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Technical assistance and capacity-building

Technical assistance and capacity-building for South Sudan

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report, prepared pursuant to Human Rights Council resolution 55/26, contains an overview of the technical assistance and capacity-building provided by the Office of the United Nations High Commissioner for Human Rights through the Human Rights Division of the United Nations Mission in South Sudan to the Government of South Sudan. The report covers the period from January to December 2024.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 55/26 on technical assistance and capacity-building for South Sudan. In that resolution, the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to urgently assist South Sudan in addressing human rights challenges in the post-conflict transition by providing the Government with the necessary technical and capacity-building support, in accordance with the terms of the resolution. The Council also requested OHCHR to present a comprehensive report to the Council at its fifty-eighth session on the support provided to the Government, to be followed by an interactive dialogue.

2. The report, which covers the period from January to December 2024, outlines the technical assistance and capacity-building support provided to the Government of South Sudan by OHCHR through the Human Rights Division of the United Nations Mission in South Sudan (UNMISS), together with other relevant components of the Mission, to help address the main challenges in the country. It also contains recommendations for the Government and other stakeholders aimed at strengthening the promotion and protection of human rights in the country.

3. During the reporting period, UNMISS experienced a liquidity crisis, which led to the adoption of a number of austerity measures that affected the capacity of the Human Rights Division to fully implement planned programmatic activities and operations on the ground. In addition, owing to such funding constraints, the Division was not able to go forward with the implementation of a number of emerging projects.

II. Methodology

4. The report is based on information that has been documented and corroborated in accordance with OHCHR methodology on human rights monitoring. The human rights challenges mentioned, including legal and institutional capacity gaps, human rights violations and abuses and violations of international humanitarian law documented in the report, were gathered and verified by the Human Rights Division through its headquarters in the capital, Juba, and 12 field offices in 10 States.

5. Information on technical assistance needs is based on direct engagement with the Government of South Sudan and other stakeholders at the national and State level and on projects implemented by the Human Rights Division in cooperation with other UNMISS components¹ and United Nations agencies, including the United Nations Development Programme (UNDP). The activities were undertaken based on identified capacity gaps articulated in the 2022 needs assessment for capacity-building and technical assistance of the Government, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and the human rights challenges identified by the Human Rights Division.

III. Human rights situation

6. Regular monitoring of the human rights situation in South Sudan is crucial to understanding the evolving challenges and identifying areas that require targeted interventions. Given the country's complex and volatile context, it is essential to assess the human rights landscape on a continuous basis. This informed approach enables the Human Rights Division to design and implement tailored technical assistance programmes, including training and workshops, that address specific human rights concerns and capacity gaps in line with Council resolution 55/26.

¹ Rule of Law Advisory Section, Women's Protection Advisory Unit, Protection, Transition and Reintegration Section, Child Protection Unit, Communications and Public Information Division and United Nations Police.

7. By continuously evaluating the human rights situation in South Sudan, the Human Rights Division reviews its strategies to provide better support to the Government, including local stakeholders, to track progress and to assess the effectiveness of all interventions. Ultimately, this responsive approach ensures that technical assistance programmes are adapted to the changing needs of the people of South Sudan, thus maximizing their impact and contributing to the promotion and protection of human rights in the country.

IV. Rule of law, accountability and transitional justice

A. Accountability

Main human rights challenges

8. The lack of effective accountability mechanisms for human rights violations and abuses and violations of international humanitarian law, along with inadequate adherence to the rule of law, continued to foster widespread impunity in South Sudan. Inconsistent access to legal representation for detainees continued to result in lengthy pretrial detentions, hindering due process. Furthermore, inadequate budget allocation to the justice sector; inadequately qualified personnel; shortages of high court judges in most States; limited access to courts, often because of their remoteness or insecurity; and slow implementation of judicial reforms impeded the effective administration of justice. Arbitrary and prolonged detention² remain key human rights concerns in South Sudan, stemming from inadequacies within the justice administration, exacerbating persistent overcrowding in detention and prison centres across the country. Similarly, the practice of arresting and detaining individuals for an offense committed by someone else, particularly family members of the suspect, remain prevalent, despite intense efforts, the engagement of UNMISS with judicial actors and the training of law enforcement and judicial personnel at the national and subnational levels.

9. In Central Equatoria State, the arrest and detention of civilians during military operations over unsubstantiated allegations of the possession of illegal firearms and of plotting against the Government raised significant concerns about due process and the arbitrary nature of detention. Most of the arrests were based on mere suspicion of supporting the National Salvation Front or being perceived as sympathizers. For instance, 205 civilians (24 women and 17 juveniles), including local leaders from the Kakwa community, were arbitrarily arrested and detained by the South Sudan People's Defence Forces disarmament task force in Kajo-Kaji and Yei River counties. In February 2024, during operations by the South Sudan People's Defence Forces against elements of the National Salvation Front in Yei River county, 16 civilians (all men) accused of possessing illegal firearms were arrested and detained and 31 civilians (including 6 women) were arbitrarily arrested by the South Sudan People's Defence Forces on suspicion of affiliation with or supporting the National Salvation Front.

10. Extrajudicial executions carried out by government security forces³ remain a grave concern in South Sudan, despite consistent advocacy by UNMISS and OHCHR to address the issue. Between 1 January and 30 September 2024, the Human Rights Division documented and verified 57 cases of extrajudicial executions (all men, including 1 child: 57 individuals, including 2 uniformed personnel) in Lakes and Warrap States.⁴ Over the years, localized violence has had a severe impact on the two States, and State authorities often justify the practice of extrajudicial executions as a way to address widespread communal violence and criminality and to restore law and order. In the above instance, many of the victims were extracted by government security personnel from detention facilities, transported to the locations where the alleged crimes occurred and executed by firing squad.

