



## AMNESTY INTERNATIONAL PUBLIC STATEMENT

UN Security Council's extension of arms embargo on South Sudan a welcome step but weak benchmarks a let-down

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On 27 May, the UN Security Council renewed the arms embargo on South Sudan and established five benchmarks against which future decisions to renew, end or change the embargo will be taken.

The UN Security Council's decision to renew the arms embargo on South Sudan until 31 May 2022 is welcome news for millions of people who have borne the brunt of many years of conflict-related human rights violations.

### **Arms embargo violations are a risk to security, yet the respect of the embargo is not included as a benchmark**

The Security Council's adoption of limited benchmarks — heavily watered-down versions of only a few of those [proposed by the United Nations Secretary-General in March](#) — sets the stage for a repeat of past human rights violations and abuses and threatens to undermine gains from the hard-won three-year arms embargo.

Throughout the non-international armed conflict in South Sudan, weapons have been used to commit human rights violations and abuses in South Sudan. It is therefore disappointing that the Council did not include respect of the embargo, and therefore an end to arms embargo violations, as a benchmark.

In April 2020, an Amnesty International investigation in South Sudan revealed [evidence](#) of arms embargo violations, including newly imported small arms and ammunition, illicit concealment of weapons and diversion of armoured vehicles for unauthorized military purposes.

### **Accountability, essential for addressing war crimes and insecurity, excluded**

It is a let-down to survivors and victims of years of weapons-facilitated human rights violations and abuses that the Council dropped the requirement for the long-awaited Hybrid Court for South Sudan (HCSS) to be established and did not include an end to crimes under international law. These were among three [minimal human rights benchmarks](#) Amnesty International recommended to the Council 10 days before its vote.

South Sudan's security situation remains volatile. While large-scale, nationwide fighting between the army and main opposition group led by former rebel leader Riek Machar has decreased, state security forces and armed groups continue to violate international humanitarian law, in some cases amounting to war crimes.

For instance, Amnesty International documented incidents of continued fighting between government troops, former opposition forces and a rebel group in the southern Equatoria region in 2020, which resulted in [extrajudicial executions, torture and forcible displacement of civilians and destroyed civilian property](#).

South Sudanese authorities have demonstrated a clear lack of political will to hold suspects of crimes under international law to account. Such impunity facilitates the perpetuation of ongoing and future crimes. Authorities have gone as far as hiring a US-based lobby firm in April 2019 to block and ultimately delay the establishment of the HCSS. After a public outcry the parties amended the contract and removed the clause obstructing the HCSS.

Pressure from multilateral institutions such as the Security Council is needed to establish the HCSS which, as well as contributing to justice for victims and survivors, would also deter future violations and abuses contributing to a more secure South Sudan.

### **No explicit requirement to reform South Sudan's abusive National Security Service**

Amnesty International recommended reform of the National Security Service (NSS) as a third minimal benchmark. The NSS has turned South Sudan into a repressive state, harassing real and perceived government critics and opponents, including human rights activists and journalists.

Grossly overstepping its constitutional mandate and operating unchecked, the spy agency has intimidated, arbitrarily detained and, in some cases, tortured, forcibly disappeared and killed them. The NSS derives its police-like powers from the 2014 NSS Act.

This security actor deemed untouchable has been left out of any effort to reform the security sector, despite provisions in the 2018 peace agreement that it too should be reformed, including through amendment of the problematic 2014 NSS Act. Regrettably, the Security Council did not include thorough NSS reform and the amendment of the Act, as a stand-alone benchmark.

### **Weak benchmarks**

The five benchmarks adopted in [resolution 2577](#) include completion of the first three stages of South Sudan's strategic defence and security review. These include an assessment of the military and non-military security challenges facing South Sudan, the development of a security policy clarifying security agencies' responsibilities in responding to the security challenges, including oversight of the security sector, and revision of the defence policy including setting out the roles of various security actors and their visions for modernization.

The second benchmark is the formation of a unified command structure and "redeployment" of the Necessary Unified Forces (NUF). The NUF combines members of military, police, other state security services and armed groups that are parties to the 2018 peace agreement. Individual members of these forces and services are not vetted for their possible involvement in violations of international humanitarian and human rights law.

Progress on disarmament, demobilization and reintegration (DDR) of individuals deemed ineligible – based on military criteria – to be part of the army, police, national security and other services is the third benchmark. This benchmark relates to the DDR process of the armed forces of the parties to the 2018 peace agreement. [According to the UN Commission on Human Rights in South Sudan](#), perpetrators of grave human rights abuses who are members of community-based armed groups not parties to the 2018 peace agreement are often supported by both government and opposition forces, including through the illicit provision of small arms and light weapons.

The fourth benchmark is progress on properly managing existing arms and ammunition stockpiles.

Lastly, the benchmarks include implementation of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence [launched in March 2019](#). The plan includes training activities, including on prosecution of sexual violence crimes.

Amnesty International welcomes this fifth benchmark given the high levels of conflict-related sexual violence and pervasive impunity enabling it. South Sudanese military courts often claim jurisdiction over any offence committed by army officials, including on crimes against civilians such as acts of sexual violence. However, under South Sudanese law, military courts lack jurisdiction to prosecute soldiers for crimes committed against civilians. Amnesty International urges South Sudanese authorities to stop this practice as part of the implementation of the action plan so that crimes against civilians are prosecuted before the competent civilian courts.

#### **Explicit mention of crimes under international law dropped as a ground for targeted sanctions**

Security Council [resolution 2521 of 29 May 2020](#) renewing the sanctions regime for South Sudan described a set of activities that made individuals and entities who engaged in them liable for targeted sanctions in the form of travel bans and asset freezes. Such activities included – but were not limited to – violations of humanitarian and human rights law including targeting of civilians, including women and children, abduction, enforced disappearances, forced displacement, attacks on schools, hospitals, or religious sites, acts of sexual and gender-based violence, and recruitment and use of child soldiers.

Amnesty International is concerned about the consequences of the omission of this paragraph in this year's resolution. It refers only to "[actions or policies that threaten the peace, security or stability of South Sudan](#)". While violations of international human rights law and humanitarian law do threaten the peace, security and stability of South Sudan, the Council's decision to remove the description of the specific activities risks sending the signal that the Council is less determined to impose targeted sanctions on individuals allegedly implicated in crimes

under international law and indicates a clear setback in the UNSC's commitment to prevent such violations and to hold suspects to account.