



SOUTH SUDAN

AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 40TH SESSION OF THE UPR WORKING GROUP, JANUARY- FEBRUARY 2022

FOLLOW UP TO THE PREVIOUS REVIEW

1. At its previous review, South Sudan supported 203 recommendations and noted 30.¹
2. Accepted recommendations that have been implemented include ratification² of the African Charter on Human and Peoples' Rights (ACHPR)³, ratification of the two optional protocols to the Convention on the Rights of the Child (CRC)⁴ and cooperation with the UN Commission on Human Rights in South Sudan (CHRSS).⁵ South Sudan also ratified the Convention Governing Specific Aspects of Refugee Problems in Africa. Some steps have been taken towards ending and preventing all grave violations against children in armed conflict⁶ by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). The army and police signed an action plan on preventing and eliminating sexual violence.⁷ Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court.
3. Accepted recommendations that have not been implemented include those related to reform of the organized forces and law enforcement institutions and the criminal justice system as well as the establishment of the transitional justice mechanisms enshrined in Chapter V of the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and the 2018 Revitalized ARCSS (R-ARCSS) and sufficient accountability measures for crimes committed during the conflict that broke out in December 2013.⁸
4. None of the three transitional justice mechanisms in Chapter V have been established.⁹ After years of dragging its feet, in January 2021, the Council of Ministers approved a plan¹⁰ for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH,¹¹ and the launch of the consultative process.¹²
5. The government lacks political will to hold perpetrators of serious crimes accountable.¹³ Individuals sanctioned by the UN Security Council, or otherwise implicated, for their involvement in serious crimes, have been promoted and given senior army and government positions, most recently in April 2021.¹⁴

Civilian and military courts lack independence¹⁵ and military courts lack jurisdiction to prosecute soldiers for crimes against civilians.¹⁶

6. During the 2016 review, the Minister of Justice said that crimes under international law would be included in the Penal Code.¹⁷ Nevertheless, more than 4.5 years later and despite learning visits to Uganda organized by UNMISS for South Sudanese parliamentarians, crimes under international law have still not been incorporated into the Penal Code.
7. Despite accepting the recommendation to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR),¹⁸ the President has not yet signed the parliament's recommendations to ratify the Conventions and the ICCPR's First Optional Protocol.
8. During the previous review, South Sudan accepted to develop a human rights agenda and action plan.¹⁹ This would be a start to improve the human rights situation, but the government has not done so.
9. No, or insufficient, measures have been taken to ensure protection of the right to freedom of expression.²⁰

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Bill of rights

10. South Sudan's 2011 Transitional Constitution has a bill of rights containing several human rights and fundamental freedoms that all organs of the government are legally obliged to respect, uphold and promote.²¹ Article 9.3 of the constitution determines that "all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill."²²

South Sudan Human Rights Commission

11. South Sudan's national human rights commission²³ is mandated to monitor the rights and freedoms in the Bill of Rights²⁴ and investigate complaints of human rights violations.²⁵ Under the review period, the President has not appointed a Chairperson, so the Human Rights Commission is not fully established, and has failed to implement provision 1.19.1.8 of the 2018 R-ARCSS. The Commission does not have A-status under the Paris Principles. It is tasked to periodically report on human rights, including submitting annual reports to parliament.²⁶

Crimes under international law

12. Crimes under international law have not been incorporated into South Sudanese law. The Ministry of Justice introduced a problematic Penal Code amendment bill on these crimes to Parliament in 2016²⁷ which is still under parliamentary discussion.²⁸
13. Command responsibility does not exist under South Sudanese law as a mode of criminal liability. Consequently, army commanders cannot be prosecuted for having failed to prevent the commission of crimes by armed forces under their command, or for having failed to punish them once crimes were committed that they knew, or should have known, about.