² During prison monitoring, the Human Rights Division also documented cases of prolonged detention of individuals who were held after the completion of their sentences.

³ South Sudan People's Defence Forces, South Sudan National Police Service and National Security Service.

⁴ Of the 57 cases, 41 were documented in Warrap State.

The executions constitute not only a violation of the right to due process, including a fair trial, but also a violation of the right to life.

Impact of capacity-building and technical cooperation

11. The Human Rights Division continued to provide technical support to State institutions in the organization of human rights and rule of law forums at the State level. The forums provided a platform for justice chain actors and human rights organizations to discuss challenges in gaining access to and the administration of justice and in ensuring accountability. In addition, the forums were a platform for building the capacity of justice chain actors to deliver on their responsibilities, periodically review cases of detention, including prolonged detention, explore the deployment of mobile courts to locations where there are no resident judges to fast track the administration of justice and address impunity and the cycle of retaliatory violence.

12. The Human Rights Division, in cooperation with other UNMISS components, provided technical support for the deployment of circuit courts, mobile courts, as well as technical and logistical support to county judges, ensuring access to justice in remote areas where statutory courts do not exist. The courts were deployed to address the backlog of criminal cases and to hear appeals from the customary courts. In January 2024, the Division, in cooperation with other UNMISS components, facilitated the criminal circuit court in Morobo county, Central Equatoria State, to address a backlog of cases, including those involving uniformed personnel accused of human rights violations and abuses. The Division provided logistical support, ensured legal representation through a legal aid organization and the provision of translation services and engaged with partners working on protection and gender-based violence to facilitate survivor-centred support and establish referral pathways. This comprehensive approach ensured the smooth functioning of the civil court while fostering community awareness and participation.

13. In a similar instance, in February 2024, the Human Rights Division, in cooperation with other UNMISS components, provided technical and logistical support to the High Court in Northern Bahr el Ghazal State to conduct five visits to prisons in five counties, resulting in the release of 53 inmates charged with minor civil offences and of persons in arbitrary and prolonged detention.

14. During the deployment of the mobile court in Koch county, Unity State, in January and February 2024, the Human Rights Division, in cooperation with other UNMISS components, conducted awareness-raising on witness and victim protection before and during the deployment of the mobile court, monitored the proceedings and processes of the court to ensure respect of due process rights and provided technical advice to relevant State authorities, including ministers, the police, mobile court prosecutors and judges, humanitarian actors, local non-governmental organizations and civil society organizations based in Bentiu, the capital of Unity State, on victim and witness protection matters. The mobile court heard 45 cases and 37 appeals from people convicted by the customary courts. Eight criminal cases were heard, including two cases of sexual and gender-based violence and two murders, resulting in seven convictions of nine people and one acquittal, with sentences ranging from 3 to 13 years in prison. All of the alleged perpetrators were civilians.

15. In May 2024, UNMISS and humanitarian partners supported the deployment of a mobile court in Mayom county, Unity State. The deployment of the court was preceded by a judicial investigation mission to Mayom county from 15 April until 4 May.⁵ The Human Rights Division monitored the investigation, coordinated the protection of victims and witnesses, ensuring effective access to justice and remedies to victims, and monitored respect of due process rights and protection for suspects and accused persons. The Mayom mobile court heard 31 cases, including 24 criminal cases involving murder, rape and theft/robbery relating to cattle raiding. Seven cases were related to gender-based violence, including sexual violence, all of which resulted in convictions. Five cases involved the rape of girls, including one girl with a mental disability. With the support of the United Nations Population Fund and

⁵ The UNMISS-supported investigation mission received 64 complaints, opened 60 investigations and fully investigated 35 cases.

civil society organizations, survivors received free legal representation, transportation, accommodation, psychosocial support and sexual and reproductive health services at local health facilities. In total, 22 defendants were convicted and six were released through dismissal of their cases or a settlement. Sentences in cases related to sexual and gender-based violence ranged from 7 to 12 years in prison and, in some cases, included compensation. The sentencing was viewed positively by victims as the court took aggravating circumstances into account, for example the victim's vulnerability, and included compensation for medical expenses.

16. In July and August 2024, the Human Rights Division, in cooperation with other UNMISS components, supported the deployment of the mobile court in Bentiu, Unity State. The Division coordinated with humanitarian partners and government institutions to provide: support for the protection of victims, their families, witnesses and the accused; legal representation for victims; psychosocial support and transport assistance for victims, survivors, their families and witnesses; and mentoring and technical advice on international standards in the trial processes. The Bentiu mobile court had 104 cases on its docket, of which 41 criminal cases resulted in the conviction of 49 individuals, while 27 individuals were released from imprisonment/detention as a result of dismissals and successful appeals. Five individuals were convicted for rape and two men were sentenced to 10 years in prison. The local communities in Bentiu and the local government requested the regular deployment of mobile courts and a permanent judiciary in Mayom county and, generally, in Unity State.⁶

17. In June 2024, during the deployment of a circuit court in Tonj South county, Warrap State, under the auspices of the UNMISS Rule of Law and Security Institutions Section, the Human Rights Division conducted training sessions for 25 judges (including two women), on human rights and due process, including procedural law and the rights of the accused, and conducted trial monitoring to ensure adherence to human rights standards.

