

**Republic of South Sudan**  
**Joint Submission to the UN Universal Periodic Review**  
**26<sup>th</sup> Session of the UPR Working Group**  
**31 October – 11 November 2016**

**Joint Submission By:<sup>1</sup>**

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<sup>1</sup> Full contact details and Logos of all the submitting organizations are annexed to the report.

## EXECUTIVE SUMMARY

1. This report is a joint submission by fourteen non-governmental organizations to inform South Sudan's first universal periodic review. The report considers the state's performance with regards to its obligations under international human rights conventions and international customary law. It highlights key human rights concerns affecting the State. The report is cognizant of the institutional, policy and legislative reforms under taken by South Sudan since its independence.
2. South Sudan became an independent state on 9<sup>th</sup>/July/2011 and was accepted as a member of the United Nations in the same year. Moreover, South Sudan acceded to several human rights conventions which form the bases for its obligation under international human rights law.<sup>2</sup>The human rights values are properly incorporated in the bill of rights of the transitional Constitution of South Sudan, 2011. The constitution also provides safeguards for good governance, rule of law and effective management of public resources. Efforts to promote human rights in South Sudan has yielded to establishment of the human rights commission envisaged as an independent commission to monitor the human rights situation in South Sudan and advise governance on ways of promoting and protecting human rights.
3. However the implementation of the Constitution 2011 as well as the performance of the institutions that promote and protect human rights such as the human rights commission and the judiciary faced significant challenges as new governance structures and institutions begin to take hold. The doctrine of separation of powers has been sternly tested as epitomized by the disregard for judicial decisions and other attempts to undermine the independence of the judiciary as well as the human rights commission.
4. This has led to governance crises that sparked armed conflict on 13<sup>th</sup>/December/2013, between forces loyal to the former vice president Dr. Riak Machar formally known as SPLM/IO<sup>3</sup> and the government led by President Salva Kiir. The fighting has displaced over two million people, including 1.66 million internally displaced persons (IDPs) and 645,992 refugees.<sup>4</sup> More than 100,000 of these IDPs are being housed in UNMISS protection of civilian (PoC) sites. There are no reliable figures regarding the number of people killed as a result of the large-scale violence that erupted in December 2013, but estimates are as high as 50,000.<sup>5</sup>
5. In response to the crisis, the African Union established a commission of inquiry (AUCISS) to investigate alleged human rights violations and recommend appropriate responses. The report found gross violations of human rights and gave concrete recommendations for

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<sup>2</sup>Convention on the rights of the child, convention on elimination of all forms of discrimination against women, the universal declaration of human rights, Convention against Torture and the African Charter on Human and Peoples' Rights

<sup>3</sup> Sudan People Liberation Movement in opposition

<sup>4</sup>United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), South Sudan Humanitarian Bulletin (1 December 2015), *available at* South Sudan, [http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA\\_SouthSudan\\_humanitarian\\_bulletin\\_1Dec2015.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_SouthSudan_humanitarian_bulletin_1Dec2015.pdf)

<sup>5</sup>International Crisis Group, Sudan and South Sudan's Emerging Conflicts, Africa Report No 223 (29 January 2015), *available at* <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/223-sudan-and-south-sudan-s-merging-conflicts.aspx>

transitional justice processes including accountability, truth, reconciliation and institutional reforms.<sup>6</sup>In August 2015, the Government of the Republic of South Sudan (GRSS), Sudan People's Liberation Movement-in-Opposition and other stakeholders signed an Agreement for the Resolution of Conflict in South Sudan (ARCISS) in an effort to bring the conflict to an end. Chapter V of the agreement provides for transitional justice and establishes three national level institutions: a Hybrid Court for South Sudan (HCSS), a Commission on Truth, Reconciliation and Healing (CTRH), and a Compensation and Reparations Authority (CRA). The peace agreement also establishes a 30 month transitional period during which a transitional government of national unity will institute reforms that will culminate in elections.