The 2014 National Security Service Act

14. South Sudan noted recommendations to repeal its problematic 2014 National Security Service (NSS) Act which remains unamended.²⁹ In breach of Article 159 of South Sudan's 2011 Transitional Constitution which mandates the NSS to conduct classic intelligence activities,³⁰ the 2014 NSS Act gives the NSS sweeping police-like powers to arrest, detain, conduct searches, seize property without adequate judicial oversight or safeguards against the abuse of such powers. The Act furthermore endows the NSS with unchecked powers to conduct surveillance without sufficiently protecting the right to privacy guaranteed under Article 2011 of the country's Transitional Constitution, as well as regional and international human rights law.³¹
15. Since 2014, South Sudanese authorities have ignored calls to bring the 2014 NSS Act in line with the country's 2011 Transitional Constitution and its obligations under regional and international human rights law. South Sudan has not amended the legislation as required under article 1.18.1.2 of the R-ARCSS.³²

The death penalty

16. In South Sudan, the 2008 Penal Code provides for the death penalty for³³ several crimes including murder.³⁴ Civilians sentenced to death are executed by hanging.³⁵ Soldiers sentenced to death by military courts are executed by a firing squad.³⁶ Section 21 of the 2011 Transitional Constitution protects persons under the age of 18, and of and over the age of 70, from being sentenced to death and women caring for a child below two years old from execution.³⁷

THE HUMAN RIGHTS SITUATION ON THE GROUND

17. South Sudan consistently ranks towards the bottom of global human (development) indexes.³⁸ As in many other countries, COVID-19 exposed inequality and limited realization of basic human rights.

Right to life

18. Since South Sudan's last review in November 2016, all parties to the conflict continue to deliberately kill civilians, including men, women, children, older people, and people with disabilities.³⁹ Although large-scale, nation-wide fighting has decreased since the signing of the 2018 R-ARCSS, government and former opposition forces continue to clash with non-state armed actors in southern Equatoria region, killing civilians and committing other crimes under international law in violation of international humanitarian and human rights law.⁴⁰
19. In 2020, fighting, including cattle raiding, between ethnic groups, clans and sub-clans surged across the country. The government failed to protect at least 600 people, including civilians, from being killed⁴¹ by armed groups and militias who – according to the CHRSS⁴² – are often supported by both government and opposition forces, including through the illicit provision of small arms and light weapons.
20. Extra-judicial killings continued during the period under review.⁴³ Human rights organizations, the UN Panel of Experts and the CHRSS have documented extra-judicial killings by the NSS, military intelligence and the army.⁴⁴
21. Between January 2017 and July 2021, South Sudan carried out at least 25 judicial executions, including at least 4 individuals who were children at the time of the crime, and at least 45 people were sentenced to death.⁴⁵ Until the death penalty is abolished, future judicial proceedings before both civilian and military

courts present a high risk of death sentences and executions.

Freedom of association and peaceful assembly

22. Security forces have also violated the right to freedom of peaceful assembly and association. In mid-2019, South Sudanese authorities waged a regional crackdown on members of the Red Card Movement (RCM), a diaspora-led self-proclaimed civil rights movement.⁴⁶ Protesters in Kenya and Ethiopia said they were targeted by NSS agents and threatened with abduction. In May 2019, the government deployed the military in the streets, conducted house-to-house searches and threatened protesters, preventing protesters in Juba from participating in a peaceful demonstration.⁴⁷
23. On 3 June 2020, security forces shot at unarmed protesters in Juba's Sherikat neighbourhood, injuring at least two protesters.⁴⁸ At least 14 demonstrators were arrested and illegally detained in Juba Central Prison for five months until they were released but charged with offences against public order and public nuisance in November 2020.⁴⁹
24. Despite the repressive environment, human rights defenders have demonstrated, on occasion, without authorities violating their rights to peaceful assembly and the freedom of expression.

