



AMNESTY INTERNATIONAL PUBLIC STATEMENT

South Sudan: The UN Human Rights Council should renew the mandate of the CHRSS by at least two years

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The UN Human Rights Council should renew the mandate of the CHRSS by at least two years at its 58th session

Amnesty International urges member states of the UN Human Rights Council (HRC) to renew the mandate of the Commission on Human Rights in South Sudan (CHRSS) for a period of at least two years. Amnesty International makes this call in support of similar calls made by over 100 South Sudanese and international civil society organizations ahead of the upcoming 58th session of the HRC that is scheduled to consider the situation in South Sudan.¹

The Government of South Sudan has yet to implement meaningful and durable reforms and improve human rights to a level that would warrant changes to the CHRSS's mandate. At the moment, critical conditions that prompted the HRC to establish the CHRSS in 2016 are yet to change. Since the start of the armed conflict in December 2013, the South Sudanese government has failed to effectively investigate and prosecute serious crimes committed in relation to the conflict. The CHRSS therefore remains the only independent and viable mechanism to collect and preserve evidence of violations of international law with a view to ensuring criminal accountability and effective remedies for victims.

Violent conflicts are currently ongoing across the country, most notably in the Greater Equatoria region and Greater Upper Nile region. Clashes between non-state armed groups, the South Sudan People's Defence Forces (SSPDF) and their allied militias, and between factions of non-state armed groups continue to be accompanied by reports of international humanitarian and human rights law violations and abuses, including crimes under international law.² President Kiir's

¹ Defend Defenders and others, "South Sudan: Adopt a strong resolution extending UN investigations", 13 February 2025, <https://defenddefenders.org/south-sudan-adopt-strong-resolution-un-investigations/>

² See, for instance, UNMISS, "UNMISS alarmed by violent attacks in Juba County, calls for investigation and accountability", 11 October 2024, <https://unmiss.unmissions.org/unmiss-alarmed-violent-attacks-juba-county-calls-investigation-and-accountability>.

recent reshuffle of high-level political and security positions has the potential to spark violence.³

The National Security Service (NSS) has long been associated with serious human rights violations and crimes under international law, including arbitrary arrests, detentions, enforced disappearances and extrajudicial killings, with widespread impunity. It continues to be implicated in such violations despite well-documented abusive practices,⁴ changes in its leadership, and calls for reform.⁵

In violation of the 2011 Transitional Constitution, the 2014 NSS Act gave the NSS powers of arrest and detention. Amnesty International and other organizations have repeatedly called for the removal of the NSS's unconstitutional powers of arrest and detention and for its role to be limited to "focus on information gathering, analysis and advice to the relevant authorities" as stipulated in Article 159 (2) of the Constitution. Yet in 2024, and despite a reform process initiated by the 2015 Agreement on the Resolution of Conflict in South Sudan (ARCSS) followed by the 2018 Revitalized ARCSS and earlier pronouncements by the Presidency that the NSS powers to arrest with and without a warrant would be removed, the President allowed a bill maintaining these powers to become law.⁶

Pervasive impunity for crimes under international law is still the norm in South Sudan. Whilst the South Sudanese authorities enacted the bills for the Commission for Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA) in October 2024, the authorities are yet to take action to establish the Hybrid Court for South Sudan (HCSS).⁷ As recent as 10 February 2025, media quoted South Sudan's Minister of Information, Communication, Technology, and Postal Services, Michael Makuei Lueth, blaming

³ Eyeradio, "President Kiir sacks vice presidents Igga, Abdelbagi in massive reshuffle", 10 February 2025, <https://www.eyeradio.org/president-kiir-sacks-vice-presidents-igga-abdelbagi-in-massive-reshuffle/>. At the time of writing, Amnesty International is receiving reports about attacks on civilians in Western Equatoria State.

⁴ For instance, media reported that, on 20 January, the NSS detained activist Dut Kuot Akok for critically expressing himself on Facebook about the Bahr-el-Ghazal state Governor's failure to deliver results and accused him of attacks against civilians. Radio Tamazuj, "Calls for release of detained government critic in Aweil", 13 February 2025, <https://www.radiotamazuj.org/en/news/article/calls-for-release-of-detained-government-critic-in-aweil>

⁵ For example, Amnesty International, "These walls have ears": The chilling effect of surveillance in South Sudan, (Index: 65/3577/2021), 2 February 2021, <https://www.amnesty.org/en/documents/afr65/3577/2021/en/>

⁶ Amnesty International, "President should send draconian National Security Service Bill back to parliament for review" (Index: 65/8317/2024), 11 July 2024, <https://www.amnesty.org/en/documents/afr65/8317/2024/en/>; Human Rights Watch, "Damaging Security Law Revisions Adopted", 4 July 2024, <https://www.hrw.org/news/2024/07/04/south-sudan-damaging-security-law-revisions-adopted>

⁷ Amnesty International, *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, <https://www.amnesty.org/en/documents/afr65/6196/2022/en/>

the African Union for the delay in establishing the HCSS.⁸ This is another excuse. For years, South Sudanese authorities have actively sought to block the establishment of the HCSS, ranging from statements favouring reconciliation over criminal accountability,⁹ promoting suspects of crimes under international law,¹⁰ and contracting a US-based lobby firm to, among other things, “delay and ultimately block the establishment of the HCSS.”¹¹

Whilst truth-seeking processes such as the CTRH and compensation and reparation processes such as the CRA are important processes for the right to truth and reparations, they are not aimed at ensuring criminal accountability for crimes under international law. Amnesty International is concerned that the South Sudanese government is using them as alternatives to judicial processes, with a view to protect suspected perpetrators of serious crimes from being prosecuted and punished. Truth, reparations and justice are complementary and must go hand in hand.¹²

The HCSS and other international mechanisms will not be sufficient to bring all suspected perpetrators to justice and South Sudan’s judicial system must be reformed to ensure access to justice and effective remedies for victims of crimes under international law. Military courts are not competent to try crimes against civilians and the domestic civilian system lacks effective independence, witness protection mechanisms and is grossly underfunded.¹³ Regardless, South Sudanese authorities have failed to prioritize justice sector reform.

Faced with such grave impunity and the continuation of gross human rights violations, it is imperative that the HRC renew the mandate of CHRSS at least for a period of two years.

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International Secretariat, Amnesty International, 1 Easton St., London WC1X ODW, UK www.amnesty.org

⁸ Radio Tamazuj, “Why Hybrid Court for South Sudan has delayed”, 10 February 2025,

<https://www.radiotamazuj.org/en/news/article/why-hybrid-court-for-south-sudan-has-delayed>

⁹ See, for instance 3 “South Sudan needs truth, not trials”, 8 June 2016, New York Times, https://www.nytimes.com/2016/06/08/opinion/south-sudan-needs-truth-not-trials.html?_r=0. Four days after its publication Riek Machar denied that he had co-authored the op-ed.

¹⁰ Amnesty International, “Do you think we will prosecute ourselves?": No prospects for accountability in South Sudan (Index: AFR 65/1105/2019), 6 October 2019, pages 28-30, <https://www.amnesty.org/en/documents/afr65/1105/2019/en/>

¹¹ Gainful Solutions Inc., Consulting Contract Agreement with the Government of South Sudan, 2 April 2019, <https://efile.fara.gov/docs/6667-Exhibit-AB-20190418-2.pdf>

¹² Amnesty International, African Union’s abandoned commitment to justice in Africa (previously cited), pp. 10-11.

¹³ For more, see Amnesty International, Do you think we will prosecute ourselves? (previously cited).