6. Implementation of the peace agreement presents several challenges as the principal parties to the agreement continue to treat each other with suspicion and mistrust, the intervention of international community to ensure proper implementation of transitional justice process as redress to gross human rights violation committed during the conflict is crucial in addressing history of impunity and lack of rule of law.

## **METHODOLOGY**

7. The civil society coalition on South Sudan 1<sup>st</sup> UPR was formed on 17/December/2015, at a national civil society conference held in Juba South Sudan under the auspices of the Lutheran World Federation (LWF). At this conference the stakeholders identified eight thematic priorities that the report would focus on, these are; access to justice and rule of law, women rights, child rights, transitional justice, governance, internally displaced persons and refugees, freedom of expression and social services. The stakeholders identified fourteen organizations as a UPR resource team and coordinators in the ten states that were responsible for preparing various thematic reports based on their mandate and expertise, and developed a work plan to guide the writing, consolidation, editing and validation of the report before submission to the Office of the High Commissioner for Human Rights (OHCHR). See Annex 1 for a list of organizations and their contact information.
8. The resource team carried a survey with the help of the coordinators in all the ten states of South Sudan from the 1<sup>st</sup> to 11<sup>th</sup> of March and developed a first draft of this report on 15<sup>th</sup>March/2016. The report relied on reports of the survey carried out by the UPR resource team, organizational reports and studies, government reports and policies, and to limited extent reliable media reports. A technical drafting team was selected from the UPR resource team to review and edit the first draft report to ensure consistency and compliance with OHCHR guidelines.

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<sup>6</sup>African Union Commission of Inquiry on South Sudan (AUCISS), Sudan and South Sudan's Emerging Conflicts, Africa Report No 223 (29 January 2015), *available at* <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/223-sudan-and-south-sudan-s-merging-conflicts.aspx>

9. The technical committee submitted the second draft report to LWF for technical review on 16<sup>th</sup>/March/2016. After the technical review, the resultant report was subjected to a stakeholders' validation on 18<sup>th</sup>/March/2016 hence this final report.

## **1. SOUTH SUDAN FRAME WORK FOR HUMAN RIGHTS**

10. South Sudan has signed various treaties and protocols at the international and regional level; Convention against all forms of discrimination against women (CEDAW), Convention on the rights of the child (CRC), Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, (ICESCR) and the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). In line with these treaties, the constitution of South Sudan provides for a bill of rights which details rights and the freedoms every person in South Sudan is entailed to enjoy.<sup>7</sup> The constitution of South Sudan further recognizes that any human rights treaty ratified by South Sudan form integral part of the bill of rights. However, final instruments of ratification were not submitted to finalize the ratification process.

11. The Constitution further provides a foundation for various institutional reforms aimed at ensuring independence of public and State institutions and their adherence to the national values and principles including integrity, transparency and respect for human rights. The government of South Sudan has established various independent Commissions purporting to promote and protect human rights in addition to furthering good governance.<sup>8</sup> These independent institutions have however cited lack of sufficient budgetary allocation and political interference as critical barriers to the achievement of their respective mandates.

### **Recommendations to the Government of the Republic of South Sudan:**

- a. Submit the instruments of ratification for the above mentioned treaties and operationalise their implementation by 2017.
- b. Adequately resource independent national human rights institutions including South Sudan Human Rights Commission and ensure its accreditation under the Paris Principles by 2018.

## **2. ACCESS TO JUSTICE AND RULE OF LAW**

12. Respect and protection of human rights can only be guaranteed with the availability of domestic effective remedies. Indeed, legal rights are only meaningful if they can be

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<sup>7</sup> South Sudan Transitional Constitution, 2011 part two

<sup>8</sup> Human Rights Commission, Law Review Commission, Ant-corruption Commission, Public Servants and Commission, Judicial Service Commission

asserted.<sup>9</sup> This requires effective justice system. South Sudan Justice system comprise of both former justice system with judicial courts administering laws enacted by parliament alongside customary courts administering rules emanating from the customs and traditions of people. The formal courts are only available in towns hosting only 15% of the country population. The vast population of the country remains under the custody of customary courts.

