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Exploring Transitional Justice Options for Post-Conflict South Sudan¹

May 2014

Background

South Sudan gained statehood on 9 July 2011, after having endured several decades of a war of liberation. The country has ever since been ruled by the Sudan People's Liberation Movement (SPLM), which has encountered internal power contestations between the H.E. President Salva Kiir and former Vice President Dr. Riek Machar who was dismissed from office in July 2013. The dismissal of Dr. Machar increased the polarization within the party resulting in violence on 15 December 2013, which spread to various parts of the country. The violence saw forces loyal to the president pitted against those loyal to the former vice president on one level, and ethnic related violence between Dinka and Nuer communities in particular, in Juba and various parts of the country on another level. The conflict left over 10,000 persons dead and 923,000 displaced.² The Government of South Sudan alleged that Dr. Machar and his supporters attempted a coup d'état, and arrested 11 persons some of which were top SPLM party stalwarts.

After several weeks of violence, an Agreement on Cessation of Hostilities (CoH) was signed on 23 January 2014 following negotiations brokered by the Inter-Governmental Authority

on Development (IGAD). One of the key demands by the Dr. Machar led group during the negotiation was the release of the 11 detainees. Having completed its investigations, the Government released seven of the alleged coup plotters on 29 January 2014, and charged the rest with treason, including Dr. Machar and two others who are still at large.³ Halfway into the trial, the charges were withdrawn against all accused persons in the interest of peace and reconciliation. In the meantime, the CoH has been breached several times as pro-government and opposition forces battle for territorial gains, apparently to gain an advantage at the negotiating table.

The recent violence raises questions regarding the achievement of social cohesion, sustainable peace and a break in the cycle of violence in South Sudan. As the crisis wears on, peace, reconciliation, social cohesion and nation building become increasingly critical. In this regard, a comprehensive post-conflict transitional justice framework is highly relevant.

The Relevance of Transitional Justice

The need for a holistic response to the recent widespread violence is necessary to foster national healing and break the cycle of violence.

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² Disaster Needs Analysis – 3/05/2014, Update, ACAPS. The number of displaced continues to increase.

³ Those who have been charged are Dr. Machar, former Unity state Governor Taban Deng Gai, ex-environment Minister Alfred Lado Gore (to be tried for treason in absentia), Pagan Amum, Majak D'Agoot, Oyai Deng Ajak and Ezekiel Lol Gatkuoth.

While political leaders have agreed on a CoH, it has to be respected. There is also need to support peace and reconciliation among the general populace who experienced the most severe effects of the violence. This can be achieved by a process that recognizes the victims and promotes a national commitment to preventing any future incentives for a recurrence of violence. More importantly, and within the context of South Sudan, transitional justice mechanisms provide an opportunity to create a broad based and comprehensive dialogue on nation building. This will signal an intention to break with the policies, politics and practices of the past that gave rise to the outbreak of violence. It also presents an opportunity to resolve and diffuse the political and ethno-social factors that led to the crisis.

General Transitional Justice Options

Defining transitional justice

Transitional justice has been conceptualized as a set of practices and mechanisms that arise following a period of conflict, aimed at dealing with past violations of human rights and humanitarian law.⁴ According to this definition, transition to lasting peace can take place only when conflict has ended and should address all human rights instead of being limited to political and civil rights. This notion is not widely supported, as some practitioners prefer to limit the process to serious violations of civil and political rights.⁵ However, the United Nations

has stressed that transitional justice mechanisms address all violations of human rights, including economic, social and cultural rights. This stems not only from the fact that violations of economic, social and cultural rights contribute to conflict, but conflict or repression often precipitate further violations of these rights.⁶ While the concept originates from human rights advocates, it has been adopted as part of the liberal peace-building architecture. The liberal peace-building model embraces the promotion of democracy, market-based economic reforms and the strengthening of institutions that form part of a driving force for building sustainable peace.⁷ Consequently, transitional justice has developed into a corpus of practices and mechanisms that “consists of both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reform and national consultations.”⁸ Essentially, transitional justice processes seek to remedy the causes of violent periods of civil war or repression, and provide redress to victims of systematic abuse.

All transitional justice mechanisms – trials, truth commissions, reparations, memorialization and institutional change – as well as other alternative interventions raise questions about truth, national identity, history, human rights, cultural practices, and good governance. Effective transitional justice does not depend solely on the selected mechanisms. The relevant

⁴ Roth-Arriaza, N. and Mariezcurrena, J. (eds.) (2006), *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*, Cambridge: Cambridge University Press, p.2.