Freedom of opinion and expression

25. The rights to freedom of opinion and expression, including media freedoms, continue to be restricted in South Sudan. National actors reporting on human rights violations or engaging with international human rights actors are perceived as traitors or leaking state secrets. In 2018, the CHRSS described South Sudan as "one of the most dangerous places in the world for journalists, with many having been killed, physically assaulted and accused of propagating "Western agendas"⁵⁰ concluding that this has had a chilling effect on the press.
26. Information that should be public, including laws and court judgements⁵¹ is shrouded in secrecy and considered as classified by many government officials, restricting the right to information.
27. The South Sudan National Communication Authority, NSS agents and the Media Authority, an oversight body, are responsible for censoring media, suspension and closure of news outlets, seizure of newspapers, blocking access to prominent news sites,⁵² revocation or denial of accreditation of foreign correspondents,⁵³ summons, arbitrary arrests and prolonged detention for critical posts on social media.⁵⁴
28. The government, primarily through the NSS, conducts communications surveillance with equipment bought in Israel, and likely with support from the telecommunication companies. The NSS also conducts physical surveillance through a widespread, cross-border network of informants and agents, by monitoring media and social media, and requiring event organizers to seek permission before holding any form of public gathering such as workshops and civil society meetings. The NSS has used these forms of surveillance illegally, in breach of the right to privacy, to arbitrarily arrest and illegally detain individuals and infringe on press freedoms, the freedom of opinion and expression, and the freedom of assembly.⁵⁵
29. South Sudan's legal framework governing surveillance does not meet the principles of non-arbitrariness, legality, necessity, legitimacy and proportionality for surveillance to be a legitimate law enforcement tool and to not interfere with the right to privacy. Cumulatively, electronic and physical surveillance – both in practice and perception – have created a pervasive climate of fear and self-censorship. While many human rights defenders continue to courageously work within the limits of this repressive environment,

free speech is fraught with danger.⁵⁶

Arbitrary arrests and prolonged detention

30. Since the previous review, the NSS and the Military Intelligence Directorate continue to arbitrarily arrest actual and perceived government opponents and other critics, including journalists and civil society members, and to hold them in prolonged arbitrary detention in harsh conditions without charge or prospect of trial.⁵⁷ Detainees are routinely denied the right to have their detention reviewed by a court.⁵⁸ In September 2018, Amnesty International found that due to poor prison conditions, as well as inadequate access to medical care, the health of those detained usually severely deteriorated, in some cases leading to deaths in custody.⁵⁹

Freedom from torture and other ill-treatment

31. Detainees illegally held by the NSS in multiple facilities are routinely badly beaten, especially during interrogation,⁶⁰ or as punishment. Victims and other witnesses told Amnesty International in 2018 about being badly beaten with sticks, logs, belts and whips. Amnesty International also received allegations about the use of electrocution as torture by both NSS and Military Intelligence.⁶¹

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the Government of South Sudan to:

Human rights treaties

- Speedily ratify and implement the ICCPR, ICESCR and their Optional Protocols, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, the Convention on the Rights of Persons with Disabilities, the African Charter on the Rights and Welfare of the Child, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), as well as consider ratifying other UN and regional human rights treaties.
- Implement the ACHPR, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other UN and regional human rights treaties.

Crimes under international law

- As a matter of urgency, amend the definitions of crimes under international law currently incorporated in the 2015 Penal Code Amendment Bill in conformity with international law and include provisions on torture, enforced disappearance, command responsibility, the non-applicability of amnesties and immunities and amend the Penal Code to ensure conformity with human rights obligations and international standards of fairness.
- Pending independent, impartial and effective investigations, suspend public officials or prevent the appointment to public positions of individuals alleged to be responsible for violations of international humanitarian or human rights law.
- Initiate prompt, effective, independent and impartial investigations into allegations of crimes under international law and bring suspects to justice in fair trials in open civilian courts and without recourse to the death penalty.
- Adopt the Draft Statute of the Hybrid Court for South Sudan and ensure that the court is established and becomes rapidly operational, starting with its investigative branch, and implement all other transitional

justice provisions of the peace agreement.

The 2014 National Security Service Act

- Review and amend the 2014 NSS Act and the 2019 Amendment Bill to bring it in line with the NSS's constitutional mandate limited to "information gathering, analysis and advice to the relevant authorities"; to explicitly exclude from the NSS powers to arrest, detain, conduct searches, seize property and use force; to make judicial authorization and ongoing oversight of intelligence gathering activities, such as communications interception and physical surveillance, mandatory; and to ensure that the Act complies with international, regional and national human rights standards.