13. Even in the towns access to justice for civilians presents great challenges as the courts are not independent and persons with military and economic powers continue to operate above the law. Human rights abuses and violations continue to be conducted with impunity. Legal representatives for citizens are mainly unaffordable by majority of the citizens, thus leading to un-resolved cases of prolonged detention, arbitrary arrest, improper processing of cases before courts.
14. Despite the fact that South Sudan has signed the moratorium on death penalty, death Penalty continues to be enforced as punishment for serious crimes up to the present time.

### **Recommendations to the Government of the Republic of South Sudan:**

- a. We therefore recommend the government of South Sudan to Abolish Death sentence by 2017.
- b. Ensure independence of the judiciary through allocation of adequate funding and immunity for the members of the judicial service commission and the judiciary.
- c. The ministry of justice for South Sudan should ensure adequate provision of legal aid to persons who cannot afford the cost of legal representation.

### **3. WOMEN RIGHTS**

15. South Sudan acceded to the convention on elimination of all forms of discrimination against women.<sup>10</sup> The transitional constitution of South Sudan formally recognizes women rights and guarantees gender equality.<sup>11</sup> The national ministry of gender, child and social welfare is responsible for ensuring gender equality. There are further ministries of gender at state level. The Transitional Constitution requires that at least 25% of the representatives at all levels of government and institutions shall be allocated to women. Currently women hold 26.5% (88 out of 332) of seats at the national legislative assembly.<sup>12</sup>
16. However implementation of the affirmative action presents great challenge due to high illiteracy rate among women compared to men. Only 16% of women over the age of 15 are

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<sup>9</sup><http://www2.ohchr.org/english/bodies/cedaw/docs/Discussion2013/ConceptNoteAccessToJustice.pdf>

<sup>10</sup> See member states to the convention on elimination of all forms of discrimination against women

<sup>11</sup> Transitional Constitution of South Sudan, 2011 Article: 16

<sup>12</sup>Women for Women International; Status of women in South Sudan, 2015, pg: 5

literate, compared to 40% of men.<sup>13</sup> Thus unemployment rates are very high, with only 12% of women and 11% of men within the active population formally employed. At all levels of income, women earn lower wages than men. 51% of the population lives below the national poverty line. Female-headed households have a poverty incidence that is 9% higher than male-headed households (57% vs. 48%).<sup>14</sup>

17. South Sudan has one of the highest maternal mortality rates in the world, at 2,054 deaths per 100,000 births. 90% of women give birth without the assistance of a skilled professional. The fertility rate is 4 births per woman. Prevalence of female genital mutilation is significantly lower than in neighboring countries, at 1.3%. The HIV prevalence rate is 3%; it is higher among women than men (59% vs. 41%)<sup>15</sup>. There are no specific laws regarding violence against women in South Sudan, and no accurate national data on rates of violence are currently available. The Penal Code Act excludes coerced marital sex from the definition of rape and the law enforcement and justice systems are ill-equipped to effectively address cases of domestic abuse. This is further aggravated by existing native and harmful cultural practices that treat women as property.<sup>16</sup>
18. The armed conflict which broke out in December-2013 made the situation even worse for women as women are made direct target for rape, mutilation and killing by soldiers from both sides of the armed conflict, suffers displacement from their homes and exposed to traumatic experience.<sup>17</sup>

### **Recommendations to the Government of the Republic of South Sudan:**

- a. Develop a policy for women empowerment by 2017.
- b. Enact a law to protect women from gender based violence and all forms of discrimination.
- c. Conduct intensive legal awareness on rights of women and protection of women.
- d. Conduct research on the impact of cultural practices on women rights and protection and enact law that prohibits and criminalizes negative or harmful cultural practices no later than 2018.

