



Human Rights
Institute

To Permanent Representatives of Member and Observer States of the United Nations (UN) Human Rights Council

13 February 2025

South Sudan: Adopt a strong resolution extending UN investigations for two years

Excellencies,

Ahead of the UN Human Rights Council's (hereafter 'HRC' or 'Council') 58th regular session (24 February - 4 April 2025), we, the undersigned non-governmental organisations, write to urge your delegation to support the development and adoption of a strong resolution on the human rights situation in South Sudan.

The resolution should, among other elements, extend the mandate of the existing investigative mechanism, the UN Commission on Human Rights in South Sudan (CHRSS), in full, for two years, and request the CHRSS to regularly report to the Council, including on the presence of risk factors for atrocity crimes.

At its 55th session, in April 2024, the Council adopted resolution 55/1,¹ which extended the mandate of the CHRSS with an increased margin of votes (21 in favour, 8 against) compared to April 2023 (when resolution 52/1 was adopted by a 19-9 vote). This outcome was in line with the expectations civil society outlined in a joint letter.² In it, civil society emphasised that the CHRSS is 'the only mechanism tasked with collecting and preserving evidence of violations of [international law]' with a view to ensuring ac-

¹ HRC resolution 55/1, "Advancing human rights in South Sudan," available at: <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session55/res-dec-stat>

² DefendDefenders et al., "South Sudan: As elections loom, extend vital Human Rights Commission mandate," 20 February 2024, <https://defenddefenders.org/south-sudan-elections-loom-extend-vital-commission/> (accessed on 8 January 2025). See also DefendDefenders et al., "South Sudan: Extend the UN Commission's mandate for two years," 13 February 2023, <https://defenddefenders.org/south-sudan-extend-chrсс-for-two-years/>; DefendDefenders et al., "Extend the mandate of the UN Commission on Human Rights in South Sudan," 10 February 2022, <https://defenddefenders.org/extend-the-mandate-of-the-un-commission-on-human-rights-in-south-sudan/>; DefendDefenders et al., "Human Rights Council: Extend the mandate of the Commission on Human Rights in South Sudan," 5 February 2021, <https://defenddefenders.org/human-rights-council-extend-the-mandate-of-the-commission-on-human-rights-in-south-sudan/> (all accessed on 8 January 2025).

countability and addressing human rights issues in South Sudan from a holistic perspective.’ The signatories emphasised that ‘the conditions that prompted the HRC to establish the [CHRSS], in 2016, [had] not [...] changed’ and that grave violations, violence and impunity remained pervasive in the country.

The letter was released as uncertainty surrounded preparations for South Sudan’s first-ever national elections, which were due to take place in December 2024. Critical questions were unanswered, including on the type of election, political parties and voter registration issues, delineation of constituencies, and management of electoral disputes. Foundational tasks necessary for citizens to head to the polls were incomplete. The absence of a critical mass of pre-requisites, as well as severe restrictions on the civic and democratic space, led civil society to highlight risk factors of violence and violations associated with South Sudan’s inability to hold free, fair, secure, and credible elections.

One year on, and almost 14 years after South Sudan’s independence, in 2011, elections have not taken place. In September 2024, the Revitalized Transitional Government of National Unity (RTGoNU) announced that South Sudan’s Transitional Constitution would be amended to extend the transitional governance arrangements (and therefore the transitional period) outlined in the 2018 Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) by two years. As a result, national elections were postponed. They are now set to take place in December 2026, and the transitional period is now due to end in February 2027.³ In a statement, the Minister of Cabinet Affairs said the extension was ‘in response to recommendations by both electoral institutions and the security sector.’⁴ Analysts, however, pointed to the RTGoNU’s inability and unwillingness to create the necessary

³ On 18 September 2024, the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), a body constituted under Chapter VII of the R-ARCSS, responsible for monitoring and overseeing the implementation of the peace agreement and the mandate and tasks of the RTGoNU, issued a statement after an extraordinary meeting (RJMEC, “RJMEC: Latest extension of the Transitional Period must count,” available at: <https://jmecsouthsudan.org/index.php/media-center/news/item/761-rjmec-extension-of-the-transitional-period-must-be-funded> (accessed on 8 January 2025)). Its chairperson expressed concerns “over the slow pace and limited progress in completing the critical requirements for elections, and the lack of sufficient funding for the implementation of the Agreement.” 34 out of 43 members voted in favour of the extension, a figure that marks a decrease from RJMEC’s vote on the 2022 extension (37 votes in favour – see <https://jmecsouthsudan.org/index.php/media-center/news/item/642-rjmec-members-vote-to-extend-votes-to-extend-transitional-period-and-rtgonu-term>) (accessed on 10 January 2025).