18. In May 2024, the Human Rights Division launched a legal aid project on the provision of legal aid services to vulnerable groups incarcerated at national prisons and in seven detention centres in Juba, Central Equatoria State, implemented by a local civil society organization. Through the project, 102 inmates (13 women and 10 juveniles) in prolonged detention received assistance from the legal aid service, resulting in the release of 69 inmates (6 women and 3 juveniles). Those released included three persons living with HIV and breastfeeding and pregnant women.

19. The Human Rights Division conducted 288 monitoring visits to detention facilities⁷ to assess the conditions of detention and ensure the protection of the basic rights of persons deprived of liberty in accordance with international human rights standards.⁸ As a result of the sustained advocacy and engagement of the Division with law enforcement and judicial actors to decongest prisons and detention facilities, 518 individuals, including 34 women and 10 children (including 3 girls), were released from detention.

20. In an effort to enhance access to justice and accountability at the county level, the Human Rights Division constructed a new county court building in Yirol town, Yirol West county, Lakes State, funded through UNMISS quick impact projects. It is hoped that the presence of a judge and a High Court in Yirol town will reduce the cost of access to effective and adequate judicial services for local communities, foster a culture of peaceful resolution of communal conflicts and provide redress for human rights violations and abuses through peaceful means.

⁶ The Governor of Unity State emphasized that the mobile court has brought "relative calm and peace" in the State and it "brings peace to the people, it brings justice to the people, and it brings security to the people".

⁷ Prisons, police stations and special protection units.

⁸ Although the South Sudan Prisons Act provides for adherence to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the overall conditions in prisons and detention facilities are harsh, overcrowded and life-threatening, compounded by poor infrastructure, including inadequate water and sanitation facilities, as well as severe shortages of basic supplies, such as food, mattresses, mosquito nets and cleaning materials.

B. Transitional justice

Main developments and challenges

21. On 11 November 2024, the President signed legislation establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority.⁹ The signing of the two legal instruments is a key milestone in securing transitional justice in South Sudan. The Human Rights Division, in collaboration with UNDP, will: conduct constructive advocacy for the establishment of the two mechanisms; collaborate with partners to continue raising awareness on the transitional justice and accountability mechanisms for various stakeholders at national and State levels; provide support to the Ministry of Justice and Constitutional Affairs for the full operationalization of the mechanisms; and advocate with the African Union Commission on the establishment of the Hybrid Court for South Sudan to promote accountability for violations of human rights and ending impunity in South Sudan.

22. While there has been commendable progress in the establishment of the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority, there has been no progress in setting up the Hybrid Court for South Sudan. The memorandum of understanding with the African Union on the establishment of the Hybrid Court is yet to be signed. While acknowledging the technical assistance and capacity-building provided by partners on transitional justice mechanisms and progress on setting up the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority, civil society organizations have expressed concerns about their effective representation within those mechanisms once established, including the protection of victims/survivors.

Impact of capacity-building and technical cooperation

23. The Human Rights Division, in collaboration with the Transitional Justice Working Group, continued to raise awareness on transitional justice and accountability mechanisms to enhance knowledge about transitional justice, accountability, reconciliation and healing, as set out in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (chap. V), with the aim of empowering the people of South Sudan to actively engage with the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority. Discussions were held with stakeholders at various levels, including members of the reconstituted Transitional National Legislative Assembly, government officials, representatives of civil society organizations and victims' networks, persons with disabilities, internally displaced persons and women's and youth groups. The discussions resulted in an in-depth analysis of the acts establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority for compliance with human rights standards and principles, including the protection of the rights of victims and advocacy for the provision of interim reparations. The consolidated views and opinions of all interlocutors consulted were presented to the Specialized Committee on Peace and Reconciliation¹⁰ of the reconstituted Transitional National Legislative Assembly and subsequently incorporated into the acts.

Engagement with government security forces

24. From 24 to 26 January 2024, the Human Rights Division conducted a training session in Juba on human rights and transitional justice for 40 military police and military intelligence officers (including 4 women) of the South Sudan People's Defence Forces. The participants were trained on transitional justice mechanisms, as enshrined in chapter V of the Revitalized Agreement, international human rights law and international humanitarian law, and on the role of the South Sudan People's Defence Forces in the promotion and protection of human rights.

⁹ Commission for Truth, Reconciliation and Healing Act (2024) and the Compensation and Reparations Authority Act (2024).

¹⁰ The Specialized Committee on Peace and Reconciliation was tasked to review, analyse and conduct public and stakeholders' consultations on the acts establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority prior to their enactment by the Reconstituted Transitional National Legislative Assembly.

Technical assistance to civil society organizations, Transitional Justice Working Group and other stakeholders

25. From 24 to 26 January 2024, the Human Rights Division facilitated a three-day workshop in Juba to validate draft “gender sensitive, victim-centred and witness protection guidelines” for inclusive and sustainable transitional justice in South Sudan. The workshop was attended by 40 stakeholders (including 23 women) drawn from the Ministry of Peacebuilding, the Transitional Justice Working Group, civil society organizations, organizations of persons with disabilities, lawyers’ organizations, victims’ networks, women’s and youth groups, faith-based organizations and the media. The guidelines are to be presented to the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority once they are established to support the protection of victims during the implementation of the transitional justice mechanisms.

26. From 24 to 25 January 2024, the Human Rights Division conducted a workshop in Mundri West county, Western Equatoria State, on transitional justice mechanisms, human rights and conflict-related sexual violence for 50 participants (including 18 women) from faith-based organizations and women’s and youth groups.