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<sup>13</sup> United State Institute for Peace Special report : Gender and state building in South Sudan, 2014 Pg:24

<sup>14</sup> United State Institute for Peace Special report : Gender and state building in South Sudan, 2014 Pg: 30

<sup>15</sup> CSOs UPR coalition assessment on situation of women in South Sudan, 2016 pg: 48

<sup>16</sup> South Sudan Penal Code, 2008 S. 247(3)

<sup>17</sup> International Crisis Group, Sudan and South Sudan's Emerging Conflicts, Africa Report No 223 (29 January 2015), available at <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/223-sudan-and-south-sudan-s-emerging-conflicts.aspx>

#### **4. RIGHTS OF THE CHILD**

19. South Sudan has acceded to the convention on the rights of the child and the additional protocols on January 25, 2013. South Sudan's parliament has also agreed South Sudan would ratify the African Charter on the Rights and Welfare of the Child. However South Sudan is still not listed as having officially ratified the charter at the African Union. The transitional constitution of South Sudan bill of rights provides for the rights of the child. In addition to this South Sudan has a child Act which further details the rights of child and provide for mechanism for protection of children from all forms of harms.<sup>18</sup>
20. However, since the eruption of conflict in South Sudan in December in 2013, the UN has received over 1,300 reports of grave violations committed against children throughout the country by the parties to conflict. From 15 December 2013 to September 2015, 1,359 incidents were reported affecting 56,747 children, of which 973 incidents have been verified, affecting 29,272 children. To date, these incidents include the killing of 1,353 children and injuring of 325 others, recruitment affecting between 15,000 and 16,000 children, military use and attacks on schools, affecting 36,748 children schools still being used by parties to the conflict, sexual violence affecting 702 children and abduction affecting 1,446 children.<sup>19</sup>
21. The abuses documented by the UN constitute serious violations of international law, including the Convention on the Rights of the Child, and international humanitarian law. UN investigations show that children have been targeted and killed for their ethnic background or for the political affiliation of their relatives or community members. Children have routinely been abducted from their homes, their schools, and their communities and forced to join the fighting forces, where they inevitably become not only the victims of grave violations committed against them, but also perpetrators of a multitude of crimes against the civilian population.<sup>20</sup>

#### **Recommendations to the Government of the Republic of South Sudan:**

- a. Establish effective juvenile justice system as provided by the child Act of South Sudan by 2017.
- b. Provide free education for all children.
- c. Enact a law to protect children against early marriage and forced marriage by 2017.
- d. Complete ratification of the Optional Protocol on the Convention on the rights of the Child on involvement of children in armed conflict by depositing instrument of ratification to the UN by 2017.

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<sup>18</sup> CSOs UPR coalition situation assessment report, 2016

<sup>19</sup> UNICEF South Sudan violations against children, 22 Oct 2015 pg:3

<sup>20</sup>Report of committee of expert on South Sudan, 2016.

- e. Disarm and rehabilitate all child soldiers within the government armed forces by 2017.
- f. Take all necessary measures to stop involvement of children in armed forces by any armed group in South Sudan.