In a later statement, RJMEC emphasised the urgency of the situation, stressing that “it cannot be business as usual” (“RJMEC: It cannot be business as usual, need for a urgency to implement key R-ARCSS,” 20 November 2024, <https://jmecsouthsudan.org/index.php/media-center/news/item/770-rjmec-it-cannot-be-business-as-usual> (accessed on 10 January 2025)).

In a statement, the Intergovernmental Authority on Development’s (IGAD) Executive Secretary also expressed a sense of urgency, calling on the Parties to R-ARCSS and the R-TGoNU to “spare no effort and allocate adequate funding to complete the outstanding tasks within the extended period” (“IGAD Executive Secretary’s Statement on the Extension of South Sudan’s Transitional Period and Call for Renewed Efforts in Implementing the Revitalised Peace Agreement,” 23 September 2024, <https://igad.int/igad-executive-secretarys-statement-on-the-extension-of-south-sudans-transitional-period-and-call-for-renewed-efforts-in-implementing-the-revitalised-peace-agreement/> (accessed on 10 January 2025)).

⁴ See Le Monde, “South Sudan postpones December elections by 2 years citing incomplete preparations,” 14 September 2024, https://www.lemonde.fr/en/international/article/2024/09/14/south-sudan-postpones-december-elections-by-2-years-citing-incomplete-preparations_6725992_4.html; RFI, “South Sudan postpones elections, extends transitional period,” 14 September 2024, <https://www.rfi.fr/en/africa/20240914-south-sudan-postpones-elections-extends-transitional-period>; Al Jazeera, “South Sudan postpones December election by two years,” 14 September 2024,

conditions for elections.⁵ The UN called the postponement ‘inevitable but regrettable’ and urged South Sudan’s leaders to urgently take decisive steps to achieve benchmarks set out in the R-ARCSS.⁶

This is the second consecutive extension of the transitional period. In August 2022, the transitional period and associated governance arrangements were already extended by two years and elections postponed from December 2022 to December 2024. The new postponement reflects South Sudanese leaders’ failure to implement the R-ARCSS and to deliver on their commitment to usher in a new era for the country. A statement by South Sudanese civil society captured citizens’ frustrations: ‘Our people are being asked to make an impossible choice: to either rush ahead with a series of transitional processes that have not been adequately prepared [...] and have the potential to exacerbate conflict, or to accept yet another extension of a transitional arrangement that keeps leaders in power who have failed to deliver sustainable peace to the country.’⁷

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South Sudan is facing multiple crises. At the political and institutional level, despite a new extension of the transitional period, uncertainty remains high over the constitution-making and electoral process. A population census is long overdue; however, according to the National Bureau of Statistics, the process will likely take 16 months once it has started.⁸ Constituencies have not been delineated and voters are not registered. No mechanism is in place to resolve disputes over election results. Institutions that are due to manage or be involved in the electoral process, such as the National Elections Commission and the Political Parties Council, remain non-operational or ill-funded. Regarding the making of a permanent constitution, the Chairperson of the National Constitution Review Commission (NCRC) said it may take 18 months to complete the process, on the condition that resources are made available on time.⁹

<https://www.aljazeera.com/news/2024/9/14/south-sudan-postpones-december-election-by-two-years> (accessed on 10 January 2025).

⁵ Luka Biang Deng, “What Could End the Long Postponement of South Sudan’s First Elections?” 15 October 2024, <https://theglobalobservatory.org/2024/10/what-could-end-the-long-postponement-of-south-sudans-first-elections/> (accessed on 9 January 2025).

⁶ UN News, “South Sudan: Postponing long-awaited elections ‘a regrettable development’,” 7 November 2024, <https://news.un.org/en/story/2024/11/1156661> (accessed on 10 January 2025).

⁷ “Civil Society Resolution on the Transitional Process in South Sudan,” Dar es Salaam, Tanzania, 23 November 2023, available at: <https://crownthewoman.org/wp-content/uploads/2023/12/Conference-Resolution-Document.pdf> (accessed on 8 January 2025).

⁸ Eye Radio, “Dr. Ting suggests pushing elections to early 2025,” 28 February 2024, <https://www.eyeradio.org/dr-ting-suggests-pushing-elections-to-early-2025/> (accessed on 9 January 2025).

⁹ Eye Radio, “Fully funded constitutional-making process will take 18 months: NCRC,” 27 September 2024, <https://www.eyeradio.org/fully-funded-constitutional-making-process-will-take-18-months-ncrc/> (accessed on 10 January 2025).