27. On 30 and 31 January 2024, the Human Rights Division conducted a training in Malakal, Upper Nile State, on transitional justice mechanisms and the role of State-level actors in the transitional justice processes to foster peace, reconciliation and accountability for human rights violations. The workshop was attended by 30 participants (including 7 women) from the Ministry of Local Government, law enforcement, the South Sudan Human Rights Commission, the State Legislative Assembly, judicial actors, traditional leaders, faith-based organizations and civil society organizations.

28. On 27 and 28 February 2024, the Human Rights Division conducted a training session on human rights, transitional justice and civic and political space in Torit, Eastern Equatoria State, for 40 participants (including 12 women) from the State Human Rights Commission, the Transitional Justice Working Group, the South Sudan Anti-corruption Commission, County Commissioners and members of the State Legislative Assembly. The training session was aimed at raising awareness on the transitional justice mechanisms provided for in chapter V of the Revitalized Agreement.

29. On 10 May 2024, the Human Rights Division, in collaboration with the Transitional Justice Working Group, conducted a community outreach session in Yei, Central Equatoria State, to raise awareness about transitional justice, peacebuilding, social cohesion, the protection of victims and witnesses and the promotion of human rights in the community. The session was attended by 25 participants (including 7 women) composed of community/traditional leaders, women, youth and elders’ representatives.¹¹

30. From 11 to 13 June 2024, the Human Rights Division, in collaboration with the non-governmental organization, South Sudanese Community-Based Organization, conducted a workshop in Juba for 40 victims/survivors and representatives of survivors’ networks (including 25 women) on the implementation of chapter V of the Revitalized Agreement to enhance their knowledge on transitional justice mechanisms and how they can participate in processes to promote accountability, reconciliation, healing, reparations and sustainable peace in South Sudan.

31. From 1 to 3 July 2024, the Human Rights Division, in collaboration with the Transitional Justice Committee in Lakes State, conducted a training of trainers workshop in Rumbek, the capital of the State, for 42 participants (including 7 women) from the State executive and legislature, legal administration, civil society organizations, women groups, the media, government security forces, the Lakes State Human Rights Commission and academia. Participants were provided with information on transitional justice mechanisms and processes, the promotion of human rights and the protection of victims. The participants also developed a strategy on transitional justice for Lakes State. On 8 July 2024, the Human Rights Division supported the Transitional Justice Committee in Lakes State in conducting a

¹¹ Community elders pledged to sensitize their communities about the importance of transitional justice in achieving peace.

community sensitization session on transitional justice for 78 participants (including 9 women) in Rumbek. Participants underscored the need for victims and survivors to be identified and engaged in advance in order to make an informed decision during engagements with the transitional justice mechanisms. Traditional chiefs pledged their commitment to peace, reconciliation and accountability and reiterated their readiness to disseminate messages on transitional justice at the grass-roots levels. Women raised the importance of including survivors of sexual and gender-based violence in all transitional justice activities while ensuring their privacy.

32. On 31 July and 1 August 2024, the Human Rights Division, in collaboration with the Community Empowerment for Progress Organization, conducted a round table on transitional justice mechanisms in Wau, Western Bahr el Ghazal State, for 30 key stakeholders (including 11 women) from State line ministries, the State Legislative Assembly, security personnel,¹² civil society organizations and faith-based organizations – the first of its kind to be held in the State. Discussions focused on efforts to promote peace, reconciliation and social cohesion in the communities. The round table established a State-level forum, co-chaired by the State government and civil society organizations, to oversee the implementation of transitional justice mechanisms and processes in the State.

Technical support to the reconstituted Transitional National Legislative Assembly

33. The Human Rights Division provided technical assistance and capacity-building support to the Specialized Committee on Peace and Reconciliation of the reconstituted Transitional National Legislative Assembly on the substance of the acts establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority to ensure their compliance with human rights standards and principles. From 2 to 4 May 2024, the Division, in collaboration with the University of Juba Law School and the Committee for Peace and Reconciliation, trained 40 members (including 11 women) of the National Legislative Assembly on transitional justice, including on the conduct of a legal analysis of the two acts. The members of the Assembly made recommendations on some articles in the acts, based on information gathered from public consultations with civil society and faith-based groups, and on the creation of a Parliamentary transitional justice lobby group, composed of faith-based organizations and civil society organizations, to advocate for their speedy enactment into law.

34. On 17 and 18 May 2024, the Human Rights Division provided technical support to the Specialized Committee on Peace and Reconciliation in conducting a stakeholders' consultation in Juba on the acts establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority in order to advance the enactment of a comprehensive legal framework to promote a sustainable transitional justice process in South Sudan. A total of 53 stakeholders (including 20 women), including members of the National Legislative Assembly, the Transitional Justice Working group, civil society organizations, faith-based organizations, persons with disabilities and victims' networks, took part in the consultation. Main concerns raised by the participants included the provision of interim protection for victims, inclusion and participation of vulnerable groups and persons with disabilities in the transitional justice mechanisms and processes, challenges in mobilizing resources for the transitional justice mechanisms and the lack of progress in the establishment of the Hybrid Court for South Sudan.

35. On 24 and 25 May, a validation workshop was conducted for 35 members of the National Legislative Assembly (including 11 woman), mainly from the Specialized Committee on Peace and Reconciliation, to consolidate reports generated during the above-mentioned training session for members of the National Legislative Assembly and the stakeholders' consultation, as well as from various reports prepared by civil society organizations in their engagements on transitional justice. The validation workshop developed a platform for the members to undertake informed discussions on the acts

¹² South Sudan People's Defence Forces, the National Security Service and the Sudan People's Liberation Army in Opposition.

establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority during deliberations in the Assembly.