## **5. FREEDOM OF EXPRESSION AND MEDIA**

- 22. South Sudan has not yet joined key human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR). The South Sudan Transitional Constitution of 2011 guarantees freedom of expression in Article 24 and the Bill of Rights upholds general rights and freedoms. The right to information is also guaranteed in Article 32 of the South Sudan Transitional Constitution. The draft Right to Information Bill presented to the President for his signature and formal adoption is to give effect to the constitution's right of access to information.
- 23. The Government of South Sudan exercises control over information disseminated by the media and there have been cases of media content being censored and journalists being detained for reporting on events in the country. While the draft Media Authority Bill is to guarantee journalists' right to protect their sources, journalists have expressed concerns about the current situation, mentioning the substantial risk of being forced to reveal their sources.
- 24. There is currently no independent system for regulation in South Sudan and the draft Media Authority Bill does not foresee the establishment of such an independent authority. In the absence of media laws, the authority to grant TV and radio licenses is entrusted to the Ministry of Information and Broadcasting. This is contrary to international standards that emphasize the need for the independence of the regulatory authority to ensure fairness in the allocation of frequencies.
- 25. Outdated laws impose on journalists and media houses unwarranted restrictions on the grounds of defamation. Defamation in South Sudan is currently regulated by the Penal Code Act 2008, which includes several articles excessively restricting freedom of expression. In practice, several cases of defamation have been reported since the country's independence in 2011. The draft Media Authority Bill states that no government license shall be required from print media outlets once the Bill is signed by the President. At the time of publication, no further information was available with regards to its enforcement.
- 26. The media in South Sudan are not subject to prior censorship in law, but it has been reported that in practice security forces have engaged in prior censorship through harassment and illegal detentions. The safety of journalists is challenging in South Sudan with several incidents reported that relate to unlawful detention and surveillance attacks on media practitioners, self-censorship and forced closure through economic sanctioning or other kinds of threats. Perpetrators of attacks on media practitioners are generally not prosecuted.



## **Recommendations to the Government of the Republic of South Sudan:**

- a. Implement the media laws to protect journalists and human rights activists.
- b. Review the National Security Service Act with a view to prohibit arrest and detention of journalist by national security agents.
- c. Encourage and facilitate the growth of professional journalism through trainings by internationally recognized independent bodies.

## **6. INTERNALLY DISPLACED PERSONS AND REFUGEES**

27. Since its independence, South Sudan has been characterized by sporadic incidents of conflict ranging from tribal or communal conflict to political and armed conflict that results to destruction of civilians' property and displacement in massive numbers. The scale of displacement of civilians has intensified by conflict which broke out in December 2013.
28. The fighting started in the capital, Juba and rapidly spread to other parts of the country. In the early stages, the towns of Bor, Malakal and Bentiu suffered the brunt of the fighting, although all ten states of South Sudan have subsequently been affected by the civil war. Sixteen months later, the conflict has cost an estimated 50,000 lives, has created an estimated 1.5 million internally displaced persons and has forced approximately 500,000 refugees to flee to the neighboring countries of Ethiopia, Kenya, Sudan and Uganda.
29. Since the outbreak of conflict in mid-December 2013, tens of thousands of people are estimated to have been killed. Of a total population of 12 million, 1.4 million people have been displaced inside the country, and nearly half a million have sought refuge outside the country. Those displaced by the conflict are scared to return to their home areas, opting instead to endure appalling conditions, a dearth of basic services and other threats in areas of displacement.
30. Even in the event of a political agreement between the two parties to the conflict, the displaced are unlikely to return home quickly given the ethnic nature of the conflict and the likelihood of continuing violence against and between communities. Land has been taken during the conflict and boundaries have been re-drawn: many displaced people may never return to their homes.<sup>21</sup>Of those displaced inside South Sudan, less than 10 percent—over 100,000 people—are residing in United Nations “protection of civilian” sites (PoC sites) in peacekeeping bases. The vast majority of displaced people are living outside these sites,

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<sup>21</sup><http://www.refugee-rights.org/Publications/Papers/2014/14%2004%2001%20South%20Sudanese%20refugees%20FINAL.pdf>.

many of them in remote areas where accessing basic services and assistance is much more difficult.

31. A cessation of hostilities agreement was signed in January 2014, and other ceasefire agreements have followed. In June the parties to the conflict agreed to form a transitional government within 60 days. Yet these ceasefires and commitments have not been upheld. Despite a reduction in large-scale military confrontations since May (during the rainy season), all parties to the conflict—including militias and self-defense forces—continue to target civilians, often on the basis of their ethnicity.<sup>22</sup>
32. The great number of internally displaced persons overstressed the limited resources provided by humanitarian organizations. The humanitarian response has had a disproportionate focus on IDPs sheltering in protection-of-civilian sites and camps, who are easier to reach. The vast majority of people displaced are outside bases and formal camps: many are in remote areas and face continued threats to their security, resulting in repeated displacement. This fluid displacement in rural areas has made it difficult for humanitarian agencies to reach all those in need of assistance. These displacement patterns have had a severe impact on the availability of food. Farmers were forced from their land before they could plant, and markets have been disrupted.
33. The signing of the peace agreement had been seen as a hope for return to normalcy and ending the suffering of the civilians including the displaced persons. However implementation of the peace agreement is facing continuous delays, which in turn elongates the suffering of the displaced persons.