At the security level, arrangements have not been finalised with regard to elections.¹⁰ Armed forces are not adequately trained, equipped, or unified as a result of delays in the implementation of transitional security arrangements under Chapter II of the R-ARCSS. This means that former warring factions are not fully demobilised or disarmed. Reports persist of grave acts of sexual and gender-based violence (SGBV) around cantonment sites and in conflict-affected areas, committed by members of various armed and security forces, including the army, the South Sudan People's Defence Forces (SSPDF) (formerly the Sudan People's Liberation Army (SPLA)).¹¹ Localised conflicts and intercommunal violence, including between armed ethnic-based militia groups, remain pervasive in parts of Central, Eastern and Western Equatoria States, Greater Jonglei, Unity, Warrap, Upper Nile, Lakes State, Western Bahr el Ghazal, as well as in the administrative regions of Abyei and Pibor.¹² Furthermore, fighting is ongoing between government forces, holdout groups that did not sign the R-ARCSS,¹³ and defecting factions, which has been accompanied by abuses against civilians, including killings, sexual violence and abductions.¹⁴

On 21 November 2024, security forces attempted to arrest the former head of the National Security Service (NSS) at his home in Juba. Heavy gunfire erupted and continued for over an hour. In a safety alert, the UN urged all staff to shelter in place.¹⁵ This showed the precarious security situation prevailing across the country.

The humanitarian situation remains of grave concern. It is characterised by high levels of hunger and food insecurity. Nutrition projections estimate that over two million children under five are at risk of acute malnutrition (including 650,000 at risk of severe acute malnutrition in 2025), significant increases from 2024 projections.¹⁶ Over four million South Sudanese (almost one third of the population) have been displaced, including 1.9 million living as internally displaced persons within South Sudan. 2.3 million South

¹⁰ The UN Mission in South Sudan (UNMISS) is providing support to build the capacity of the national police and develop a security plan. See UN News, "South Sudan / Elections Enhancing Security," 12 August 2024, <https://media.un.org/unifeed/en/asset/d324/d3244247> (accessed on 22 January 2025).

¹¹ See "Report of the Commission on Human Rights in South Sudan," UN Doc. A/HRC/55/26, 13 March 2024, in particular paras 38-42, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5526-report-commission-human-rights-south-sudan>. See also UNMISS, "Brief on Violence Affecting Civilians (July - September 2024)," available at: <https://reliefweb.int/report/south-sudan/unmiss-brief-violence-affecting-civilians-july-september-2024> (accessed on 28 January 2025).

¹² For more detail, see reports of the CHRSS, available at: <https://www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index>. See also UNMISS, "Brief on Violence Affecting Civilians (July - September 2024)," op. cit.

¹³ Mediation between the RTGoNU and holdout groups has been taking place under the auspices of the "Tumaini" Initiative, supported by the Government of Kenya, since May 2024. It is unclear whether progress in the talks can be reported since the extension of the transitional period, in September 2024.

¹⁴ UNMISS, "Brief on Violence Affecting Civilians (July - September 2024)," op. cit.

¹⁵ Reuters, "Heavy gunfire erupts in South Sudan capital of Juba," 22 November 2024, <https://www.reuters.com/world/africa/heavy-gunfire-erupts-south-sudans-capital-juba-reuters-reporter-2024-11-21/> (accessed on 9 January 2025).

¹⁶ UN OCHA, "South Sudan: humanitarians appeal for \$1.7 billion to assist 5.4 million people in need," 16 December 2024, <https://www.unocha.org/publications/report/south-sudan/south-sudan-humanitarians-appeal-17-billion-assist-54-million-people-need> (accessed on 10 January 2025).

Sudanese remain abroad as refugees or asylum-seekers.¹⁷ In 2025, an estimated 9.3 million (out of South Sudan's estimated population of 13.4 million) are projected to require humanitarian assistance.¹⁸ In addition, recent floods have affected over one million people and displaced 271,000 in northern South Sudan, amid rising hunger and a cholera outbreak.¹⁹ South Sudan is among the five most climate-vulnerable countries in the world²⁰ and is affected by drought, floods and other natural disasters that compound access to livelihoods and exacerbate competition over scarce resources.

The cross-border impact of the war in its northern neighbour, Sudan, has exacerbated tensions and drivers of conflict in South Sudan, which has received over 905,000 refugees and returnees since April 2023, with an additional 337,000 people projected to arrive in 2025.²¹

While petroleum accounts for 90% of national income, damage to one of the two pipelines shipping oil from South Sudan, as a result of fighting in Sudan, has deprived the country of vital revenues.²² These challenges compound existing economic hardships, including inflation and rising costs of living, as the government has announced austerity measures and most civil servants have not been paid their salaries for part of 2023 and the whole of 2024.²³

South Sudan's "maelstrom of interlinked crises"²⁴ also includes a civic space crisis. In addition to all the issues highlighted in last year's civil society letter,²⁵ in 2024, the National Security Service (NSS), an agency

¹⁷ UNCHR, Operational Data Portal, <https://data.unhcr.org/en/situations/southsudan> (last updated 31 December 2024); UNCHR, "South Sudan," <https://reporting.unhcr.org/operational/operations/south-sudan> (accessed on 10 January 2025).