36. From 11 to 13 June 2024, the Human Rights Division, in collaboration with a community-based organization, conducted a workshop in Juba for 40 victims/survivors and representatives of survivors' networks (including 25 women) to enhance their knowledge on transitional justice mechanisms and accountability.

37. On 14 June 2024, the Human Rights Division, in collaboration with the Transitional Justice Working Group, conducted a stakeholder round table in Juba to consider the status of the acts establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority. The round table was attended by 100 representatives (including 30 women) of civil society organizations, including women's and youth groups, survivor's networks, persons with disabilities and faith-based organizations. The consolidated views and opinions of the participants at the round table were presented to the Committee of Peace and Reconciliation for consideration and inclusion into the revised versions of the acts establishing the two mechanisms. The round table was part of the continuing advocacy on the part of the Transitional Justice Working Group on transitional justice and accountability for truth, reconciliation, compensation and sustainable peace in South Sudan.

38. From 11 to 18 August 2024, the Human Rights Division provided technical and logistical support under the Peacebuilding Fund to eight members of the Specialized Committee on Peace and Reconciliation for the conduct of a study visit to Rwanda on transitional justice and accountability mechanisms, including traditional mechanisms of conflict resolution and peacebuilding initiatives (*gacaca* courts) after the 1994 genocide in that country. The visit provided a deeper understanding of transitional justice mechanisms and processes, enabling the participants to further improve the provisions of the acts establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority.

V. Civic space and participation

Main human rights challenges

39. Restrictions on fundamental freedoms remain prevalent in South Sudan, affecting civil society actors, political activists, journalists, humanitarian workers and members of Parliament perceived to be critical of the Government. Preparations for the postponed elections led to the intensification of repression of political dissent and a continued narrowing of civic and political space through the restriction of the rights to freedom of expression, peaceful assembly and association, including the right to participation in political process. Public voices have been silenced through censorship of the media, particularly on critical issues, the denial of access to information, unreasonable restrictions on peaceful assembly and threats and intimidation of outspoken civil society actors.

40. On 3 July 2024, the reconstituted National Legislative Assembly approved the National Security Service Act 2014 (Amendment) Act 2024, which generated concerns about civic and political space and fundamental freedoms, particularly regarding the retention of sections 54 and 55, which grant powers to the National Security Service to make arrests under "emergency circumstances" and for broadly defined "crimes against the State". The sections remain controversial since, in the absence of clear and unambiguously defined "crimes" and effective mechanisms to protect and promote the fundamental civil and political rights of citizens, they appear to be susceptible to abuse.¹³ Civil society actors actively pressed the

¹³ Section 54 of the National Security Service Act (2014) (Amendment) Act 2024 grants the National Security Service the powers to arrest, without a warrant, any individual caught in the act of committing or reasonably suspected of having committed any of the offences listed under section 7, entitled "Crimes against the State." Section 55 stipulates that the Director General, or an employee designated by that individual, can apply for and obtain an arrest warrant to facilitate the role of the

President to reject the bill as it is incompatible with the obligations of South Sudan under regional and international human rights law. Worryingly, several activists have been arbitrarily arrested and detained or received threats in connection with their opposition to the bill.

41. Between January and October 2024, the Human Rights Division documented 51 cases of infringement of freedom of expression, association and peaceful assembly, affecting 269 individuals (including 10 women), which negatively affected civic and political space, including: 25 cases of arbitrary arrest and detention of civil society and/or political activists, affecting 61 individuals (including 9 women); 17 cases of intimidation, including death threats against civil society and/or political actors, journalists, lawyers and academics, affecting 23 individuals (including 1 woman); one ministerial order restricting access to information; one ban on public gatherings; one incident of hate speech and incitement to violence; and one case of forced closure of a non-governmental organization. Concerns about the infringement of fundamental freedoms have been discussed during key UNMISS leadership engagements with senior government authorities, including advocacy for legislative reforms that promote accountability, protect human rights and align security operations with international standards to ensure the preservation of civic and political space in South Sudan.

42. The most common reasons for the documented arrests and detentions appear to be: posts on social media criticizing or questioning the integrity of authorities and government policies; participation in peaceful protests; releasing songs critical of the authorities; advocating for the release of information on the whereabouts of a disappeared individual; online and offline public statements criticizing legislation; and raising issues of nepotism and corruption. The arbitrary arrests and detentions were mostly perpetrated by the National Security Service and the South Sudan National Police Service, sometimes at the request of specific public actors such as State Governors or County Commissioners.

43. Legislative reform to amend the Non-Governmental Organizations Act 2016 (Amendment) Act 2023, which was presented to the reconstituted Transitional National Legislative Assembly on 9 September 2024 after being reviewed by the Ministry of Justice and Constitutional Affairs and approved by the Council of Ministers, presents another concern owing to its implications for civic space. In its latest edition, there are multiple provisions that could potentially infringe on the rights to freedom of expression, peaceful assembly and association of members of civil society. For instance, in the absence of a clear definition of “political activities” within the act, section 6 (m), entitled “Prohibition of engagement in political activities”, could be misused by security forces to harass, intimidate, arrest and detain civil society actors, in particular considering the recent passing of the National Security Service Act 2014 (Amendment) Act 2024.

Impact of capacity-building and technical cooperation

44. In order to improve civic and political space in South Sudan, the Human Rights Division actively engaged with national partners, including government entities, civil society organizations, journalists and human rights defenders, through multiple UNMISS initiatives, such as senior mission leadership forums, civil society organizations forums, political parties forums, conferences, round tables and advocacy engagements, and the provision of technical advice and cooperation. The Division also developed the UNMISS strategy for the promotion of civic and political space in South Sudan to implement UNMISS interventions on the expansion of civic and political space in the country and UNMISS guidance on recognizing, monitoring, reporting and addressing incidents of hate speech and incitement to violence.