⁵ Villalba, C. *Transitional Justice: Key Concepts, Processes and Challenges*, Institute for Democracy and Conflict Resolution – Briefing Paper (IDCR-BP-07/11), p.3.

⁶ Guidance Note of the Secretary-General, United Nations Approach to Transitional Justice (2010), p.7.

⁷ Rubli, S. *Transitional Justice: Justice by Bureaucratic Means?*, Swiss Peace – Working Paper 4(2012), p.3.

⁸ Guidance Note of the Secretary-General, United Nations Approach to Transitional Justice (2010), p.2.

principle is ensuring that perpetrators of gross violations of human rights are held accountable and that sufficient political and socio-economic transformation guarantees a sense of human dignity and non-recurrence of abuse. Consequently, a multi-layered approach to the South Sudan crisis must be considered.

Criminal Prosecutions

The creation of the ad hoc International Criminal Tribunal for the former Yugoslavia (ICTY) ushered in a new era in international law and international relations. Justice for mass violence in the form of criminal accountability has long eluded victims of violence. With the creation of the International Criminal Court (ICC), this demand has moved squarely from a moral exhortation to a legal obligation. States have a duty to bring those responsible for violations of human rights to account. The duty to prosecute is in line with the responsibility of States to protect their citizens from violations of human rights.

Prosecution of perpetrators from all sides to the violence in South Sudan is essential for a much required deterrence in the social milieu, and in sending a strong message that no one is above the law. In particular, the need to demonstrate that members of the security sector are accountable and bear allegiance to a civilian government in terms of the Constitution cannot be understated. The severity of the violence committed against unarmed civilians in mosques, hospitals and UN Protection of Civilian sites, has shocked the conscience of humanity, thus raising serious questions relating to accountability for those bearing the greatest responsibility for these crimes.

Subsequent to the outbreak of violence on 15 December 2013, 11 persons were detained on

charges of an alleged coup plot. Investigations of the plot have been completed and charges were brought against seven persons. Clearly, the need for accountability in relation to the crimes perpetrated during the crisis goes beyond the prosecution of the alleged coup plotters. Violations of human rights and summary executions occurred. Perpetrators include military personnel and civilians supporting both pro-government and opposition forces. Any trial limited to the alleged coup plotters would not take due cognizance of the widespread violence that took place in Juba, Bor, Malakal, Bentiu and other parts of the country as well as the large number of victims. The scale of the atrocities clearly calls for accountability for those bearing the greatest responsibility for these crimes. Consequently, a number of possible scenarios for prosecution arise.

International Criminal Court - The International Criminal Court (ICC) was established by the Rome Statute in 2002 to try international crimes. The court's mandate is to hold liable those responsible for war crimes, genocide and crimes against humanity, where nation States are unwilling or unable to prosecute them.

However, while the ICC remains a possible option for trials of grave crimes, there are limitations to the admissibility of cases emanating from South Sudan at the ICC. The ICC is a treaty body and South Sudan is not a party to the Rome Statute. The jurisdiction of the ICC may be triggered in one of three ways. First, referral by a State Party, which occurs where the offence is committed in the territory of the State, an offender is in the territory of the State, or the offender or victim is a national of the State. While South Sudan is not a State Party to the Rome Statute, she may, by

declaration, accept the ICC's jurisdiction in relation to crimes committed during the period in question.⁹ Second, the Office of the Prosecutor (OTP) may initiate investigations on its own initiative.¹⁰ The OTP may only initiate investigations "on the basis of information on crimes within the jurisdiction of the court".¹¹ Third, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, may refer a situation to the ICC for investigation.¹² It should be noted that what is referred are not individual criminal cases but, rather, "situations". This process gives the OTP a wide scope in relation to investigations, prevents bias and politicization of the complaints procedure and ensures that the investigations commence from a general position of neutrality.

A further limitation to the jurisdiction of the ICC lies within the principle of complementarity. In terms of articles 1 and 17 of the Rome Statute, complementarity enables States to retain jurisdiction over crimes committed in their territories and by their nationals. The purpose of the ICC is to complement national jurisdictions that are unable or unwilling to prosecute international crimes. By affirming the principle of complementarity, the Parties to the Rome Statute demonstrate that they do not intend the ICC to arbitrarily usurp the powers of national prosecutors.