#### **Recommendations to the Government of the Republic of South Sudan:**

- a. Expedite the process of implementation of the peace agreement and facilitate the return and settlement of the displaced persons and refugees.
- b. Collaborate with the international community to reach internally displaced persons outside the formal protection of civilians' camps (PoCs) with necessary humanitarian support and increase the support for internally displaced persons in the camps.

### **7. SOCIAL SERVICES**

34. The level of socioeconomic development in South Sudan is extremely low outside the few urban areas. Given the lack of statistical data, the UNDP has not yet ranked South Sudan in its Human Development Index, nor are other internationally comparable indices available on South Sudan. The recent survey carried out by the civil society coalition for the UPR process reveals a lack of basic services, and for those services that do exist, they are of poor quality particularly in rural areas. Most areas of South Sudan depend heavily on

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<sup>22</sup> UNHCR crises in South Sudan, 2015, pg: 25

international NGOs and churches to provide basic public goods, in particular access to health care and basic education.<sup>23</sup>

35. Most South Sudanese depend on small-scale subsistence farming and cattle-herding which, in the best case scenario, produces enough food for their extended family. Even this pattern of livelihood has been disrupted by the war leaving most of the citizens at a risk of facing acute famine and poverty. Among the poorest quintile of South Sudanese, more than 80% depend on agriculture. Within the wealthiest quintile, agriculture accounts for less than 60% of household income. Droughts, floods, crop diseases, pests and death or theft of livestock are common setbacks for household incomes, and often leave thousands of families hungry.<sup>24</sup>
  
36. A significant part of the population depends on food aid from the World Food Program. The most recent poverty assessment for South Sudan has been published in 2011 by the World Bank and draws on data from 2009. Though it is very likely that data have changed in recent years, it found that 50.6% of the population lived below the poverty line, i.e. on less than \$1 a day. States on the border with Sudan are particularly poor with poverty rates of up to 76% in Northern Bahr El Ghazal. The study shows that poverty rates for households headed by women (around 29%) are slightly higher at 57% than those headed by men, at 48%.
  
37. The level of education in South Sudan is very low. Low education strongly correlates with poverty rates. Some 75% of heads of households have not completed any formal education. Not surprisingly, poverty rates are highest for those who have no formal education. General patterns of low-income countries are present in South Sudan: the school attendance rate is higher for boys than for girls; school attendance is higher in urban than rural areas and the school enrolment rate of the wealthier quintile is significantly higher than the rate of the poorest.<sup>25</sup>
  
38. The deteriorating security situation in South Sudan has worsened due to the ongoing conflict, and proliferation of small arms. Attempts by government to disarm illegal possessors of arms has yielded no success as small arms survey conducted by South Sudan Action Network for Small Arms(SSANSA) reveals that law enforcement agents are themselves involved in supply of arms to illegal possessors.<sup>26</sup>Robberies, killing of civilians

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<sup>23</sup>CSOs UPR coalition assessment report, 2016 Pg: 18

<sup>24</sup>BTI 2014 | South Sudan Country Report

<sup>25</sup>CSOs UPR coalition assessment report, 2016

<sup>26</sup>SANSA small arms survey 2015, pg: 26

by the so called unknown gun-men continue to occur on daily basis in South Sudan. Incidents of armed conflict in Western Equatoria, Central Equatoria and Eastern Equatoria have cost further displacement of civilians, destruction of civilians' property and killing of civilians in an assessed scale. Assessment conducted by the civil society UPR coalition shows failure of the law enforcement agents to arrest perpetrators of these incidents and to address damages and loss inflicted by the same. <sup>27</sup>The agreement on the Resolution of South Sudan Conflict, 2015 provides for comprehensive security sector reform.