¹⁸ UN OCHA, "South Sudan: humanitarians appeal for \$1.7 billion to assist 5.4 million people in need," op. cit.

¹⁹ UN OCHA, "South Sudan: Floods Snapshot (As of 18 October 2024)," <https://www.unocha.org/publications/report/south-sudan/south-sudan-floods-snapshot-18-october-2024> (accessed on 10 January 2025).

²⁰ UNEP, "South Sudan Adapts to Climate Change By Restoring Its Ecosystems," 19 April 2023, <https://www.unep.org/gan/news/press-release/south-sudan-adapts-climate-change-restoring-its-ecosystems> (accessed on 10 January 2025).

²¹ UN OCHA, "South Sudan: humanitarians appeal for \$1.7 billion to assist 5.4 million people in need," op. cit.

²² See Reuters, "Sudan war causes stoppages on South Sudan oil pipeline, officials say," 25 March 2024, <https://www.reuters.com/business/energy/sudan-war-causes-stoppages-south-sudan-oil-pipeline-officials-say-2024-03-25/>; International Crisis Group, "South Sudan on Edge as Its Neighbour's War Disrupts Oil Exports," 15 May 2024, <https://www.crisisgroup.org/africa/horn-africa/south-sudan/south-sudan-edge-its-neighbours-war-disrupts-oil-exports> (accessed on 2 February 2025). See also "Report of the Commission on Human Rights in South Sudan," UN Doc. A/HRC/55/26, op. cit, para. 22; UN Panel of Experts on South Sudan, Interim Report, November 2024, UN Doc. S/2024/855, paras. 69-72, available at: <https://documents.un.org/doc/undoc/gen/n24/328/70/pdf/n2432870.pdf>.

²³ UN panel of Experts on South Sudan, Interim Report, op. cit., paras. 69-72.

²⁴ OHCHR, "South Sudan: extension of transitional government will compound dire human rights crisis if leaders do not change course - UN experts," 25 September 2024, <https://www.ohchr.org/en/press-releases/2024/09/south-sudan-extension-transitional-government-will-compound-dire-human> (accessed on 10 January 2025).

²⁵ "South Sudanese civil society, including human rights defenders (HRDs) and journalists and media workers, has been facing intensifying repression. This includes undue restrictions on their rights to freedoms of opinion and expression, peaceful assembly, and association. Independent actors face harassment, intimidation, surveillance, arbitrary bureaucratic controls, censorship, threats, physical assault, arbitrary arrests and detentions, including incommunicado detention and extraordinary renditions from other African countries, torture, enforced disappearances, and extrajudicial killings. Women HRDs and journalists face additional gender-specific threats, including sexual violence, in the context of reprisals."

See also "Entrenched repression: systematic curtailment of the democratic and civic space in South Sudan," UN Doc. A/HRC/54/CRP.6, 5 October 2023, available at: <https://www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index>, in particular paras. 62-177.

directly under the authority and supervision of the President and that serves as a tool of repression of independent and opposition voices,²⁶ saw its unchecked arbitrary powers confirmed. Reneging on earlier promises to abolish the agency's authority to arrest and detain anyone with or without a warrant, made together with First Vice-President Dr. Riek Machar in 2023, South Sudanese President Salva Kiir Mayardit gave his tacit assent²⁷ to legislative amendments that confirmed key sections of the NSS Act 2014. Adopted by South Sudan's Transitional National Legislative Assembly on 3 July 2024, the NSS Act 2014 (Amendment) Bill 2019 retained the agency's powers to arrest people with or without a warrant on the basis of broad, vaguely-defined national security offences.