Hybrid tribunal - A hybrid internationalized tribunal may form the appropriate forum for the trial of the perpetrators of violence in the recent crisis in South Sudan. Hybrid courts involve a blend of domestic and international institutions, personnel and laws. Foreign judges sit alongside their local counterparts to try cases prosecuted

and defended by both local and foreign lawyers. Judges apply domestic laws that are reformed to cater for the nature of the impunity and in line with international standards. Such a tribunal can only come into existence with the cooperation of, and on terms agreed to by the Government of South Sudan and in all probability, the United Nations. Consequently, the Government of South Sudan will essentially have ownership in the conception and organization of the court, its mandate, structures, applicable law and personnel.

Domestic prosecution - Criminal justice initiatives must address both the supply (duty-bearer) dimension, through institutional capacity building, and the demand side (rights-holder) through support for State institutions, civil society and victims' groups. UNDP programmatic responses to post conflict situations in Guatemala and Colombia demonstrate the essential role of victim's groups in exerting pressure on institutions and in seeking justice. From an access to justice perspective, the participation of victims and victims' organizations is essential and contributes to constructing a collective memory of the suffering undergone by all groups, including the most vulnerable. Support from UNDP and other donors was critical in facilitating a dynamic coalition and strategic reform constituencies between civil society groups and regional institutions, such as the Inter-American human rights system in achieving results. While the African regional human rights system does not operate on the same level as the Inter-American system, African civil societies have developed into a

⁹ Rome Statute art 12(3).

¹⁰ Rome Statute art 15.

¹¹ Rome Statute art 15(1). The *Rome Statute* calls on the prosecutor to analyze the seriousness of such information: at art 15(2).

¹² Rome Statute art 13(b).

coalition with the capacity to engage with regional institutions. Further, the strengthening of State institutions through developing the capacities of forensic services, prosecutors and the courts are critical to the efficient conduct of prosecutorial strategies.

The Judiciary of South Sudan will require capacity and resources to try crimes of the nature and scale perpetrated. A perception of neutrality in the investigation, selection of defendants and their prosecution, are especially important in politically sensitive cases. This requires a surge in the depth of UNDP's Access to Justice and Rule of Law Project in terms of support to South Sudan's rule of law institutions. Support for the prosecution of gross violations of human rights must form part of a broader engagement with the rule of law sector through relevant judicial reforms, capacity building and the strengthening of judicial independence. Thus, comprehensive justice sector reforms aimed at developing judicial capacity, improved legal and human rights traditions within the judiciary, police and prosecutorial services, a strong and competent private bar association, sustainable legal aid services and efficient prisoner and case tracking systems are required.

While a hybrid tribunal will provide a foundation for the guarantee of a free and fair trial acceptable to all sides of the conflict, this should not defray efforts in creating strong domestic rule of law institutions, for two reasons. First, the prosecutorial strategy of internationalized tribunals is to prioritize cases deemed most significant in terms of the nature and scale of the crimes and the responsibility of the accused. In

this regard, prosecution is limited to the most significant incidents and the most prominent suspects. However, other less prominent cases are often prosecuted in national courts under domestic law. Second, transitional justice requires guarantees of non-recurrence. The absence or inability of institutions capable of responding to dispute is a source of potential conflict. Thus, while responding to the immediate demands for justice in the short term, demands for national institutions capable of providing legal remedies to political and other disputes in a satisfactory manner will also have to be met. Both are necessary to provide durable peace in South Sudan. This requires supporting wider societal change including governance and rule of law reforms that are capable of guaranteeing institutional response to potential conflict.

The timing of prosecution - The strategy relating to accountability may need to place prosecutions on deferral.¹³ South Sudan is still heavily militarized and this has implications for the timing and nature of transitional justice mechanisms. The presence of a number of uncoordinated armed groups means that there are potential spoilers to a peaceful settlement. Consequently, the actualization of accountability could be premised on deferral until the country is sufficiently stabilized, institutions of democracy strengthened and other transitional justice measures take hold.

Truth Commissions

Truth-seeking is critical from the early stages of post-conflict transition, but may also be pursued over longer periods, depending on various

¹³ Governments are often reluctant to address crimes committed during conflict, at least in the immediate aftermath of the violence.

factors including political will and public demand. However, the documenting of past events and shaping of a nation's collective memory can be highly contested during times of transition. Thus, establishing truth commissions shortly after conflict facilitates the securing of detailed, fresh and credible information. In any event, truth-seeking should not necessarily be limited to a time-bound process.