### **Recommendations to the Government of the Republic of South Sudan:**

- a. Implement the guidelines for security sector reforms as provided for in the agreement, conduct professional orientation and training of all armed forces by 2018, develop and implement a comprehensive disarmament strategy in collaboration with other stakeholders by 2017.
- b. Adopt and implement a comprehensive national public health strategy and plan of action to ensure adequate access to public health service for all by the year 2020.
- c. Develop and implement National Poverty Reduction Strategies with specific plans to realize the right to health.
- d. Conduct education need assessment to inform budget allocation and quality service delivery.
- e. Conduct awareness to combat cultural practices hindering enrolment to education.
- f. Improve the capacity of institutions in the education sector to ensure effective performance and service delivery.

## **8. TRANSITIONAL JUSTICE**

39. In December 2013, a violent conflict erupted in Juba and quickly spread throughout the three states of the Greater Upper Nile region. The conflict was sparked by a political dispute that had been brewing for many months among the leadership of the ruling Sudan People's Liberation Movement (SPLM) party. Though triggered by politics, the speed and intensity with which the conflict spread points to a number of underlying problems, including the failure to separate the military from politics, the inability to transform South Sudan's oil wealth into tangible benefits for the majority of its people and the legacy of decades of violence and trauma from past wars. The conflict has led to destruction of social fabric of unity and cohesion and has led massive displacement of thousands of civilians, destruction

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<sup>27</sup>CSOs UPR coalition assessment report, 2016

of property, killing of civilian as well as raping of women and looting of civilians' property.<sup>28</sup>

40. As joint regional effort to resolve the conflict in South Sudan and find solution for lasting peace in South Sudan, the African union formed a committee of Inquiry for South Sudan (AUCISS) in 2015 with a mandate to investigate the causes of the conflict, the impact of the conflict and recommend redress mechanisms. The AUCISS report revealed compelling findings about human rights violations and abuses, poor governance, lack of rule of law and heighten mistrust and disunity among the citizens of South Sudan. The report recommended for comprehensives reforms and implementation of transitional justice process with components of judicial accountability, truth, healing and reconciliation and reparation.<sup>29</sup> Similar inquiry was conducted by the UN committee of experts which found much more detailed evidence pointing to commission of war crimes, crimes against humanity allegedly committed by both parties to the conflict. The said report strongly recommended for judicial accountability.<sup>30</sup>
41. The IGAD-led peace agreement for Resolution of South Sudan Conflict has succeeded in introducing into the agreement issues of truth, justice, reconciliation and healing as critical areas for peace and security in South Sudan.<sup>31</sup> Perception surveys on transitional justice conducted by South Sudan Law Society (SSLS) and the civil society UPR coalition both show strong preference by citizens for redress of the human rights violations and abuses committed during the conflict through judicial accountability by national courts and a hybrid court.<sup>32</sup>

### **Recommendations to the Government of the Republic of South Sudan:**

- a. Conduct consultations on transitional justice processes provided under the agreement for Resolution of South Sudan Conflict to ensure victim centered transitional justice processes.
- b. Fully cooperate with the African Union and the international community to expedite the formation of the hybrid court for South Sudan by 2017.

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<sup>28</sup>UNHCHR Report on South Sudan, 2016.

<sup>29</sup>Report of AUCISS, 2015

<sup>30</sup>Report of UN committee of experts in South Sudan, 2016

<sup>31</sup>Chapter v of the Agreement for resolution of conflict in South Sudan, 2015

<sup>32</sup>SSLS perception survey on transitional justice in South Sudan, 2015, CSOs UPR coalition Assessment, 2016

Annex – 1: List of submitting organizations and their contacts

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