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**Open letter to all HRC member and observer states**

**17 March 2021**

**RE: RENEWAL OF THE MANDATE OF THE COMMISSION ON HUMAN RIGHTS IN SOUTH SUDAN REMAINS CRITICAL TO PROGRESS ON HUMAN RIGHTS AND ACCOUNTABILITY**

Your Excellencies,

Amnesty International is deeply concerned by questions recently raised in relation to the renewal of the important mandate of the Commission on Human Rights in South Sudan (CHRSS) during the current session of the UN Human Rights Council. We are surprised and disappointed that Cameroon, on behalf of the African Group, tabled an additional draft resolution (A\_HRC\_46\_L.20) under Item 10, which merely mandates the Office of the High Commissioner for Human Rights (OHCHR) to provide technical assistance and capacity building to South Sudan. We hope that all delegations will actively support the renewal of the critical mandate of the CHRSS, through support for the draft resolution tabled under Item 4 as anticipated (A\_HRC\_46\_L.29), particularly in the unfortunate event that a vote is called.

Human Rights Council [resolution 43/27](#), adopted by consensus last year, made clear that “demonstrable progress in key human rights issues of concern” should be critical in determining “any future change to the mandate of the [CHRSS].” The CHRSS’s [latest report](#) to the Council, however, demonstrates no such progress.

The CHRSS’s report to the current session of the Human Rights Council documents a litany of continued violations and abuses against civilians, including “abductions, including of children, murder, rape and other forms of sexual violence, physical and psychological torture and ill-treatment, looting and the destruction of civilian property, crops and other means of livelihood.”<sup>1</sup> It also documents how “arbitrary arrests and detentions, and other restrictions on freedom of expression, opinion and assembly [continue] to characterize daily life in South Sudan, in acts that violated the right to information and expression, and freedom of association and assembly under the African Charter on Human and Peoples’ Rights,” and how “South Sudan, through continued acts of enforced disappearance, failed in its duty to investigate in good faith all allegations of human rights violations, in particular where the authorities alone had relevant information.” Amnesty International also recently released a report documenting how South Sudan’s National Security Service (NSS) is using abusive surveillance to terrorize journalists, activists and critics, leading to a climate of intense fear and self-censorship.<sup>2</sup>

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<sup>1</sup> Report of the Commission on Human Rights in South Sudan, 4 February 2021, UN Doc. A/HRC/46/53, para 77, available at: [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A\\_HRC\\_46\\_53.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_53.pdf).

<sup>2</sup> Amnesty International, “*These walls have ears*”: *The chilling effect of surveillance in South Sudan* (Index: AFR 65/3577/2021), [www.amnesty.org/en/documents/afr65/3577/2021/en/](http://www.amnesty.org/en/documents/afr65/3577/2021/en/).

Not only do grave human rights violations continue unabated in South Sudan, but, as noted by the CHRSS, “more than two years since the signing of the Revitalized Agreement and the establishment of the Revitalized Government, South Sudan has made no concrete progress in establishing any of the transitional justice mechanism provided for in chapter V of the Agreement to address accountability for conflict-related violations in South Sudan.”<sup>3</sup> Despite political statements by the Government of South Sudan in January 2021 expressing an intention to move forward with the transitional justice mechanisms including the Hybrid Court for South Sudan (HCSS), concrete action in this regard is yet to be seen and the Government has repeatedly delayed and obstructed the process of establishing the HCSS. There is still no viable alternative independent mechanism in South Sudan to systematically collect and preserve evidence critical for future accountability efforts. The CHRSS was designed precisely to fill this critical gap and support the Government of South Sudan and regional efforts, until the promised HCSS is established and operational.

In this context, as noted in a joint letter sent to all delegations ahead of the current session,<sup>4</sup> Amnesty International – together with 37 other South Sudanese, regional and international civil society organizations – considers the mandate of the CHRSS remains critical. Furthermore, we fear that any regressive resolution from the Council at this critical juncture would send a dangerous message to authorities in South Sudan, that even in the face of well-documented, continued gross violations of international human rights and humanitarian law, the international community no longer sees accountability as a priority. Accountability in South Sudan is vital to end the entrenched impunity that fuels the cycles of violence. Pressure is still necessary, given the serious questions that remain over the authorities’ commitments to end serious human rights violations and ensure genuine accountability for crimes under international law committed in the context of the conflict. In a context where the government is unable and unwilling to take meaningful steps towards genuine accountability and guarantee non-recurrence of serious crimes, the international community needs to sustain the pressure, not withdraw it.

UN member states should make clear that they expect South Sudan to deliver “demonstrable progress in key human rights issues of concern” – not simply political announcements – before any change in approach is considered, as requested in Council [resolution 43/27](#).

We note South Sudan’s cooperation with the CHRSS to date, a fact that is reflected in draft resolution L.29. The South Sudanese authorities’ continued cooperation with this mechanism will be a litmus test for their commitment to deliver on accountability, and we hope to see all states encourage such cooperation.

It would be a historic mistake and betrayal to millions of victims of grave human rights violations and serious crimes committed in South Sudan to terminate the mandate of the CHRSS at this point. We appeal to all states to support the full renewal of the mandate of the CHRSS, and to vote in favour of draft resolution L.29 should a vote be called. We consider that it would be an

<sup>3</sup> Report of the Commission on Human Rights in South Sudan, UN Doc. A/HRC/46/53, para 73.

<sup>4</sup> Joint NGO letter, Extend the mandate of the UN Commission on Human Rights in South Sudan, 5 February 2021, (Index: AFR 65/3638/2021), available at: <https://www.amnesty.org/download/Documents/AFR6536382021ENGLISH.PDF>.

abdication of responsibility for the Human Rights Council not to continue to speak with one voice at this critical moment, and not to send a clear message that accountability remains a priority.

Please accept, Excellencies, the assurances of our highest consideration.

Yours Sincerely,



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Deprose Muchena

Regional Director  
Amnesty International East and Southern Africa Regional Office