The death penalty

- Ensure full compliance with international law and standards on the use of the death penalty, including the prohibition on the use of the death penalty against persons below 18 years of age at the time of the commission of the crime, and pregnant women or women caring for a child.
- Immediately establish an official moratorium on executions with a view to abolishing the death penalty.

Right to life

- Immediately cease all violations of international humanitarian and human rights law, specifically, by ending all unlawful killings of civilians.

Freedom of opinion and expression, of association and peaceful assembly

- Issue clear instructions to all government officials and security forces, in particular the NSS, to stop harassing, threatening, arbitrarily arresting and detaining critics of the government and government officials and ensure that all government institutions respect, promote and protect the right to privacy, the right to freedom of expression and opinion, media freedoms and the right to peaceful assembly.
- End the NSS's practice of operating outside the law including the unlawful surveillance of journalists and human rights defenders and requiring public event organizers to seek permission.
- Issue a moratorium on the use of surveillance until a human rights compliant regulatory framework is in place. This human rights framework should include safeguards against unlawful surveillance including requirements in domestic law for transparency, judicial oversight, and adequate remedy.

Arbitrary arrests and prolonged detention

- Publicly condemn physical attacks, killings, threats, harassment, obstruction, intimidation, arbitrary arrests and detention of critics of the government and government officials, including journalists and human rights defenders.
- Release, or charge with internationally recognizable criminal offences and promptly bring to civilian courts, all remaining detainees arbitrarily held at the NSS and Military Intelligence detention facilities in Juba and the rest of the country in line with obligations under domestic and international law.

Freedom from torture and other ill-treatment

- Initiate prompt, effective, independent and impartial investigations into NSS and Military Intelligence detention practices, including enforced disappearances, deaths in custody, torture and other ill-treatment, and bring those suspected of criminal responsibility to justice in open, accessible civilian courts and without recourse to the death penalty.

¹ UN Human Rights Council (UNHRC), *Report of the Human Rights Council on its thirty-fourth session*, 14 June 2018, A/HRC/34/2, pp. 125 - 131.

² UNHRC, *Report of the Working Group on the Universal Periodic Review, South Sudan (WG UPR Report: South Sudan)*, 28 December 2016, UN Doc. A/HRC/34/13. Recommendation 127.9 by Kenya recommended the ratification and the implementation. While South Sudan has ratified the convention, much needs to be done for it to be implemented.

³ UN Doc. A/HRC/34/13, Recommendation 127.9 (Kenya).

⁴ South Sudan ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (UNCRC-OPSC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (UNCRC-OPAC) on 27 September 2018. Office of the High Commissioner for Human Rights (OHCHR), *Status of Ratification Interactive Dashboard*, www.indicators.ohchr.org/.

Recommendations 126.53 (Germany), 127.1 – 127.8 (Spain, Kenya, Montenegro, Rwanda, Guatemala, Botswana, Luxembourg and Slovakia). UNHRC, *Report of the WG UPR Report: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13.

⁵ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 127.12 - 127.16 (Saudi Arabia, Cuba, Senegal, South Africa, Congo).

⁶ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 126.49 – 126.55 (Slovenia, Slovakia, Ukraine, Djibouti, Germany).

⁷ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 126.43 – 126.47 (Italy, South Africa, Georgia, Republic of Korea, Slovenia).

⁸ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations include 126.3 – 126.6 (Belgium, Iceland, Canada, France), 126.8 – 126.9 (New Zealand and Austria), 126.15 (South Africa), 126.57 – 126.66 (Georgia, Albania, Luxembourg, Sierra Leone, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Kenya, Sierra Leone), 127.26 - 127.27 (both Uganda), 127.29 – 127.38 (Togo, Egypt, Luxembourg, Spain, Argentina, Ukraine, Denmark, United Kingdom of Great Britain and Northern Ireland, Mexico, The Netherlands).

