

## Justice and Corrections Achievements and Impact

# South Sudan



### UNMISS, 2014 - 2024

From 2011 until its change of mandate in 2014, UNMISS focused on strengthening national rule of law capacity, enhancing military justice and assisting to reduce prolonged and arbitrary detention. Following the December 2013 outbreak of violence, justice and corrections-related capacity building ceased. From 2014, UNMISS exclusively supported the Mission's protection of civilians (PoC) mandate by operating detention facilities within its PoC sites to detain internally displaced persons suspected of having committed serious offences and who posed a significant security risk to other IDPs and UN personnel. Since April 2017, with the re-establishment of its justice and corrections capacity, UNMISS resumed efforts to support accountability for serious violations of human rights in addition to managing the POC site detention facilities. In 2020, the Mission mandate was expanded to support the reform of the rule of law and justice sector as part of wider protection of civilian efforts. UNMISS is also mandated to support the implementation of the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), including priority institutional and legislative reforms. UNMISS, collaborating with UNCT and other partners, has contributed to the following advances in the justice and corrections areas:

**Accountability for serious violations, including in conflict hotspots:** In South Sudan, the pervasive culture of impunity and absence of accountability for serious human rights violations has perpetuated the conflict, hindering the prospects for lasting peace and stability. Through the provision of support for all components of the rule of law chain to increase their presence and effectiveness, including support to conventional and innovative accountability mechanisms in conflict hotspots, UNMISS has contributed to increased accountability for serious crimes, thereby breaking cycles of violence and revenge, as well as building local populations' trust in state institutions. This support has resulted in the following achievements:

- **Accountability for inter-communal violence in hotspot locations:** In 2021, a **Joint Special Mobile Court (JSMC)** was operationalized, comprised of both statutory judges and traditional leaders (who serve as advisors) to address serious crimes, including SGBV, which occur in the border region between Western Bahr el Ghazal and Warrap states during annual cattle seasonal movement. Following four deployments between 2021 and 2023, state and local authorities and community members have highlighted the impact that the JSMC has had in contributing to peace and stability in the region and in encouraging disputes to be resolved peacefully. By the end of 2023, UNMISS-supported special courts had adjudicated 262 cases involving 368 individuals, including 12 SGBV cases.



- **Expanded access to justice in under-served areas, including areas of anticipated return for internally displaced persons:** Since May 2022, support has been provided to judicial authorities to deploy to remote locations, including those where criminal cases had not been adjudicated by a competent statutory judge for six years. By 2024<sup>[1]</sup>, eight deployments of **circuit courts** in Western Bahr el Ghazal, Warrap and Central Equatoria States had issued judgements in 86 cases against 94 individuals for serious crimes, including 56 SGBV cases. Since 2019, **mobile courts** have also been deployed to Rumbek, Yambio, Bentiu, Malakal, Maban, Kapoeta, Ruweng, Terekeka, Koch and Mayom, some bringing formal justice to locations for the first time since the country's independence in 2011. By 2024, 463 criminal cases involving 593 individuals had been processed by these mobile courts, resulting in 345 convictions (including 34 individuals convicted for SGBV) and 170 acquittals.

[1] All 2024 data in the document is as of October 2024

- **Critical rule of law infrastructure projects**, combined with capacity-building initiatives and advocacy, have created a conducive environment for the permanent deployment of formal judicial authorities in areas lacking judiciary presence, such as Yambio, Pibor, Malakal, Kuajok, Pariang and Raja.
- **Victim-witness protection initiatives** have been developed as part of the methodology for mobile court deployments, with victims and witness protection services being provided by locally identified civil society organizations; Multiple consensus-building and awareness-raising initiatives at the policy level have also been implemented since 2019.



**Military justice and accountability of the armed forces:** Persistent impunity for crimes committed by the South Sudanese armed forces fosters mistrust between civilians and the armed forces, drives conflicts in some locations, and prevents the reform and transformation of the security sector. Through the provision of training, technical and logistical support, UNMISS has supported the Military Justice Directorate (MJD) of the South Sudan People’s Defence Force (SSPDF) to promote accountability for serious crimes, including conflict-related sexual violence (CRSV), with the aim of laying the foundations for the transformation of the armed forces, communal stability, and protection of civilians. UNMISS engagement with the MJD has resulted in the following achievements:



- **Increased accountability of armed forces, including for conflict-related sexual violence:** Since November 2020, 13 deployments of military justice officials to locations outside of Juba to conduct General Court Martials have been supported. By October 2024, court martials in Bentiu, Maridi, Bor, Renk, Malakal, Wau, Yei, Torit and Juba had reviewed 185 cases, with criminal trial proceedings concluding in 116 cases involving 145 suspects charged with serious offences. 114 suspects were convicted and sentenced to imprisonment. All convicted service members were discharged from active military service and will serve their sentences in a civilian prison.

- **Improved coordination between military and civilian justice officials.** Due to the limited territorial scope of civilian justice system and the risks posed to civilian officials by adjudicating cases involving military personnel, the MJD has taken an expansive role in accountability for crimes committed by SSPDF personnel, including against civilians. Since 2022, under the renewed SSPDF Action Plan on Addressing CRSV, dialogue is being fostered on issues related to jurisdiction over crimes committed by soldiers, through forums, roundtables, and bilateral engagements with civilian and military stakeholders.



- **Enhanced capacity of military justice officials to investigate and prosecute crimes:** commencing in 2019 and renewed in 2023, more than 50 military justice officials benefited from a year-long training focused on building practical skills to investigate and adjudicate CRSV and other serious violations, in line with the renewed SSPDF Action Plan on Addressing CRSV, culminating in the development and distribution of a tool to inform all SSPDF personnel of their obligations to prevent and report sexual violence. This tool was passed as standing orders binding all military personnel.



