

Let's do justice first, then reconciliation

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By Justice Deng Biong

February, 6, 2013 - Since the indictment of Omar Hassan el Bashir, the incumbent president of the Republic of Sudan was ordered by the ICC, to answer and account for war crimes and genocide he allegedly committed in Darfur, the argument between what comes first between justice and peace came to the fore. Supporters of that indictment and victims of those alleged offences argue for justice now and not tomorrow! While opponents of same indictment have decided for reasons best known to them, to hide behind the false slogan of "Peace first and Justice later". In other words, their argument is based on their false belief that, if Bashir is arrested, there will be no peace anymore in Sudan! Now that he is still at large is Sudan enjoying peace?! The answer of course is no million of times. I believe Bashir's victims in Abyei, Kiir-adem, Panthou, Jau, Northern Upper Nile, Nuba Mountains, Blue Nile, Darfur and many other places would add more millions Nos!!

In South Sudan, it is unfortunate that some of our leaders opposed Bashir's indictment for various reasons, also, mainly best known to them. Before the independence of the South, such positions could be understood for we had to buy our independence at all cost! But today, what I find difficult to comprehend is why some of those leaders continue to oppose indictment of Bashir even after our independence. Supposedly, they are not concerned about the daily death toll in Darfur or moved by the systematic genocide committed against our yesterday comrades in Nuba Mountains and Southern Blue Nile who contributed greatly in the independence of this country; don't they mind about the innocent South Sudanese civilians killed almost every week by orders of same fugitive Bashir; or don't they value the precious lives of the soldiers of our gallant SPLA army dying in the defence of this nascent country against the aggression of the same war monger Bashir!! Who is important to them: Bashir or our patriotic and brave SPLA soldier?!

The preceding prelude is intended by way of illustrating the gravity of undermining justice and accountability for the sake of an elusive peace or an unattainable reconciliation, the topic of this article. Also, it is intended to expose the idealists' mentality and draw their attention to realities of the suffering of our people on the ground.

Public and private media houses these days are highlighting a new initiative for national reconciliation under the auspices of H.E. the Vice President Dr. Riek Machar Teny. The last was his meeting with the religious leaders shown on SSTV yesterday evening (5/2/2013) in which he asked them to use their places of worship to facilitate the newly launched National Reconciliation project. The project includes conduct of reconciliation conferences, especially in the states where what is assumed to be tribal conflicts often occur. These proposed conferences shall culminate in a bigger one to be held on April, 18th, 2013. It seems the Government, under the current stringent economic policies and financial difficulties, is being asked to approve and avail millions of South Sudanese Pounds for the project!

Personally, I am not against reconciliation of our people. I pray every day to see our various communities peacefully co-exist and live above their tribal differences. I am for unity of our people in their diversity. What I am against is the timing of this National Reconciliation. On the other hand, people need to know what has really gone wrong among them at the national level that necessitates a national reconciliation now. Like the doctors do, can we diagnose the disease first before applying any drugs for its treatment?!

If the reconciliation envisaged relates to grievances inflicted on our people before the liberation and independence of our country; like some former NCP die-hards who assisted Bashir to kill and torture our freedom fighters and internal nationalist supporters, but who overnight decided to change the NCP suit with the SPLM one without first repenting or apologizing to the South Sudanese people for their dark past, then this is done in Truth and Reconciliation fashion like the South Africans and Rwandese had done by confessing in public the atrocities and grievances you inflicted on your people, apologize and expressly seek their forgiveness. When such persons are forgiven, they are reconciled with their victims. Here the disease is diagnosed or the wrong is accounted for and treated with forgiveness and hence the reconciliation. Such process of truth telling and reconciliation had been successfully tested in the two African countries mentioned above and if applied here, may serve as a deterrence to any future like-minded wrong doers in our country.

If the proposed National Reconciliation project is targeting the alleged tribal or sectional conflicts, then I have the following to say:

First, I do not believe what is commonly called today tribal conflicts are purely tribal in nature. In my view, the rampant tribal fights in some of our states can easily be blamed on:

- Failure of our security organs to disarm the civil populations we armed during the struggle. Since we have already achieved our objective, the Independence, there is no need for such weapons to remain in the hands of civilians;
- Failure of our security organs to weed out Khartoum sponsored militias or their remainants from the rural areas;
- Failure of the Justice sector to identify and prosecute culprits and ring leaders in those so called tribal fights;

- Endless amnesty periods. Amnesty is always an offer with a limited term, to be accepted or rejected without conditions placed on it by the offered or those covered. The case of Militia leader Yau Yau sufficiently illustrates this point. He was granted amnesty, came back to Juba, got rehabilitated and financially facilitated, but still he went back to his masters in Khartoum who rearmed him and sent him back to his home area of Murle where he is creating havoc up to date. So can we still call this conflict in Jonglei a tribal conflict? What if we do not apprehend Yau Yau or stop his militia activities before April, 18th, 2013. Can we still go ahead with our National Reconciliation Conference while a dear part of the country (Jonglei) is bleeding?! Will the conference still maintain the status of National Conference?!

As for some of the tribal fights that might truly be tribal in nature, the traditional approach for their settlement, as local government administrators, judges and police officers may share with me the view, runs as follows:

- 1) Stop the fight, apprehend ring leaders and establish law and order;
- 2) Investigate the culprits/ ring-leaders and generally establish the damage caused in terms of human and material losses ;
 - 3) Charge and try the culprits/ring-leaders;
 - 4) Restore to owners any property recovered or compensate any property lost;
- 5) In some cattle keeping communities, who do not see any benefit accruing to them from the imposition of capital punishment, payment of blood compensations (Dia) for their relatives killed in such tribal fights; and finally after this judicial settlement of the case;
 - 6) Traditionally reconcile the communities involved in the fight.

In light of the above, Comrade Vice President, what our people need most is law and order, the rights to life and personal security and safety. When these are done and the threat from Khartoum to invade our newly born country is contained, then the ground will be ready for, especially, a national reconciliation.

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