National Security Service in performing its functions under the Act. Section 57, maintains the contentious authority granted to the National Security Service, allowing for the arrest of a person suspected of broad “crimes against the State” without a warrant.

Key UNMISS leadership engagement with civil society organizations

45. To ensure inclusive, safe and meaningful civil society participation in political processes, UNMISS senior leadership, with the support of the Human Rights Division and other UNMISS components, continued regular engagement with civil society organizations nationwide to discuss pertinent political developments, challenges and the way forward. Three meetings were held: one, on 13 March 2024, focused on enhancing the participation of civil society in electoral and political processes; a second, on 27 June 2024, on the landscape of civic and political space; and a third, on 17 October 2024, on the role of the rule of law, justice, and security institutions and civil society in promoting civic space. Representatives from the National Electoral Commission, the Political Parties Council, the National Constitution Review Commission, the Ministry of Justice and Constitutional Affairs, the Specialized Committee on National Security and Public Order and government security forces participated in the meetings. The discussions enhanced the quality of dialogue between UNMISS leadership and civil society organizations through a clear understanding of their roles in ensuring an open civic and political environment for political process.

Engagements with civil society organizations, government entities and other stakeholders

46. On 19 and 20 March 2024, the Human Rights Division conducted a training session on fundamental human rights, the role of civil society organizations in the electoral process, civic space, transitional justice and political participation for 60 representatives (including 30 women) from civil society organizations and non-governmental organizations and human rights defenders in Bentiu, Unity State. As a result of the training, a human rights defenders' network was established in Unity State. On 21 and 22 March 2024, the Human Rights Division conducted a stakeholder dialogue in Bentiu on fundamental human rights, the role of journalists in the electoral process, civic space, transitional justice and political participation for 34 journalists (including 13 women).

47. On 22 March 2024, the Human Rights Division held a round-table discussion on the establishment of a human rights consultation framework between the Lakes State Legislative Assembly and the civil society network in Rumbek town. The two parties agreed to establish a Lakes State Legislative Assembly and Human Rights Network, aimed at sharing information, undertaking civic education and human rights sensitization initiatives, advocacy and lobbying, enhanced networking and collaboration and regular monitoring and analysis of the human rights situation in Lakes State.

48. On 12 April 2024, the Human Rights Division, in partnership with the Centre for Democracy and Development, organized a one-day symposium on human rights for 35 participants (including 8 women), including local government officials, human rights defenders, social activists, government security forces and youth representatives in Yei town, Central Equatoria State. Participants affirmed their dedication to ongoing collaboration to expand civic and political space in the electoral process. In this regard, on 15 and 16 April 2024, the Human Rights Division conducted a workshop on enhancing civic and political participation for 25 members of government security forces (including 2 women) in Yei town.

49. On 24 April 2024, the Human Rights Division conducted a training session on fundamental human rights associated with electoral processes for 35 participants (including 11 women), representing local authorities and the Relief and Rehabilitation Commission in Pariang, Ruweng Administrative Area. Participants highlighted significant challenges to actualizing their rights in the current context, citing the lack of the necessary preconditions for holding credible elections and limited space and opportunities for political parties in the opposition to exercise their civil and political rights. The training session served as an educational platform for voicing practical challenges that local authorities and members of the Commission face in fostering a democratic environment conducive to free and fair elections.

50. On 29 May 2024, the Human Rights Division, in collaboration with the South Sudan Human Rights Defenders Network, organized a stakeholder dialogue in Juba to recognize the significant contribution of Women's Human Rights Defenders for South Sudan. The dialogue

was attended by 100 participants (including 65 women) drawn from the Women Human Rights Defenders Network and the Nonviolent Peace Force. Participants called for better protection of women human rights defenders and emphasized the need to prioritize mental health and explore strategies for effective networking and addressing threats specific to South Sudan.

51. On 3 July 2024, the Human Rights Division, in partnership with the Lutheran Foundation, organized an advocacy forum for 150 stakeholders from the Government, academia, the media and civil society to discuss issues concerning the shrinking civic space, with the aim of engaging the Government in the implementation of the recommendations in the universal periodic review related to civic space.¹⁴ Similarly, on 4 and 5 July 2024, the Division, in collaboration with the Union of Journalists of South Sudan, held a national round table for the promotion of freedom of expression in the electoral process for 69 participants (including 27 women), including journalists, government officials, civil society actors and representatives of faith-based organizations. The round table enabled the participants to attain skills in reporting and covering electoral issues across the country and to strengthen coalitions and networks.

Technical support to the conduct of political forum to expand civic and political space

52. UNMISS supported four State-level political forums in Lakes State (2 to 4 July), Unity State (17 and 18 July), Western Equatoria State (7 and 8 August), Jonglei State (25 to 27 September) and Northern Bahr el Ghazal State (10 to 12 December). The forums, which brought together 374 participants (including 77 women), including members of civil society organizations, political parties, State officials, security agencies, faith leaders and traditional authorities, culminated in joint communiqués outlining recommendations for strengthening civic and political space, including the implementation of the 35 per cent quota for the meaningful participation of women. The forums also created a platform for constructive engagement across party lines and among diverse groups of stakeholders, who committed to pursuing the implementation of the resolutions they adopted. Various State Governors pledged their commitment by signing orders/commitments to expand the environment for civic and political space in their areas of responsibility.