Commissions of inquiry are primarily constituted to investigate and report on key periods of abuse. They are often State bodies that make recommendations to remedy such abuse and to prevent its reoccurrence. Establishing a truth commission in South Sudan would serve to mitigate the limitations of trials, and in particular the tendency of criminal proceedings to singularly reinforce victors' perspectives of atrocities. Further, trials (particularly in international tribunals) are often restricted to those who bear the greatest responsibility for violations of human rights. A truth commission should serve the purpose of overcoming communal and official denial of the atrocities and gain public acknowledgement; obtain a full account of the facts so as to meet the victims' need to know the truth; build a record for history; ensure some form of accountability and visibility of perpetrators; promote reconciliation across social divisions; build the basis for a democratic order that respects and enforces human rights; promote healing for individuals and groups; and restore the dignity of victims. In this regard, truth commissions provide an opportunity to understand and acknowledge the structural causes of conflict and lay the groundwork for policy and development plans for the future.

A truth commission may be constituted with the following options in mind:

- Setting up a new institution - constituting a truth and reconciliation commission; or
- Building on current structures - mandating and providing the South Sudan Peace Commission with terms of reference relating to truth-seeking and reconciliation.

Security Sector Reform

Transitional justice processes often include security sector reforms. Disregard of basic human rights and humanitarian law by the security sector during conflict, often creates a demand for reform. Transitional justice embodies the notion of non-recurrence which includes institutional strengthening of the justice and security systems and the adoption of national policies on human rights and social policies that will prevent reverting to violence.

While South Sudan has a reasonable depth of norms and processes relating to the protection of human rights and judicial processes, they are yet to be mainstreamed into the practices and reflected in the general conduct of security sector personnel. The failure to properly vet and rebuild these institutions post 2011 contributed significantly to the nature of the recent violence and disregard for civilian life and property.

As the peace process addresses the building of national institutions, notably the military, it would be incumbent upon the parties to engage in meaningful dialogue to address the root causes of the tension within the security sector, to heal the wounds and develop the trust required for stability and sustainable peace. Such engagement on reforms for an accountable security sector which guarantees the safety and protection of the society can build public trust while addressing the wider

objectives of right-sizing the security sector, reintegration of militias and overall structural reengineering of the entire security sector. Progress in this area is also critical for creating the fiscal space for much needed spending on health, education and infrastructure. Security sector reforms include a proper assessment of the structures that made the violations possible, vetting personnel and assessing their integrity to ensure that they are not violators of human rights, developing norms to regulate wrongful behavior and education on human rights values.

Reparations Programme

States have an obligation to acknowledge widespread and systematic violations of human rights, where such violations were caused by the State, or where the State failed to prevent them. State sponsored initiatives that help repair the material and moral damages of past abuse are fundamental to the reconciliation process. This should typically include the distribution of a mix of material and symbolic benefits to victims. Benefits may include financial compensation, social services such as health care or education, and symbolic measures such as commemorations or official apologies. Targeted developmental assistance for specific groups that are deemed vulnerable may possibly be conceived as reparation measures. In practical terms, reparation programmes may be so wide that their full implementation may be impractical. It is therefore important to carefully balance inclusivity with effectiveness in implementation, and to closely scrutinize the institutional dimension of the reparations programme and its legal framework.

Securing transformative effects of reparations will prove challenging for South Sudan. This is due to the significant polarization of the social, economic and ethnic dimensions of the country.

Meaningful reparations contribute to the improvement of the economic and social status of the victims and communities affected thus preventing a return to a prior situation of vulnerability. However, the high levels of vulnerability should not derail the significance of the reparations process. It is critical to distinguish reparations owed to the victims of human rights violations from entitlements provided to all citizens, such as health and education, pursuant to international standards on economic, social and cultural rights. There will otherwise be a danger of undermining the reparatory purpose and impact of the programme, and confusing these initiatives with actions taken by the State to ensure access to basic services or as mere handouts. Proper communication strategies to ensure that victims are fully informed of reparation processes are essential to avoid confusion, potential tensions, and manipulation by certain groups. There is also a critical need to be clear that reparation payments are a one-off, and should not unduly constrain the national budget.

Since the rationale for reparation programmes is to repair the harm caused by human rights violations, these programmes should be implemented in close partnership between victim groups and the State. Victims groups should actively participate in the design, implementation and monitoring of the programmes. Due to the complexities and breadth of reparations processes, it is essential to ensure that recipients of the process are fully informed of the reparations measures available, the procedures in place to receive them, evidentiary requirements which may apply, as well as any relevant decision or development with respect to the award of reparations once the process is underway. This can prove challenging in the presence of ethnic differences

and sensibilities and will require careful messaging and tailored approaches, including adequate capacity building.