⁹ On the contrary, on 2 April 2019, the government signed a contract with a US-based lobby firm to, amongst others, “delay and ultimately block [the] establishment of the hybrid court”. Following public outrage, the parties amended the contract on 7 May 2019 and removed the clause obstructing the HCSS. See, Gainful Solutions, Inc., Consulting Contract Agreement with the Government of South Sudan, 2 April 2019, efile.fara.gov/docs/6667-Exhibit-AB-20190418-2.pdf and Gainful Solutions, Inc., Consulting Contract Agreement with the Government of South Sudan, 7 May 2019, on file with Amnesty International.

¹⁰ Amnesty International, *South Sudan's Council of Minister's approval of plans to establish long-awaited hybrid court must be followed by action* (Index: AFR/65/3600/2021).

¹¹ On 15 December 2016, South Sudan launched a technical committee that conducted consultations to inform the CTRH's enabling legislation. The methodology for these consultations is questionable and the individuals in opposition-held territories were not consulted. The technical committee became dormant until it was reconstituted by Ministerial Order 02/2021 on 10 May 2021 and tasked to carry out additional consultations.

¹² Eyeradio, *Gov't starts process to set up truth and healing commission*, 30 June 2021, eyeradio.org/govt-starts-process-to-set-up-truth-and-healing-commission/

¹³ For instance, in breach of South Sudan's international obligation to investigate and prosecute suspects of international crimes as well as its responsibilities under the R-ARCSS, the government consistently grants blanket amnesties and integrates non-state actors implicated in abuses of international humanitarian law into the country's armed forces and government. For more, see Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).

¹⁴ Human Rights Watch, *South Sudan government reshuffle emboldens rights abusers*, 14 April 2021, www.hrw.org/news/2021/04/14/south-sudan-government-reshuffle-emboldens-rights-abusers

¹⁵ Prosecutors follow the directives of the executive and judges experience political interference. Military courts are not independent as the president has the power to confirm or reject judicial decisions. See, Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).

¹⁶ Section 37(4) of the SPLA Act clearly states: “Whenever a military personnel commits an offence against a civilian or civilian property, the civil court shall assume jurisdiction over such an offence.” If such cases are reported within the army, the military justice system should transfer the case to civilian courts. However, in practice, military courts often claim jurisdiction over any offence committed by army officials, including on crimes against civilians. They decide which court is competent based on the perpetrator rather than the victim of the crime, contrary to the SPLA Act. For more, see Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).

¹⁷ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, paragraph 7 and recommendations 128.28 – 9 (Uruguay, Spain).

¹⁸ UNHRC, *Addendum to the WG UPR Report: South Sudan*, 8 March 2017, UN Doc. A/HRC/34/13/Add.1.

¹⁹ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 126.26 (Ethiopia) and 126.27 (Pakistan).

²⁰ UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendation 126.67 (Japan).

²¹ Article 9.2 of the 2011 Transitional Constitution of the Republic of South Sudan.

²² Article 9.3 of the 2011 Transitional Constitution of the Republic of South Sudan.

²³ Article 145 of the 2011 Transitional Constitution foresees the establishment of an independent national human rights institution, in the form of a commission.

²⁴ Articles 9.4 and 146(1)(a) of the 2011 Transitional Constitution of the Republic of South Sudan.

²⁵ Other tasks include inspecting conditions of inmates in “police jails, prisons and related facilities”, educating the public about human rights, and monitoring government compliance with international and regional human rights treaties and conventions. See article 146(1) of the 2011 Transitional Constitution of the Republic of South Sudan.

²⁶ Article 146 of the 2011 Transitional Constitution of the Republic of South Sudan.

²⁷ The definitions of war crimes, crimes against humanity and genocide did not conform with international law. Furthermore, the draft bill did not include provisions on torture, enforced disappearance and the non-applicability of amnesties and immunities. Amnesty International and 8 other civil society organisations (CSOs), *Observations and Recommendations on the Penal Code (Amendment) Bill, 2016* (Open Letter, 1 February 2016).