President Kiir did not heed the multiple calls to veto the bill and return it to legislators in order to align it with South Sudan's human rights obligations.²⁸ By tacitly assenting to the bill, he confirmed concerns over the culture of impunity that characterises the NSS, whose agents enjoy immunity from prosecution for actions taken in the line of duty and whose arrests are not subjected to judicial oversight. Surveillance, search and intimidation activities by the NSS have specifically targeted not only political opponents but also human rights defenders (HRDs), activists, journalists, and civil society organisations.²⁹ The adoption of the NSS Act 2014 (Amendment) Bill 2019 has the potential to further embolden the NSS to target civil society actors working in the fields of human rights, accountability, transitional justice, R-ARCSS implementation monitoring, and good governance.³⁰ It also has the potential to further undermine prospects for free, fair, secure, and credible elections in 2026: in the words of the CHRSS, the President's assent to

²⁶ The NSS, through its Internal Security Bureau (ISB), is responsible for actions that amount to human rights violations and crimes under international law. These include arbitrary arrests and detentions, including incommunicado detentions at the "Blue House" (a building in the NSS headquarters in Juba) and other unofficial places of detention, enforced disappearances, torture and other forms of ill-treatment, and extrajudicial executions. It has also harassed, intimidated, detained, and threatened critics and independent voices, and subjected them to unlawful surveillance in violation of the rights to privacy, free opinion and expression, peaceful assembly and association, and free movement. See Amnesty International's website, South Sudan section for details on cases and patterns of repression by the NSS. Prominent cases include those of Michael Wetnhialic, Morris Mabior Awikjok Bak, Lawrence Bagda Jube Arbamo, Anthony Nyero, James Lual, Dong Samuel Luak, Aggrey Idri, Biar Ajak Marol, Joval Tombe, Joseph Oliver, Mustafa Osman, Victor Lado, Cherbek Ruben, Jacob Benjamin, and Michael Rial Christopher.

²⁷ President Kiir Mayardit did not formally assent to the amendments. The legislation became law through "pocket assent" as the President neither signed nor vetoed the bill within the constitutionally mandated 30-day period. As a result, the amendments became law by default.

²⁸ Human Rights Watch, "South Sudan: Damaging Security Law Revisions Adopted," 4 July 2024, <https://www.hrw.org/news/2024/07/04/south-sudan-damaging-security-law-revisions-adopted>; OHCHR, "South Sudan: President should return proposed security law amendments to legislators for revision, UN Commission says," 10 July 2024, <https://www.ohchr.org/en/press-releases/2024/07/south-sudan-president-should-return-proposed-security-law-amendments>; Amnesty International, "South Sudan: President should send draconian National Security Service Bill back to parliament for review," 11 July 2024, <https://www.amnesty.org/en/documents/afr65/8317/2024/en/> (all accessed on 10 January 2025).

²⁹ See "Entrenched repression: systematic curtailment of the democratic and civic space in South Sudan," op. cit.

³⁰ For updates on the state of civic space in South Sudan and details on individual cases, see CIVICUS's Civic Space Monitor, "South Sudan – Latest Updates" <https://monitor.civicus.org/country/south-sudan/>

the bill “reflects a troubling disregard for the basic rights of the people of South Sudan and bodes ill for the prospects of a peaceful transition and credible elections.”³¹

While the change in leadership of the Internal Security Bureau of the NSS, in early October 2024, and release of at least 16 detainees in November³² initially raised hopes that the NSS could reform, the arrest and continued detention of activists and journalists, including Emmanuel Monychol Akop in November 2024, continue to threaten civic space and indicate that credible reforms are yet to happen.³³

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These multiple crises translate into multiple risk factors of atrocity crimes, violence and violations and abuses of human rights. As of early 2025, **South Sudan stands at a critical moment**. Gross abuses and violations of human rights and international humanitarian law remain pervasive and are committed in a context of widespread impunity.

They include all patterns outlined in previous civil society letters.³⁴ Our organisations continue to note the lack of structural improvements with utmost concern. Ongoing violations and abuses include extra-judicial executions and other unlawful killings, serious violations of international humanitarian law that may amount to crimes under international law, including war crimes and crimes against humanity, politically instigated and supported violence between community-based militias and vigilante groups, egregious violations of women’s and girls’ rights, including SGBV and rape, gang rape, sexual slavery, kidnappings and forced marriages in the context of conflict-related sexual violence (CRSV), arbitrary arrests, enforced disappearances, and torture.³⁵

They also include a flagrant disregard for the condition of South Sudanese citizens in a context of non-existent service provision. Many violations of economic, social and cultural rights are the direct result of corruption, embezzlement, diversion of the country’s national income, and privatisation and looting of the country’s natural resource wealth³⁶—hallmarks of the continued plunder of state resources in a predatory political economy.

³¹ OHCHR, “South Sudan: extension of transitional government will compound dire human rights crisis if leaders do not change course - UN experts,” op. cit.

³² Sudans Post, “‘Law-abiding’ NSS releases 16 detainees,” 19 November 2024, <https://www.sudanspost.com/law-abiding-nss-releases-16-detainees/> (accessed on 22 January 2025).