Examples of reparations in other countries include: payment of the sum of more than \$ 1.6 billion in pensions to certain victims of the Pinochet regime and establishing a specialized health care programme for survivors of violations by the Chilean Government. These responses were accompanied by an apology from the president. The Moroccan Government is currently implementing a reparation programme for more than 50 years of abuse. This includes funding of projects proposed by communities that were deliberately excluded from development programmes for political reasons. The president of Sierra Leone formally apologized to women victims of that country's 10 year war. This was accompanied by the distribution of modest compensation and rehabilitation.

Memorialization

Memorialization and educational activities sensitize the public of past abuses. Thus, memorialization seeks to keep historical records of the past. Memorials for victims and their relatives are an integral aspect of truth-seeking. Also critical is the development of educational tools for younger generations and society at large. Memorialization will serve to satisfy the desire to honour those who suffered or died during the conflict and as a means to examine and address past and contemporary issues. Failure to properly address such issues tends to perpetuate political and social divisions on past events while at the same time leads to disinterest on the part of the youth, who make up the larger part of the South Sudanese population. Of particular note is the fact that memorialization can either promote social

recovery or crystallize a sense of victimization, injustice, discrimination, and the desire for revenge. Essentially, memorialization tends to end up as a highly political process that often reflects the will of those in power. The process of determining what shape a memorial project should take and how memorial space should be used is more important than the physical edifice itself. A memorial should remain relevant long after the conflict. Memorial projects that encourage survivors to explore contested memories of the past, promote learning and critical thinking and facilitate continued cultural exchange are more likely to advance social reconstruction and national cohesion. Memorials should essentially retain meaning for future generations rather than static memorials of long past conflicts and heroes that fail to invoke meaning in ways that have contemporary relevance. In this regard, reaching out to the youth through tailored cultural and educational programs is crucial.

Traditional Leadership and Customs

The people of South Sudan are strongly influenced by their customs and traditions. In terms of the Transitional Constitution, customary law is regarded as a source of legislation. In this regard, customs and traditions may shape the country's response to transitional justice; influencing the choice and perceived legitimacy of the mechanisms. The risk of excluding a large section of the community from the reconciliation process is real. The disconnect in the interface between

State institutions and the general community,¹⁴ and the fact that the majority of South Sudanese only have access to traditional¹⁵ institutions, positions traditional leaders as focal points in any reconciliation process. The current legal framework mandates the Councils of Traditional Authority Leaders (COTALs) at national and state levels to intervene to resolve inter-tribal disputes by applying customary and traditional conflict resolution mechanisms; and to foster peace building and resolution of conflicts through mediation and other conciliatory mechanisms.¹⁶ UNDP's Access to Justice and Rule of Law Project provides support to Ministry of Justice and the Local Government Board in relation to the harmonization of customary and formal law. This support includes strengthening the capacity of traditional leaders to dispense justice in line with human rights standards, including gender sensitivity.

The use of traditional institutions and mechanisms for reconciliation should involve promoting dialogue (including inter-communal dialogue) at the local level, facilitating discussions on traditional reconciliatory and reparatory methods by traditional leaders and commissioning expert research in this area, strengthening support for the ascertainment of customary law and facilitating locally driven reconciliation processes. UNDP Governance Unit and CSAC project are positioned to work with traditional authorities in strengthening COTALs and fulfilling their mandate in relation to peace and reconciliation.

Issues to Consider

¹⁴ For example lack of extension of state authority, the elitist nature of the recent constitutional consultative process.

¹⁵ UNDP Access to Justice and Rule of Law Perception Survey 2013.

Transitional justice interventions, (whether by way of the establishment of UN-backed tribunals, truth commissions, or other interventions), often confront general attitudes towards national law and legal institutions. Empirical research shows that countries with weak legal traditions often do not build on the reports of truth commissions to initiate structural change.¹⁷ Thus, governments are more interested in symbolic reviews of the past rather than agendas for structural and programmatic change. The lack of response to the recommendations of truth commissions suggest that these commissions largely serve symbolic purposes. Given the complexities of the South Sudan crisis, a purely symbolic transitional justice program is bound to fail.