VI. Conflict-related sexual violence

Main human rights challenges

53. Conflict-related sexual violence continued to be used as revenge or as a tactic to displace and terrorize populations in South Sudan. It is perpetrated by conventional parties to the conflict and by other armed groups, community-based militias and/or civil-defence groups and unidentified armed elements. Between January and September 2024, the Human Rights Division, through the UMISS Women's Protection Advisory Unit, documented 196 incidents involving 222 survivors (between the ages of 9 to 65): 136 women, 78 girls, six men and two boys. Compared to 2023, there was a 69 per cent increase in the number of incidents and a 36 per cent increase in the number of survivors. This surge highlights the urgent need for comprehensive interventions to address conflict-related sexual violence, support survivors and ensure accountability of perpetrators. Incidents of conflict-related sexual violence continue to be underreported owing to social stigma and rejection, trauma, lack of trust in legal institutions, limited access to support services and fear of retaliation.

Impact of capacity-building and technical cooperation

Engagement with conventional parties to the conflict

54. The UNMISS Women's Protection Advisory Unit engaged with the parties to the conflict and with government entities to enhance prevention and response measures to

¹⁴ [A/HRC/50/14](#).

address conflict-related sexual violence. The engagement was facilitated through various strategies, including: capacity-building activities aimed at enhancing the skills and knowledge necessary for effective response; advocacy to ensure the accountability of perpetrators; awareness-raising on the negative and long-term impacts of sexual violence; and promoting a survivor-centred approach that prioritizes the needs and well-being of survivors in all response efforts.

55. The Advisory Unit conducted advocacy with national authorities to renew the Joint Implementation Committee for the National Action Plan for the Armed Forces to address conflict-related sexual violence in South Sudan, whose required membership remains to be determined.¹⁵ While two parties to the Joint Action Plan (South Sudan Opposition Alliance and Sudan People's Liberation Army in Opposition) have already nominated their members, the South Sudan People's Defence Forces has yet to nominate a member in order to constitute the complete membership of the Joint Implementation Committee.¹⁶

56. The Advisory Unit also sustained engagement with the oversight committee established within the South Sudan National Police Service on the implementation of the action plan to address conflict-related sexual violence in South Sudan through periodic meetings, training sessions and workshops, with the aim of strengthening the capacity of the police to investigate cases of conflict-related sexual violence and to prevent violations by police personnel. Periodic meetings on the subject provided a platform for discussion and exchange, providing updates from focal points in different States on data and incidents involving police personnel and strategies for the prevention and response to conflict-related sexual violence. In April 2024, 19 police investigators and prosecutors were provided with training to enhance their skills in investigating cases of gender-based violence and conflict-related sexual violence, ensuring that the rights of victims and witnesses are respected and protected, fostering accountability and deterring potential perpetrators from committing such crimes.

Engagements with civil society organizations and other stakeholders

57. On 12 and 13 June 2024, the Women's Protection Advisory Unit, in collaboration with the Team of Experts on the Rule of Law and Sexual Violence in Conflict, conducted a workshop on the Model Legislative Provisions and Guidance on the Investigation and Prosecution of Conflict-Related Sexual Violence¹⁷ in Juba, attended by 37 participants (including 20 women), including civil society actors, security sector actors, legal practitioners, and representatives of relevant ministries, the Judicial Reform Committee of South Sudan, the judiciary and United Nations entities. Participants underlined the need for training of legal actors on: handling cases of conflict-related sexual violence at various levels; funding to establish and maintain infrastructure to support investigations and trials; and political will for the passage of the bill on gender-based violence and to facilitate its dissemination and application.

58. On 28 June 2024, the Advisory Unit facilitated a dialogue with the Joint Consultation Forum on conflict-related sexual violence in Juba, composed of various civil society organizations, members of the former Joint Investigation Committee and the steering committee on the implementation of the action plan to address conflict-related sexual violence for the South Sudan National Police Service. The platform allowed in-depth discussions on conflict-related sexual violence issues and the implementation of strategies to address them among the three mechanisms¹⁸ supported by the Advisory Unit.

¹⁵ The action plan, which lapsed on 31 December 2023, was renewed for a further two-year period until December 2026. However, the full membership of the Joint Implementation Committee, the entity overseeing the implementation of the action plan, has not been renewed.

¹⁶ It is important to note that the Joint Implementation Committee has outstanding activities from the action plan, the basis on which its mandate was sought and granted.

¹⁷ Issued by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

¹⁸ The three committees/mechanisms are: the Joint Implementation Committee for the National Action Plan for the Armed Forces to address conflict-related sexual violence in South Sudan; the steering

59. In the framework of the commemoration of the International Day for the Elimination of Sexual Violence in Conflict, a series of outreach sessions, engagements, workshops and radio talk shows were held and informational materials were distributed at the State-level with civil society organizations, local government institutions and law enforcement authorities to further enhance prevention and response to conflict-related sexual violence. At least 345 persons (including 156 women) were sensitized on conflict-related sexual violence prevention and response.

VII. Support to national human rights institutions

60. During the reporting period, the Human Rights Division completed two projects aimed at enhancing the work of State-level human rights commissions in advancing human rights, namely two newly constructed offices for the State human rights commissions in Malakal, Upper Nile State, and Torit, Eastern Equatoria State.

61. In March 2024, the Human Rights Division provided technical assistance to the South Sudan Human Rights Commission and civil society organizations in conducting two field visits to Malakal, Upper Nile State, and Kuacjok, Warrap State, aimed at facilitating the work of the Commission in monitoring, investigating and reporting on human rights violations and abuses.