**Institutional frameworks and oversight institutions:** The R-ARCSS identifies key reforms to increase oversight on the use of public resources, improve economic and financial management, and strengthen judicial independence. UNMISS has focused on supporting reforms to help South Sudan to strengthen internal control mechanisms, combat corruption, and, improved national legal framework in accordance with international human rights standards, contributing to:

- A **review of the national criminal law framework**, including the Code of Evidence Act (2006), Penal Code Act (2008), and Code of Criminal Procedure Act (2008), Prisons Service Act, (2011, amended 2022), National Prisons Service Regulations 2016 to ensure it complies with South Sudan’s international legal obligations and regional and global best practices and is harmonized with other existing domestic laws.
- **Public consultations and comprehensive recommendations on the judicial reforms of South Sudan** completed in 2024, in particular on judicial independence, the promotion and welfare of judges, and increasing women’s participation in the judiciary.



- **Amendments to the Anti-Corruption Act (2009, Amendment 2023)** relating to oversight and transparency, including awareness raising among national and state-level officials of the impact of corruption on basic service delivery and their respective roles to fight corruption and promote transparency and oversight of public resources as a way to advance durable peace.
- **In terms of housing, land and property**, ongoing consideration of a National Land Policy, the facilitation of a women’s land rights workshop in 2019, engagements with local, state, and national stakeholders to promote peaceful resolution of HLP disputes, as well as the development of a Resources Library in 2020.
- A **compilation of customary practices** of approximately half of South Sudan’s over 60 tribes on family matters and identification of national and international legal frameworks was completed in 2020 and served as the basis for government-led stakeholder consultations to develop a family law.

**Safe, secure, and humane national prisons service:** Strengthening the prison system, in addition to the police and the justice system, is a key requirement for the restoration and consolidation of peace; prisons are essential for the protection of civilians and are a precondition for, and an integral element of, accountability. To enhance the capacity of the National Prison Service of South Sudan (NPSSS) to ensure the safe, secure, and humane detention of individuals convicted of crimes, UNMISS provides targeted technical assistance and capacity building to the NPSSS, resulting in the following achievements:

- **Improved physical infrastructure** to ensure facilities meet minimum standards: 3 prisons (Bentiu, Torit and Rumbek), a juvenile centre (Juba Central Prison) and, in 2024, the Lologo training academy have been refurbished. Between 2021 and 2024, new facilities were constructed in Wau, Tonj North, Ibba, Aweil East and Koch and a juvenile wing was added to Malakal prison. Infrastructure improvements are paired with support to improve case management and record keeping, and skills-based training on operational protocols for the management of prison facilities.
- A three-year **NPSSS Strategic Development Plan** is being implemented, with a new version in 2024.
- **'Green corrections'** pilot projects are underway since 2022, in partnership with FAO, to operationalize prison agriculture programmes, address food insecurity issues for feeding of prisoners, and provide vocational training for prisoners and former military personnel who are expected to integrate the NPSSS. In 2023, a livelihood project with tailoring and farming workshops was completed at Kuajok Central Prison and, in 2024, the Thuro Majok agricultural camp prison was expanded and handed over to NPSSS.
- The **NPSSS Women's Network** was established in 2022 to support the ongoing development of female NPSSS officers and promote enhanced gender mainstreaming. A gender needs assessment was carried out in seven states to support developing a strategy on gender parity in the prisons service and in 2023, a gender friendly prison program was launched across South Sudan.
- To address issues of overcrowding and reduce instances of prolonged and arbitrary detention cases in prisons, a **review of warrants** was undertaken in Aweil, Juba, Rumbek, Bor and Torit prisons, resulting in the release of a total of 1218 prisoners between December 2022 and October 2024.



**UNMISS PoC Sites: Ensuring safe and humane detention at the Mission’s holding facilities and supporting national authorities to investigate and prosecute serious security incidents:** In May 2014, UNMISS established holding facilities within the UNMISS POC sites of Juba, Malakal, Bentiu and Bor to help maintain public safety and security. Priority interventions were required to manage risks related to escapes, assaults, and the unique security and operational challenges. By December 2023, only the facility in Malakal remains operational, while the other facilities were closed as part of the redesignation of UNMISS PoC sites to conventional IDP camps. Sustained UNMISS efforts have led to:



- A **significantly better security environment** for IDPs seeking protection in the POC sites.
- Progressively **improved detention conditions**, including through the rehabilitation of holding facilities infrastructure, for over 6,259 individuals, including 542 juveniles (57 girls) and 286 women, admitted between May 2014 and October 2024.
- The adoption of mission-specific policies and procedures to ensure compliance with the Standard Operating Procedures on Detention by United Nations Peace Operations.
- **Increased accountability for violations committed within UNMISS POC sites:** Since late 2017, 482 individuals involved in serious security incidents within the PoC sites were referred to national authorities for investigation and prosecution. In Bentiu and Malakal, UNMISS facilitated the deployment of mobile courts to try these cases. Between 2017-2020, mobile courts deployed to UNMISS PoC Sites tried 140 individuals, resulting in 78 convictions and 59 acquittals.



*These achievements were made possible by 19 civilian justice and corrections staff, and 88 authorized government-provided personnel from 16 Member States with justice and corrections expertise. As of 2024, at least one Justice Advisor and one Corrections Advisor is present in all ten UNMISS field offices. Working with numerous partners, including UNDP, IOM and others, the mission assists the South Sudanese authorities to advance implementation of the peace process and reinforce accountability through advocacy and promoting rule of law issues at the strategic level, coordinating and convening stakeholders, conducting public outreach, as well as mentoring, advising and training national personnel.*

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