Transitional justice is a political process and requires political decision. Transitional justice processes, especially when seen to be driven by the international community, often wane in popularity over time. Political commitment to addressing mass violence is a factor that influences the timing, sequencing, content, and strength of measures put in place to promote social reconstruction. The degree of support provided by political parties towards creating a functioning State with adherence to democratic principles and the rule of law contributes to the success of any State-sponsored response to violence. This requires political commitment to the program.

Truth-telling and prosecution constitute possible transitional justice options for South Sudan. Truth-telling within the framework of a

¹⁶ Local Government Act s 119, 121.

¹⁷ Fletcher, L., Weinstein, H. and Rowen, J. "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective" 31 *Human Rights Quarterly* (2009) 163, 194.

commission presents the opportunity to forge comprehensive reconciliatory measures as well as the restructuring of the country's political, institutional and social dynamics. While traditional reconciliatory processes are crucial to the context of South Sudan, they should be insulated from political interference.

Prosecution is essential for accountability. The continued level of impunity, including recent ethnic killings in Bentiu raises the demand for accountability and the need to bring the culprits to justice. The Government of South Sudan announced the establishment of commissions of inquiry to investigate the 15 December crisis and the South Sudan Human Rights Commission has called for accountability.¹⁸ The implementation of accountability mechanisms will to a large extent depend on the text of a peace agreement. It is important, however, that the parties to the conflict, with the support of the international community, provide for accountability in the text of a final peace settlement.

Possible UNDP support

Supporting transitional justice within a human development framework is symptomatic of contradictory approaches. While the deepening of transitional justice mechanisms becomes a matter of priority, continued support to access to justice and the rule of law is crucial to sustain post-conflict responses. There is a broad recognition that multiple interventions and institutional changes are necessary for stability. However, there remains an unremitting spotlight on trials and truth commissions. More comprehensively, and from a developmental

perspective, post-conflict South Sudan requires reforms to strengthen the rule of law, non-violent protest, and a reduction of ethno-social factors that contributed to the social breakdown.

UNDP South Sudan is positioned to:

- Leverage its relationship with, and support to the recent convergence in dialogue among the South Sudan Peace Commission, Parliamentary Committee on Peace and Security and Presidential Committee on National Healing and Reconciliation and support to Government and broader civil society initiatives for the inclusion of credible transitional justice mechanisms in the agenda of the peace process.
- Leverage relevant Government partners and institutions, including traditional authorities, to constitute a peace and reconciliation process and promote national dialogue at community level.
- Advise on principles for establishing and mandating a truth and reconciliation commission, special court or other transitional justice mechanisms, and provide technical assistance for such mechanisms once established.
- Empower civil society to raise awareness on transitional justice mechanisms and promote advocacy for justice and accountability mechanisms. Successful civil society programmes and initiatives can be particularly effective in creating sustainable impact and continuity.

¹⁸ *Interim Report on South Sudan Internal Conflict December 15, 2013 – March 15, 2014*, Report of South Sudan Human Rights Commission, 18 March 2014.

- Support women’s rights groups and encourage their participation in transitional justice processes.
- Promote institutional reform, primarily of the justice and security sectors, as an essential step to breaking the cycle of impunity and human rights violations.
- Intensify key interventions on livelihoods and economic recovery to contribute to sustainable economic livelihoods opportunities for victims including IDPs, youth and women.
- Collaborate with UNMISS and relevant UN agencies (UNWOMEN, WFP, WHO, etc.) and other international partners on programme implementation. Due to the multidisciplinary nature of transitional justice, various UN agencies are positioned to work in partnership to support such efforts at country level. Further, in order to ensure that transitional justice is linked within broader developmental endeavours, its inclusion in development strategies such as the UNDAF and the CPD should be considered. This will solidify a comprehensive approach of dovetailing transitional justice with governance and rule of law reforms. In order to develop a sustainable programme, and to ensure engagement beyond the programmatic cycle, it is essential that transitional justice initiatives dovetail with broader national development planning, budgeting and the legal framework.
- The sustained effects of truth-seeking exercises are greatly diminished in the absence of follow-up mechanisms. Such follow-up mechanisms should include:
 - (i) disseminating strategies to ensure that the

- (ii) recommendations of truth-seeking bodies are known to the public; and implementation through the establishment of a government body tasked with promoting, monitoring and implementing the recommendations and reporting on a regular basis on the progress achieved. Special attention must be paid to ensure strong commitment at the highest level to implement the recommendations of truth commissions, especially those which seek to address the root causes of conflict, such as deep structural, social political and economic inequality.