

On Monday 6 December 2021 LAW held an official side event to the 20th Session of the Assembly of State Parties (ASP) on “Survivors’ pathways to accountability: legal avenues for South Sudanese survivors of conflict-related sexual violence”.

The high-level panel discussed opportunities and potential avenues for survivors and victims in South Sudan to access justice and ways to move forward. We were honoured to have experts and champions to discuss this important issue with us, including:

- Human Rights Ambassador Bahia Tahzib-Lie, Ministry of Foreign Affairs, Kingdom of the Netherlands;
- Justice Susan Okalany, Judge of the High Court of Uganda and top four Candidate in 2020 for election as International Criminal Court Prosecutor;
- Jackline Nasiwa, Executive Director of the Centre for Inclusive Governance, Peace and Justice;
- Kenneth Scott, international human rights/international justice practitioner and consultant, former member of the UN Commission on Human Rights in South Sudan; and
- Antonia Mulvey, LAW’s Executive Director.

The panel was moderated by the excellent Jehanne Henry, former Human Rights Watch East Africa Director.

Ambassador Bahia provided some very useful background to the focus of the discussions, in particular highlighting how little progress on justice for victims and survivors has been made at the national level, and the critical role of international law in supporting and ensuring their participation of survivors to transitional justice processes. She also reiterated the government of the Netherlands’ support to gender equality and accountability.

Jackine Nasiwa told the panel about the need to do more to ensure the meaningful participation of survivors in justice proceedings, to support their recovery from the trauma they have experienced, and to empower them to ensure their voices can heard loud and clear.

Judge Okalany provided some useful background on the situation in Uganda where crimes of conflict-related sexual violence remain largely unpunished, despite the establishment of International Crimes Division of the High Court. The Division was set up to fight impunity, bring justice and promote human rights to people affected. She mentioned the challenges of the legal framework to bring justice to survivors, in particular the integration of international law in the domestic legal framework as a pre-requisite to domestic prosecutions.

Antonia Mulvey talked about the demand for justice and accountability of victims and survivors of conflict-related sexual violence across the world. She explained the basis for the jurisdiction of the ICC to investigate the Bangladesh/Myanmar situation, and described LAW’s work with Rohingyas, and other survivors, including in South Sudan, to secure justice.

Kenneth Scott mentioned the July 2021 submission to the Office of the Prosecutor of the International Criminal Court (ICC), on behalf of thirty-one South Sudanese survivors, which calls for an ICC preliminary examination into atrocities, crimes against humanity and war crimes in and concerning South Sudan. Ken dove into the jurisdiction of the ICC and provided

a legal analysis of the opportunities, based on the Bangladesh/Myanmar jurisdiction decision. He also highlighted the role of the Hybrid Court as an important avenue of redress for victims and survivors.

LAW will continue to lead these important conversations to ensure that the brave survivors of horrific crimes in South Sudan are supported to access the justice and support they want and need, through domestic, regional and/or international mechanisms.