²⁸ The bill was withdrawn and referred to the specialized parliamentary ‘Committee on Legislations and Justice’, whose chairperson committed to call for consultations to address these concerns. Instead, consultations were never conducted, the bill disappeared and later reappeared with its original wording before parliament around August or September 2018, leaving concerns raised by civil society and the UN unaddressed. Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).
The South Sudanese authorities failed to reconstitute the parliament between February 2020 to May 2021 causing serious delays to legislation.

²⁹ UNHRC, *UNHRC, Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 128.30, (Germany) and 128.92 (Switzerland).

³⁰ Transitional Constitution of South Sudan 2011 Section 159(3) limits the mandate of the NSS to “focus on information gathering, analysis and advice to the relevant authorities.”

³¹ Amnesty International, *“These Walls Have Ears”: The Chilling Effect of Surveillance in South Sudan* (Index: AFR/65/3577/2021).

³² Article 1.18.1.2 of the R-ARCSS obliges South Sudanese authorities to amend legislation including the 2014 NSS Act and tasks the National Constitutional Amendment Committee (NCAC) with drafting an amendment bill which was submitted to the Ministry of Justice and Constitutional Affairs in mid-2019. The bill has yet to be discussed in parliament and enacted into law which should have been done before the start of the formation of the Revitalized Transitional Government of National Unity (RTGoNU) in February 2020.

³³ The death penalty is provided for in South Sudanese law under article 8 of the Penal Code Act.

³⁴ Others include bearing false witness resulting in an innocent person’s execution or for fabricating such evidence or using as true evidence known to be false; terrorism (or banditry, insurgency or sabotage) resulting in death; aggravated drug trafficking, and treason. See, 2008 Penal Code Act, articles 206, 131(2), 67(2), 383, 64.

³⁵ Code of Criminal Procedure Act, Article 275.

³⁶ SPLA Act, Section 85.

³⁷ Article 21(2) and Article 21(3) of the 2011 Transitional Constitution of the Republic of South Sudan.

³⁸ For instance, South Sudan ranks 185th out of 189 countries on the UN Development Program’s (UNDP) Human Development Index. See, Human Development Index Ranking, hdr.undp.org/en/content/latest-human-development-index-ranking.
South Sudan received the lowest possible score from Freedom House in their analysis of political rights and civil liberties. Freedom House, *Freedom in the World 2018: The Annual Survey of Political Rights and Civil Liberties*, May 2018, freedomhouse.org/sites/default/files/2020-02/FreedomintheWorld2018COMPLETEBOOK.pdf
South Sudan ranked last on the new Girl-Friendliness Index that measures performance of African governments against criteria taken from the CRC and the ACRWC. The African Child Policy Forum (ACPF), *South Sudan: How friendly is the government towards girls in 2020?* app.box.com/s/g9dhhilch1c7f15schcl4nd1oumzplw76.

³⁹ Amnesty International, *'It Was As If My Village Was Swept By a Flood': Mass Displacement of The Shilluk Population From the West Bank of the White Nile* (Index: AFR 65/6538/2017); Amnesty International, *'If Men Are Caught, They Are Killed, If Women Are Caught, They Are Raped' – Atrocities in Equatoria Region Turn Country's Breadbasket Into A Killing Field* (Index: AFR 65/6612/2017); Amnesty International, *'Do Not Remain Silent': Survivors of Sexual Violence in South Sudan Call for Justice and Reparations* (Index: AFR 65/6469/2017); Amnesty International, *'Anything That Was Breathing Was Killed' – War Crimes in Leer and Mayendit, South Sudan* (Index: AFR 65/8801/2018); Amnesty International, *South Sudan: UN arms embargo must be maintained after surge in violence against civilians in 2020* ([Press release](#), 30 November 2020).

