



## AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: AFR 65/6614/2023  
31 March 2023

### **South Sudan: Technical assistance without political will is not sufficient: Human Rights Council must renew the mandate of the Commission on Human Rights in South Sudan**

Speaking during the United Nations (UN) Human Rights Council's (HRC) interactive dialogue on the report of the UN High Commissioner for Human Rights on South Sudan today, Amnesty International expressed its concern about the continued perpetration of crimes under international law and the Government of South Sudan's lack of action and political will to hold perpetrators to account.<sup>1</sup>

Amnesty International said it recognises the important role that technical assistance can play in helping governments fulfil their human rights obligations. However, such technical assistance can only be effective if matched by political will on the part of the government to ensure meaningful change. When it comes to accountability for crimes under international law, the Government of South Sudan has demonstrated no such political will. For the seventh year in a row, and despite clear obligations under the 2015 and 2017 peace agreements and repeated calls by the UN and civil society, it continues to delay the establishment of the Hybrid Court for South Sudan (HCSS)<sup>2</sup>. The government is also yet to domesticate crimes under international law.

The organisation said that the government can begin to demonstrate genuine political will by amending the 2008 Penal Code to include war crimes, crimes against humanity and genocide with definitions of crime in conformity with international law. The government must also amend the Penal Code to include provisions on torture, enforced disappearance, command responsibility, the non-applicability of amnesties and immunities as well as by taking concrete steps towards establishing the HCSS as recommended in the High Commissioner's report.<sup>3</sup> Until

---

<sup>1</sup> UN High Commissioner on Human Rights (OHCHR), Technical assistance and capacity-building for South Sudan – Report of the Office of the UN OHCHR, 7 February 2023, A/HRC/52/82; Commission on Human Rights in South Sudan, Report of the Commission on Human Rights in South Sudan, 31 January 2023, UN Doc. A/HRC/52/26. See also, Amnesty International, *"If you don't cooperate, I'll gun you down": Conflict-related sexual violence and impunity in South Sudan*, (Index: AFR 65/5569/2022), 18 May 2022, [South Sudan: "If you don't cooperate, I'll gun you down": Conflict-related sexual violence and impunity in South Sudan - Amnesty International](#); Amnesty International, *"Do you think we will prosecute ourselves?": No prospects for accountability in South Sudan*, (Index: AFR 65/1105/2019), 7 October 2019, [South Sudan: "Do you think we will prosecute ourselves?" No prospects for accountability in South Sudan - Amnesty International](#)

<sup>2</sup> Amnesty International, *South Sudan: African Union's abandoned commitment to justice in Africa: The case of the Hybrid Court for South Sudan*, (Index: AFR 65/6196/2022), 23 November 2022, [South Sudan: African Union's abandoned commitment to justice in Africa: The case of the hybrid court for South Sudan - Amnesty International](#)

<sup>3</sup> UN High Commissioner on Human Rights (OHCHR), Technical assistance and capacity-building for South Sudan – Report of the Office of the UN OHCHR, 7 February 2023, A/HRC/52/82.

these measures are taken, the HRC must maintain the full extent of its scrutiny of the situation.

Amnesty International said that the draft resolution presently tabled under the Human Rights Council agenda item 10 cannot be a viable alternative to the draft resolution tabled under agenda item 2 to renew, in full, the mandate of the Commission on Human Rights in South Sudan (CHRSS). The CHRSS remains the only independent and credible mechanism able to collect and preserve evidence of crimes under international law with a view to support accountability. The Commission is critical to increase prospects for justice and accountability in South Sudan and it is mandated to provide technical assistance to the Government of South Sudan in implementing all transitional justice provisions in the 2018 revitalized peace agreement.

The human rights realities on the ground are still dire, which has been brought to the Human Rights Council's attention by the High Commissioner, the CHRSS, and several civil society organisations including Amnesty International.<sup>4</sup>

On 9 November 2022, the African Commission on Human and Peoples' Rights (ACHPR) adopted a resolution identifying the need for "continued monitoring of and reporting on human rights violations"<sup>5</sup> and expressed concern for the persistent human rights violations and abuses including sexual violence; "acts of torture and other cruel, inhuman or degrading treatment, deliberate starvation, recruitment and use of child soldiers, abductions, enforced disappearances and extrajudicial executions"<sup>6</sup> and the rights to food, education, and health.<sup>7</sup> The ACHPR called for "operationalizing transitional justice institutions envisioned in Chapter V of the Revitalized Agreement".<sup>8</sup>

When making decisions on South Sudan, it is necessary and pivotal for the Human Rights Council not to disregard these realities. Technical assistance alone is insufficient to address South Sudan's human rights and security crisis and the HRC's decision, at a minimum, should include a renewal of the CHRSS's mandate in full.<sup>9</sup>

## Background

This public statement is based on an oral statement Amnesty International delivered to the Human Rights Council on 31 March 2023, during the interactive dialogue on the report of the UN High Commissioner for Human Rights on South Sudan.

---

<sup>4</sup> UN High Commissioner on Human Rights (OHCHR), Technical assistance and capacity-building for South Sudan – Report of the Office of the UN OHCHR, 7 February 2023, A/HRC/52/82; Commission on Human Rights in South Sudan, Report of the Commission on Human Rights in South Sudan, 31 January 2023, UN Doc. A/HRC/52/26. See also, Amnesty International, Human Rights Watch and the South Sudan Human Rights Defenders Network, *Human rights priorities for the government of South Sudan*, (Index: AFR 65/5196/2022), 3 February 2022, [South Sudan: Human rights priorities for the government of South Sudan - Amnesty International](#); Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights*, (Index: POL 10/5670/2023), 27 March, 2023, [Amnesty International Report 2022/23: The state of the world's human rights - Amnesty International](#)

<sup>5</sup> African Commission on Human and Peoples' Rights (ACHPR), Resolution 542 (LXIII): Resolution on the Situation of Human Rights in the Republic of South Sudan, adopted on 9 November 2022, ACHPR/Res.542 (LXXII1) 2022.

<sup>6</sup> African Commission on Human and Peoples' Rights (ACHPR), Resolution 542 (LXIII): Resolution on the Situation of Human Rights in the Republic of South Sudan, adopted on 9 November 2022, ACHPR/Res.542 (LXXII1) 2022.

<sup>7</sup> African Commission on Human and Peoples' Rights (ACHPR), Resolution 542 (LXIII): Resolution on the Situation of Human Rights in the Republic of South Sudan, adopted on 9 November 2022, ACHPR/Res.542 (LXXII1) 2022.

<sup>8</sup> African Commission on Human and Peoples' Rights (ACHPR), Resolution 542 (LXIII): Resolution on the Situation of Human Rights in the Republic of South Sudan, adopted on 9 November 2022, ACHPR/Res.542 (LXXII1) 2022.

<sup>9</sup> Amnesty International and others, Extend the mandate of the UN Commission on Human Rights in South Sudan, Letter to HRC Member and Observer States, (Index: AFR 65/5227/2022), 10 February 2022, [South Sudan: Extend the mandate of the UN Commission on Human Rights in South Sudan - Amnesty International](#)

Public Document  
Amnesty International, Office for East Africa, the Horn and the Great Lakes, Riverside Studios,  
Riverside Lane, Nairobi, Kenya  
[www.amnesty.org](http://www.amnesty.org)

\*\*\*\*\*