³³ Committee to Protect Journalists, “South Sudan editor Emmanuel Monychol Akop detained without charge by intelligence agents,” 19 December 2024, <https://cpj.org/2024/12/south-sudan-editor-emmanuel-monychol-akop-detained-without-charge-by-intelligence-agents/> (accessed on 22 January 2025).

³⁴ See DefendDefenders et al., “South Sudan: As elections loom, extend vital Human Rights Commission mandate,” op. cit.

³⁵ For more detail, see reports of the CHRSS, available at: <https://www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index> See also UNMISS, “Brief on Violence Affecting Civilians (July - September 2024),” op.cit.

³⁶ See for instance CHRSS, “Human rights violations and related economic crimes in the Republic of South Sudan: Conference room paper of the Commission on Human Rights in South Sudan,” UN Doc. A/HRC/48/CRP.3, 23 September 2021, available at: <https://www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index> (accessed on 10 January 2025).

Impunity remains widespread. It is near-complete at the command responsibility level and for higher echelons of the state's administrative and military hierarchy. South Sudan's judiciary is inefficient, underfunded, poorly trained and subject to both corruption and interference by the executive.³⁷ Police, prosecutors and magistrates often show blatant disregard for the rule of law and due process. A dysfunctional justice system deprives victims and survivors of violations of their right of access to justice and reparations.

There have been no known accountability measures resulting from committees established to investigate attacks on civilians in Western Equatoria, Unity and Warrap in 2021, 2022 and 2023, or for abductions and CRSV in Pibor and Jonglei.

Enactment of the bills establishing two of the three transitional justice mechanisms envisioned in Chapter V of the revitalised peace agreement, namely the Commission for Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA), passed by the Transitional National Legislative Assembly on 3 September 2024³⁸ and assented by the President, would be a welcome step to deal with the past and address victims' and survivors' rights and needs. We emphasise, however, that the R-ARCSS should be implemented in a holistic manner that includes the operationalisation of *all* transitional justice mechanisms, including the Hybrid Court for South Sudan (HCSS), whose establishment continues to be paralysed due to lack of political will.³⁹ The RTGoNU and the African Union (AU) Commission should take urgent steps to establish, fund, and operationalise the HCSS as a matter of priority. The AU has the

³⁷ Human Rights Watch, "Ending the Era of Injustice: Advancing Prosecutions for Serious Crimes Committed in South Sudan's New War," 10 December 2014, <https://www.hrw.org/report/2014/12/10/ending-era-injustice/advancing-prosecutions-serious-crimes-committed-south-sudans>; Amnesty International, "Do you think we will prosecute ourselves? No prospects for accountability in South Sudan," 2019, <https://www.amnesty.nl/content/uploads/2019/10/DO-YOU-THINK-WE-WILL-PROSECUTE-OURSELVES-FINAL.pdf>; CHRSS, "State of Impunity: the persistence of violence and human rights violations in South Sudan," UN Doc. A/HRC/52/CRP.3, 3 April 2023; James Bidal, "Opinion: Pathways to improving South Sudan's human rights record," Radio Tamazuj, 5 December 2024, <https://www.radiotamazuj.org/en/news/article/opinion-pathways-to-improving-south-sudans-human-rights-record> (accessed on 13 January 2025).

³⁸ Human Rights Watch, "South Sudan: Parliament Approves Transitional Justice Laws," 9 September 2024, <https://www.hrw.org/news/2024/09/09/south-sudan-parliament-approves-transitional-justice-laws> (accessed on 10 January 2025).

As the CHRSS emphasised, "while these bills represent an important step towards dealing with the past and responding to victims, the content of the bills has not yet been made public, and there are no known measures for open and broad-based public and victims' awareness and participation in consultations, which is an existing requirement both domestically and internationally. The concerns shared by victims' groups and civil society on the lack of transparency and meaningful consultations must be addressed in implementation, starting with the critical process of selecting independent and impartial members of the independent bodies, to ensure the credibility and legitimacy of the truth-seeking and reparation processes" ("South Sudan: extension of transitional government will compound dire human rights crisis if leaders do not change course - UN experts," *op. cit.*).

