



To Permanent Representatives of member
and observer States of the UN Human Rights Council

Geneva, 10 June 2015,

RE: Addressing the human rights situation and the need for accountability for past
atrocities and on-going violations in South Sudan

Your Excellencies,

We are writing to urge your delegation to address serious, widespread and ongoing violations and abuses of international human rights and humanitarian law committed in South Sudan and to also address the lack of any credible accountability for war crimes and possible crimes against humanity in the country during the upcoming 29th session of the UN Human Rights Council.

In March 2015, 47 States signed a joint declaration in which they emphasized the need for the African Union Commission of Inquiry on South Sudan to release their report, and called for the establishment of an appropriate mechanism to address the situation. On 22 May 2015, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein said: "*the escalation of fighting in recent weeks between Government and opposition forces in South Sudan has resulted in alarming gross violations of international human rights and international humanitarian law and has taken a terrible toll on civilians.*" He also stated that "*the fight against impunity must be a priority if any peace in South Sudan is to hold.*" In a public briefing on 26 May 2015, the High Commissioner launched a clear call to members of the UN Human Rights Council to "*give high priority to the situation in South Sudan, especially on the question of accountability for past and present violations.*" On 28 May 2015, the UN Security Council adopted a resolution stressing the increasingly urgent and imperative need to end impunity in the country.¹

Meaningful Human Rights Council action on the crisis that erupted in December 2013 in South Sudan is long overdue. The Human Rights Council should urgently pass a resolution under Agenda Item 4 during its up-coming 29th session to:

¹ United Nations Security Council Resolution 2223 (2015), 28 May 2015:
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2223\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2223(2015))

- **Condemn in the strongest terms violations of international humanitarian law, crimes under international law which may amount to war crimes and crimes against humanity, and other serious violations and abuses of international human rights law;**
- **Establish a Special Rapporteur on South Sudan with a mandate to monitor and publicly report on violations of international humanitarian law and violations and abuses of international human rights law, make recommendations for achieving effective accountability for past and ongoing crimes, including through the establishment of transitional justice mechanisms; provide technical assistance to any new mechanisms and request the mandate holder to work in close cooperation with other international mechanisms such as the UN Mission in South Sudan (UNMISS), the Intergovernmental Authority of Development (IGAD), and the African Union to promote human rights and accountability;**
- **Call for the public release of the final report of the African Union Commission of Inquiry on South Sudan (AUCISS), call on South Sudan to commit to accountability, to the ratification of the Rome Statute and an Article 12(3) declaration accepting ICC jurisdiction from the start of the conflict in December 2013, as well as for the United Nations, African Union, and South Sudan to take steps to ensure fair, credible trials through the establishment of an independent hybrid judicial mechanism.**

Since the beginning of South Sudan's civil war in mid-December 2013, thousands of civilians have been killed in horrific attacks, often targeted because of their ethnicity or perceived allegiances. Large parts of key towns, including civilian infrastructure such as clinics, hospitals, and schools, have been looted, destroyed, and abandoned.

According to OCHA, there are over 2 million civilians displaced internally or in neighbouring countries as of 15 May 2015.² Since the beginning of May 2015, renewed armed hostilities in Unity State have affected hundreds of thousands of civilians. The United Nations Mission in South Sudan (UNMISS) released a short statement on May 11³ saying they had received reports of villages being burned, rape, and abduction of children. The report echoes concerns of aid workers, many of whom have already been evacuated, leaving hundreds of thousands of civilians without access to lifesaving assistance. There are also reports that both sides have continued the use of child soldiers on the frontlines of the conflict.

In addition, South Sudan's military and National Security Service have unlawfully detained dozens of civilians without any access to a lawyer or judge, sometimes for many months. Detainees, often accused of supporting South Sudanese rebels, have been kept in poor conditions, and in some instances tortured or brutally beaten.

Moreover, harassment of independent civil society actors and journalists and the introduction of restrictive legislation imperilling the rights to freedom of association,

² South Sudan Humanitarian Bulletin 15 May 2015 – Office for the Coordination of Humanitarian Affairs (OCHA): docs.unocha.org/sites/dms/SouthSudan/2015_SouthSudan/South_Sudan_15_May_2015_Humanitarian_Bulletin.pdf

³ UNMISS statement on the ongoing violence in Unity State, UNMISS, 11 May 2015: <http://unmiss.unmissions.org/Portals/unmiss/%20Press%20Releases/2015/May%202015/Press%20release%20about%20ongoing%20fighting%20in%20Unity%20State%20--%2011%20May%202015%20final.pdf>

expression and assembly severely undermine on-going efforts to effectively monitor and report on the human rights crisis in the country. Human rights defenders and activists, including those seeking to cooperate with the Human Rights Council have been the subject of escalating threats, attacks and reprisals. The President of the Human Rights Council has clearly stated that such threats are unacceptable.

As the High Commissioner has noted, a lack of accountability for decades of violence during Sudan's long civil war has helped fuel the conflict. Military and political leaders have failed to make any serious attempt to reduce abuses committed by their forces, or to hold them to account.

The Human Rights Council should fulfil its mandate to "address situations of violations of human rights, including gross and systematic violations" and to "respond promptly to human rights emergencies." So far it has failed to bring a meaningful response to repeating patterns of attacks on civilians and other human rights violations in South Sudan. The Human Rights Council should ensure that combatting impunity is put at the core of the international agenda. We once more urge your delegation to echo the call of the High Commissioner for Human Rights and to ensure that a human rights special procedure is established to respond to the long-standing need of the people of South Sudan for justice and accountability.

We thank you for your attention to these pressing issues.

Sincerely,

- African Centre for Democracy and Human Rights Studies (ACDHRS)
- Amnesty International
- Asian Legal Resource Centre (ALRC)
- CIVICUS: World Alliance for Citizen Participation
- Commonwealth Human Rights Initiative
- Community Empowerment for Progress Organization (CEPO), South Sudan
- East and Horn of Africa Human Rights Defenders Project
- FORUM-ASIA - Asian Forum for Human Rights and Development
- Human Rights Watch
- International Federation for Human Rights (FIDH)
- International Service for Human Rights
- Partnership for Justice, Nigeria