and thereby generate measures that are transformational. To their recollection, no R-TGoNU government official nor IGAD had visited the camps to discuss their role in the implementation of the peace process or to inquire about their plight. They took this as a sign of general disinterest in their situation. They urged for all the parties including the RTGoNU to engage with them, particularly as the transitional justice process unfolds.

Further, respondents looked forward to the end of the transition and to participating in the initial post-independence elections, which would result in democratically elected government officials—a positive outcome. Elected leaders, in their view, would be more responsive to their needs and challenges, compared to the leadership in office at the time. They believed that only free, fair, and credible elections would herald a new era that ushers in new leaders who answer to the citizenry. New elected leadership, in their view and per their aspirations, should have the capacity to complete critical tasks that would otherwise remain unimplemented from the transitional period, over and above furthering the constitutional transformation of South Sudan into a country where the rule of law is the bedrock of their governance system.

Overall, it cannot be overemphasized the essential need to foster inclusive transitional justice processes that can build hope for displaced people to live in a country where justice and accountability can be fulfilled. Respondents felt that there is a peace process that now requires a

deliberate and actual injection of peace beyond Juba. The prevailing situation, where many millions of South Sudanese remain in camps years after the signing of peace accords, is untenable and brings to question the RTGoNU's supposed commitment to Chapter V of the R-ARCSS and broader R-ARCSS tasks.

The political parties to the peace agreement ought to use transitional justice mechanisms as tools for winning the trust and confidence of displaced peoples by focusing on the country's long-term political transformation and nation building. Conversely, any political transformation should be one that combats impunity, given its negative impact on foundational principles of justice, equity, and freedom. Consequently, ignoring accountability measures could derail the transitional justice process and, by extension, the building of a prosperous, peaceful, and stable South Sudanese state. Permitting perpetrators of human rights atrocities to remain free in society undermines the long-term goals of Chapter V of the R-ARCSS.

There may be a no-size-fits-all approach to transitional justice in South Sudan. However, integrating the voices of displaced populations into the process helps to ensure its legitimacy and potential to achieve sustainable peace and development. The establishment of the CTRH and CRA, following the enactment of necessary laws, provides one of the best opportunities for displaced populations to commence a new journey of healing and reconciliation with their country and country men, an opportunity that should not be wasted.

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