³⁹ Amnesty International, "South Sudan: African Union's abandoned commitment to justice in Africa; The case of the Hybrid Court for South Sudan," 23 November 2022, <https://www.amnesty.org/en/documents/afr65/6196/2022/en/>. See also Amnesty International, "South Sudanese's justice is delayed, denied for a decade," 15 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/south-sudanese-justice-is-delayed-denied-for-a-decade/>; Human Rights Watch, "South Sudan Awaits Justice for Mayom Extrajudicial Killings," 9 August 2023, <https://www.hrw.org/news/2023/08/09/south-sudan-awaits-justice-mayom-extrajudicial-killings> (all accessed on 10 January 2025).

authority to establish the Court even without the South Sudanese government's involvement and should move to finalise, adopt and publicise the Court's legal instruments.⁴⁰

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Over ten years after the onset of South Sudan's conflict, which claimed more than 400,000 lives and displaced millions, justice remains elusive for victims and survivors. The continuation of CHRSS-led investigations, together with the guidance the Commission provides on transitional justice, is the best means to safeguard future accountability in the absence of contemporary criminal prosecutions and at least until the HCSS is fully operational and functional.

Until then, in line with its prevention mandate and its mandate to address situations of violations of human rights, including gross and systematic violations, the HRC must ensure the renewal of the CHRSS's mandate to secure the collection and preservation of evidence of serious crimes committed since 2013, with a view to transferring such documentation to independent and competent judicial authorities in the future. In this regard, we stress that all elements of the CHRSS's mandate should be preserved.

International scrutiny of South Sudan's human rights situation remains vital. The Human Rights Council should continue closely monitoring the situation at least throughout the extended transitional period. The CHRSS should be allowed to pursue its investigations and work in support of accountability and justice until the reasons that led the Council to establish the CHRSS have been addressed in a meaningful manner.

The Council should therefore extend the mandate of the CHRSS in full. In light of risk factors of further violations and atrocity crimes and of ongoing widespread impunity, as well as of the need for the international community to make clear that it stands by the South Sudanese people after the postponement of the country's first elections, initially planned for December 2024, the Council should extend the CHRSS's mandate for two years.

Furthermore, the Council should:

- **Request the CHRSS to present comprehensive written reports on the situation of human rights in South Sudan to it at its 61st and 64th sessions, to be followed by enhanced interactive dialogues;**
- **Request the CHRSS to present oral updates to the Council at its 60th and 63rd sessions;**
- **Request the CHRSS to continue its practice of determining the presence of risk factors for atrocity crimes, as outlined in the UN Framework of Analysis for Atrocity Crimes. This approach,**

⁴⁰ Human Rights Watch, "South Sudan: Parliament Approves Transitional Justice Laws," op. cit.

consistently reflected in previous reports and statements,⁴¹ remains critical to accurately assessing the risks and guiding international responses;

- **Request the CHRSS to share its reports and recommendations with relevant bodies and mechanisms of the African Union and all relevant organs of the United Nations, and to submit comprehensive reports to the General Assembly at its 80th and 81st sessions, to be followed by interactive dialogues; and**
- **Stand ready to follow up on its action on South Sudan to date, in the framework of its prevention mandate, both to prevent further violations and abuses and to ensure accountability for past and ongoing violations of international law.**

A two-year extension for the CHRSS's mandate does not mean that the HRC should remain silent about South Sudan for two years. Notwithstanding the proposed CHRSS mandate extension, with associated reporting requirements, until the Council's 64th session (February-March 2027), the Council should adopt a resolution on South Sudan at its 61st session (February-March 2026), taking stock of developments and following up on its action on the country to date. This is part of the political messaging and collective action needed to bring violations and impunity to an end and to advance human rights and accountability in South Sudan.

We thank you for your attention to these pressing issues and stand ready to provide your delegation with further information as required.

Sincerely,

1. Abyei Information and Radio Service (AIRS)
2. Access to Justice Refugee Network – South Sudan
3. Action 54 South Sudan
4. Action for Community Education and Development (ACEDO South Sudan)
5. Action for Community Transformation Initiative (ACTI) – South Sudan
6. Action for Rural Transformation – South Sudan
7. AfricanDefenders (Pan-African Human Rights Defenders Network)
8. African Women and Children Organization – South Sudan
9. Agents for Independent Media (South Sudan)
10. Ana Taban Arts Initiative (South Sudan)
11. Anika Women Association (AWA) – South Sudan
12. Assistance Mission for Africa (AMA)

⁴¹ Such as such as A/HRC/52/CRP.3 (2023) and A/HRC/46/CRP.2 (2021).