⁴⁰ Amnesty International, *South Sudan: UN arms embargo must be maintained after surge in violence against civilians in 2020* ([Press release](#), 30 November 2020); Commission on Human Rights in South Sudan (CHRSS), *Detailed findings of the Commission on Human Rights in South Sudan, 18 February 2021*, www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf; UN Panel of Experts (UNPoE) on South Sudan, *Final report, 15 April 2021*, www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/S_2021_365.pdf

⁴¹ United Nations Secretary General (UNSG), *Situation in South Sudan, 26 February 2020*, www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_2020_145.pdf; UNSG, *Situation in South Sudan, 15 June 2020*, www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_2020_536.pdf; UNSG, *Situation in South Sudan, 8 September 2020*, www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/S_2020_890.pdf; UNSG, *Situation in South Sudan, 9 December 2020*, www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_2020_1180.pdf

⁴² CHRSS, *Despite renewed political commitment, staggering levels of violence continued across South Sudan for the second successive year, UN experts note, 19 February 2021*, www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26761&LangID=E

⁴³ In April 2019, the UNPoE on South Sudan concluded that it is "highly probable" that Dong Samuel Luak and Aggrey Ezbon Idri were executed at the NSS training facility on President Salva Kiir's farm in Luri, near Juba on January 30, 2017. Dong Samuel Luak was a South Sudanese human rights lawyer and registered refugee in Kenya. Aggrey Ezbon Idri was the chair of the SPLM/A-IO's Humanitarian Affairs Committee. Both were forcibly disappeared in Nairobi, Kenya in January 2017. They were illegally flown to South Sudan where the NSS detained them until their reported deaths. UNPoE on South Sudan, *Final Report, 9 April 2019*, www.undocs.org/S/2019/301; Amnesty International, *"These Walls Have Ears": The Chilling Effect of Surveillance in South Sudan* (Index: AFR/65/3577/2021); See also, Human Rights Watch, *"What Crime Was I Paying For?" Abuses by South Sudan's National Security Service, 14 December 2020*, www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service

⁴⁴ See, for instance, Amnesty International, *"It was as if my village was swept by a flood": Mass displacement of the Shilluk population from the West Bank of the White Nile*, (Index: AFR 65/6538/2017); Human Rights Watch, *"What Crime Was I Paying For?" Abuses by South Sudan's National Security Service, 14 December 2020*, www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service; UNPoE on South Sudan, *Final Report, 14 April 2021*, www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/S_2021_365.pdf; UNPoE on South Sudan, *Final Report, 28 April 2020*, www.undocs.org/en/S/2020/342; UNPoE on South Sudan, *Final Report, 9 April 2019*, www.undocs.org/S/2019/301; CHRSS, *Detailed Findings Report, 18 February 2021*, www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf; CHRSS, *Report, 20 February 2019*, www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx

⁴⁵ Amnesty International, *Death Sentences and Executions 2017* (Index: ACT/50/7955/2018); Amnesty International, *Death Sentences and Executions 2018* (Index: ACT/50/9870/2019); Amnesty International, *Death Sentences and Executions 2020* (Index: ACT/50/3760/2021); Amnesty International correspondence with lawyer, May 2021; Eyerradio, *Special court condemns two men to death over Lual Marine's death, 19 May 2021*, www.eyerradio.org/special-court-condemns-two-men-to-death-over-lual-marines-death/; Eyerradio, *Sherikat incident: five men to spend 10 years in prison, 20 May 2021*, www.eyerradio.org/sherikat-incident-five-men-to-spend-10-years-in-prison/

⁴⁶ Inspired by protests in Sudan and Algeria that led to the fall of former presidents Omar al-Bashir and Abdelaziz Bouteflika, RCM protests took place in Australia, the US, Ethiopia, Kenya and Sudan.

⁴⁷ Amnesty International, *South Sudan: "We are at risk and on the run" - Security agents track down peaceful protesters* (Index: AFR 65/0692/2019).

⁴⁸ The protests were sparked by the unlawful killing of four people, including a pregnant woman and an older man by soldiers following a physical confrontation about a land dispute involving a relative of the president who succumbed to his injuries

later that night. Government of South Sudan, Committee Report of Committee to investigate the Sherikat incident, October 2020, on file with Amnesty International. Amnesty International remote interviews, 3-5 June 2020.