VIII. International human rights mechanisms

62. The Human Rights Division continued to support the Government of South Sudan to ratify/accede to and to uphold human rights treaty law in the country. On 5 and 6 February 2024, South Sudan officially deposited the instruments of accession for several international human rights treaties: the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.¹⁹ These international instruments provide a legal framework for promoting and protecting human rights and create mechanisms for accountability for human rights violations and abuses in South Sudan. Accession to human rights treaties demonstrates the commitment of the Government to upholding and protecting the fundamental rights of its citizens, as enshrined in international law.

IX. Conclusions

63. **Localized violence involving community-based militias and/or civil defence groups and military operations and activities involving government security forces and organized armed groups and their respective proxy armed elements continued to place civilians at risk of violence, including sexual violence, and resulted in gross human rights violations and abuses and violations of international humanitarian law. Weak rule of law and accountability mechanisms for human rights violations and abuses and violations of international humanitarian law contributed to continuing pervasive impunity and lack of effective remedies for victims. Further, the continued infringement of fundamental freedoms had a negative effect on civic space.**

64. **Despite the complex and volatile context in South Sudan, OHCHR remains committed to building capacity and supporting government initiatives to address the human rights challenges identified in the present report. Through technical assistance and capacity-building programmes, OHCHR has made significant strides in**

committee on the implementation of the action plan to address conflict-related sexual violence for the South Sudan National Police Service; and the Joint Consultation Forum on conflict-related sexual violence for civil society organizations.

¹⁹ The deposit of the instruments of accession followed the signing of the bills of accession for the treaties by the President of South Sudan on 24 February 2023.

strengthening the rule of law, promoting accountability and protecting the rights of vulnerable populations.

65. OHCHR will continue to work closely with the Government, civil society and other stakeholders to address the root causes of human rights violations and to promote a culture of respect for human rights. OHCHR is committed to supporting the journey of South Sudan towards a more just, equitable and peaceful society, where all individuals can enjoy their human rights without fear or discrimination.

X. Recommendations

66. Based on the findings contained in the report and recalling recommendations from the previous report of OHCHR on technical assistance and capacity-building for South Sudan,²⁰ it is recommended that the Government of South Sudan:

(a) Intensify efforts to implement all of the transitional justice mechanisms set forth in chapter V of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and engage with the African Union Commission to commence discussions to draft and sign the memorandum for the establishment of the Hybrid Court for South Sudan to promote accountability and end impunity;

(b) Demonstrate stronger commitment to fully implement the provisions of the Revitalized Agreement relating to sexual and gender-based violence and implement proactive measures to ensure that sexual violence is no longer used as warfare and that survivors receive justice and needed support;

(c) Amend the provisions in the Non-Governmental Organizations Act 2016 (Amendment) Act 2024 that prohibit such organizations from engaging in political activities and finalize its enactment;

(d) Address concerns about the National Security Service Act 2014 (Amendment) Act 2024 and amend the provisions that undermine the advancement of human rights;

(e) Fully implement the Strategic Action Plan 2023–2026 of the Ministry of Justice and Constitutional Affairs and the recommendations of the Judicial Reform Committee to address inadequacies in the justice sector;

(f) Investigate reported cases of extrajudicial killings and prosecute perpetrators for accountability;

(g) Ensure the domestication of all international treaties ratified by South Sudan to guarantee their implementation and the enforcement of the obligations in those treaties.

67. It is recommended that the United Nations:

(a) Provide holistic support (financial, technical assistance and capacity-building) to the Government to strengthen judicial processes, in cooperation with relevant actors, through a continuum of responses ranging from investigations to trials;

(b) Provide technical assistance to the Government to review and harmonize key laws related to accountability and access to justice with international human rights standards;

(c) Continue engaging with the South Sudan Human Rights Commission, civil society organizations and victims' networks to build awareness and knowledge on accountability for human rights violations and abuses, including conflict-related sexual violence and sexual and gender-based violence;

(d) Strengthen advocacy, engagement and support for the full implementation of the Revitalized Agreement and conflict mitigation measures by

²⁰ [A/HRC/55/77](#).

generating the strong political commitment of stakeholders to human rights, accountability and access to justice;

(e) Strengthen monitoring, reporting, engagement and advocacy to ensure that fundamental freedoms are protected and respected to enable free, fair and inclusive political processes and that civil society organizations and the media are enabled to impart accurate and useful information to address concerns about misinformation, hate speech and other similar practices;

(f) Strengthen institutional and capacity-building support to enhance open civic engagement and political participation in democratic processes.

68. It is recommended that the international community:

(a) Continue to advocate for the establishment of the transitional justice mechanisms provided for in chapter V of the Revitalized Agreement;

(b) Increase support to victims and survivors of human rights violations and abuses, in particular access to medical, psychosocial and legal aid services;

(c) Provide financial and logistical support to community-based organizations to conduct awareness-raising on transitional justice and support for victims' and survivor's networks in communities;

(d) Strengthen advocacy for support to the electoral process and an open civic and political space;

(e) Support judicial reform programmes, including capacity-building initiatives on human rights-based approaches for judicial officers, military, police, national security and prison personnel, prosecutors and other government officials at the national, State and local levels.

69. It is recommended that the African Union:

(a) Engage and advocate with the Government on the establishment of the Hybrid Court for South Sudan to promote accountability for violations and abuses of international human rights and humanitarian laws and to end impunity in South Sudan;

(b) Engage and advocate with the Government to seek consensus on open civic and political space, building sustainable democracy and peaceful coexistence in the electoral process.