13. Association of Media Women in South Sudan (AMWISS)
14. Aweil Civic Engagement Center (ACEC)
15. Ayod County Civil Society Network (ACCN)
16. Bentiu Youth Peace Initiative
17. Burkinabè Human Rights Defenders Coalition (CBDDH)
18. Burundian Human Rights Defenders Coalition (CBDDH)
19. Cairo Institute for Human Rights Studies (CIHRS)
20. Center for Conflict and Dispute Resolution (South Sudan)
21. Center for Inclusive Governance Peace and Justice (CIGPJ) – South Sudan
22. Center for Innovation and Research Initiative (CIRI)
23. Center for Peace and Justice (CPJ) – South Sudan
24. Central African Network of Human Rights Defenders (REDHAC)
25. Central Equatoria State Women Union
26. Centre for Democracy and Development (CEDED) – South Sudan
27. Centre for Innovation and Creativity – ICT Solutions (South Sudan)
28. Centre for Legal Aid and Governance (CLAG) – South Sudan
29. Centre for Legal Aid and Justice (CLAJ) – South Sudan
30. Centre for Peace and Advocacy (CPA) – South Sudan
31. Change Agents Organization South Sudan
32. Child Pearl Organization – South Sudan
33. CIVICUS
34. Coalition of Human Rights Defenders-Benin (CDDH-Bénin)
35. Committee to Protect Journalists (CPJ)
36. Community Action for Rehabilitation and Development (CARD) – South Sudan
37. Community of Creative Associates
38. Community Empowerment for Peer Education (COPE) – South Sudan
39. Community Empowerment for Progress Organization (CEPO)
40. Community and Environment Support Agency (CESA)
41. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
42. Egyptian Initiative for Personal Rights (EIPR)
43. Empower the Girl Child Initiative
44. Episcopal Mediation and Advisory Team (EMAT)
45. Forestry Conservers Association – South Sudan
46. Forum for Democracy and Development – South Sudan
47. Geneva for Human Rights – Global Training & Policy Studies

48. Global Centre for the Responsibility to Protect (GCR2P)
49. Humanitarian Development Organization (HDO)
50. Human Rights Defenders Network – Sierra Leone
51. Human Rights Watch
52. Inta-Mohim Organization (IMO)
53. International Bar Association’s Human Rights Institute (IBAHRI)
54. International Federation for Human Rights (FIDH)
55. INTREPID South Sudan
56. Itkwa Women Empowerment Organization (IWEO) – South Sudan
57. Ivorian Human Rights Defenders Coalition (CIDDH)
58. Junub Center for Rights Organization
59. Justice Access Point – Uganda
60. Lawyers’ Rights Watch Canada
61. Mobile Humanitarian Agency – South Sudan
62. Natural Justice and Human Rights for Women (NJHRW) – South Sudan
63. National Women Empowerment and Rehabilitation Organization (NWERO) – South Sudan
64. Network of NGOs for the Promotion and Defence of Human Rights (RONGDH) – Central African Republic
65. The New Vision for Sustainable Development (NVSD) – South Sudan
66. Nigerien Human Rights Defenders Network (RNDDH)
67. Nile Centre for Human Rights and Transitional Justice (NCHRTJ)
68. The Nile Creative Initiative (South Sudan)
69. Nile Initiative for Development (NID)
70. Nile Sisters Development Initiative Organization (NSDIO) – South Sudan
71. Opportunity Hub – South Sudan (OHSS)
72. Pan African Peacemakers Alliance (PAPA)
73. Passion for the Needy (South Sudan)
74. Peoples Demand Organization (PEDO) – South Sudan
75. Protection International Africa
76. Rebuilding Trust Organization (South Sudan)
77. Regional Centre for Training and Development of Civil Society (RCDCS) – Sudan
78. Rights Realization Centre / مركز تفعيل الحقوق
79. Rural and Urban Development Agency (RUDA) – South Sudan
80. Safe Orphans Charity Organization – South Sudan
81. Society for Rural Transformation (South Sudan)

82. South Sudan Action Network on Small Arms (SSANSA)
83. South Sudan Community Based Organization
84. South Sudan Human Rights Defenders Network (SSHRDN)
85. SOWETO Community Based Organization
86. Support Peace Initiative Development Organization (SPIDO) – South Sudan
87. Voice for Change (VoC) – South Sudan
88. Voice of Women Organization (VOW)
89. War Widows and Orphans Association (WWOA) – South Sudan
90. Women Action Society for Development, Peace and Justice (WASDPJ)
91. Women Ambassadors for Peacebuilding – South Sudan
92. Women Ambassadors for Peace and Development – South Sudan
93. Women with Impairment Organisation (WWIO) – South Sudan
94. Women for Justice and Equality (WOJE)
95. Women Monthly Forum – South Sudan
96. Women Peace Forum (WPF) – South Sudan
97. Women Training and Promotion (WOTAP) – South Sudan
98. Women and Youth Empowerment Initiative (WAYEI)
99. Yei Women Development Agency (YWDA)
100. Yei Welfare Development Association (YEWEDA)
101. Yei Youth Initiative for Human Rights and Development (YYIHRD)
102. Youth for Democracy (South Sudan)
103. Youth Vision South Sudan (YVSS)