Amnesty International interview with demonstrator, remote, 4 June 2020; Amnesty International interview with demonstrator, remote, 5 June 2020; Amnesty International interview with witness, remote, 5 June 2020; Amnesty International interview with family member of a victim, remote, 11 June 2020; Amnesty International interview with demonstrator, remote, 2 July 2020; Amnesty International interview with demonstrator, remote, 4 July 2020; Amnesty International interview with demonstrator, remote, 9 July 2020; Amnesty International interview with demonstrator, remote, 11 August 2020.

⁴⁹ Amnesty International correspondence with lawyer, 23 November 2020.

⁵⁰ CHRSS, *Report, February 2018*, www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx, para 63

⁵¹ Amnesty International, “Do you think we will prosecute ourselves?” No prospects for accountability in South Sudan (Index: AFR 65/1105/2019).

⁵² On 17 July 2017, the South Sudan National Communication Authority blocked the websites of news outlets Sudan Tribune and Radio Tamazuj and blog sites Nyamilepedia and Paanluel Wel. These sites remain blocked at the time of submission. See, Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (Index: POL 10/6700/2018); Committee to Protect Journalists, *South Sudan authorities block access to at least four media websites, 20 July 2017*, cpj.org/2017/07/south-sudan-authorities-block-access-to-at-least-f/

⁵³ UNPoE on South Sudan, *Interim Report, 20 November 2017*, para 31, www.undocs.org/pdf/symbol=en/S/2017/979; Amnesty International, *South Sudan: Journalists at risk ahead of unity government* ([Press Release](http://www.amnesty.org/en/latest/news/2019/11/south-sudan-journalists-at-risk-ahead-of-unity-government/), 1 November 2019),

<https://www.amnesty.org/en/latest/news/2019/11/south-sudan-journalists-at-risk-ahead-of-unity-government/>; Amnesty International interview with foreign correspondent Bastien Renouill, remote, 29 July 2020; Reporters Without Borders, *South Sudan expels another journalist, second in two weeks, 7 November 2019*, rsf.org/en/news/south-sudan-expels-another-journalist-second-two-weeks/

⁵⁴ See, for instance, Amnesty International, “Urgent Action: Detained Youth Activist Denied Family Visits”, 10 July 2019.

⁵⁵ Amnesty International, “These Walls Have Ears”: The Chilling Effect of Surveillance in South Sudan (Index: AFR/65/3577/2021).

⁵⁶ Amnesty International, “These Walls Have Ears”: The Chilling Effect of Surveillance in South Sudan (Index: AFR/65/3577/2021).

⁵⁷ Amnesty International, *Accountability critical to ending grave human rights violations in South Sudan* (Index: AFR/65/3105/2020).

⁵⁸ Examples can be found in Urgent Actions available at Amnesty International’s web page on South Sudan. See, for instance, Amnesty International, “Urgent Action: South Sudanese Activist Arbitrarily Detained” 27 August 2018; Amnesty International, “Urgent Action: Detained Youth Activist Denied Family Visits”, 10 July 2019; Amnesty International, “Urgent Action: Newspaper Editor detained without charge”, 25 July 2019.

⁵⁹ Amnesty International, *Report 2017/18: The state of the world’s human rights* (Index: POL 10/6700/2018); Amnesty International, *Broken Promises: Arbitrary Detentions by South Sudan’s Intelligence Agencies Continues* (Index: AFR 65/8823/2018).

⁶⁰ See, for example, Amnesty International, *Systematic harassment of civil society, journalists, private sector and critics by South Sudan’s intelligence agency* (Index: AFR/65/2727/2020) and Amnesty International, *Broken Promises: Arbitrary detention by South Sudan’s intelligence agencies continues*, (Index: AFR/65/8823/2018).

⁶¹ Amnesty International, *Broken Promises: Arbitrary detention by South Sudan’s intelligence agencies continues*, (Index: AFR/65/8823/2018).