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Members of the Peace and Security Council (PSC)
African Union (AU)
PO Box 3243
Roosevelt Street
Old Airport Area
Addis Ababa W21K19

cc: Dr Nkosazana Dlamini Zuma, Chairperson, AU Commission

cc: Amb Smaïl Chergui, Commissioner, Peace and Security

cc: Olusegun Obasanjo, Chairperson, AU Commission of Inquiry on South Sudan

3 March 2015

Your Excellencies,

RE: Publication of the AU Commission of Inquiry Report

We, the undersigned South Sudanese and international non-governmental organizations, write to urge you to immediately consider, publish and disseminate the report of the AU Commission of Inquiry on South Sudan (AUCISS).

The 29 January 2015 decision of the Peace and Security Council (PSC) to defer consideration of the report was based on a belief that its publication would obstruct the achievement of peace in South Sudan. We have learnt with regret that the decision was made without members of the PSC having considered the AUCISS report or its recommendations.

The AUCISS committed in its June 2014 interim report to produce a detailed final report containing findings and recommendations on healing, reconciliation, accountability and institutional reforms that would contribute to finding lasting solutions to the crisis in South Sudan. The AUCISS promised “recommendations that will help move South Sudan forward.”



We believe that the AUCISS report could make an important contribution to South Sudan’s peace process and to the attainment of a peace that is both lasting and sustainable. As elaborated below, we believe the report could advance South Sudan’s pursuit of transitional justice and national reconciliation, deter future serious crimes by parties to the conflict, benefit victims and survivors who provided witness testimony, and build confidence in the AU’s commitment to combat impunity on the continent.

Contribution to the Development of Transitional Justice, Reconciliation and Healing Processes

The parties to the conflict have themselves agreed that transitional justice and national reconciliation processes are necessary elements for achieving peace. On 1 February 2015, President Salva Kiir and opposition leader Riek Machar signed an agreement as part of negotiations being brokered by the Intergovernmental Authority on Development (IGAD). It provided for the establishment of a Truth, Reconciliation and Healing Commission as well as for a hybrid judicial body. The week before, leaders of the Sudan Peoples’ Liberation Movement (SPLM), including President Salva Kiir and Riek Machar, met in Arusha, Tanzania, for an intra-party dialogue. There, the SPLM committed itself to “the establishment of a comprehensive system of transitional justice (the core elements of which are truth and reconciliation, criminal prosecution, reparations and institutional reforms), to look into the issues of atrocities, human rights violations and abuses in the country.”

The AUCISS conducted extended consultations with South Sudanese government and opposition officials, victims, refugees, internally displaced people, members of civil society organizations, and intellectuals about how transitional justice processes such as those agreed to in Arusha and Addis Ababa should be designed to best serve the people of South Sudan. Any further delay in publishing the report risks undermining the potential contributions it could make to the design of transitional justice processes for South Sudan.

Advance accountability and deter future serious crimes

Our organizations believe that impunity for grave and systemic human rights violations and crimes under international law has fuelled South Sudan’s cycle of violence. Over the past year, parties to the conflict have attacked civilians based on ethnicity or perceived political allegiance, committed sexual violence and widespread destruction and looting of civilian property. Despite multiple commitments to cease hostilities, fighting has continued, with recent clashes between forces in Upper Nile and Unity states.



IGAD and the parties to the conflict have repeatedly emphasized the importance of criminal accountability and the need to exclude individuals responsible for serious crimes from serving in a future government. The 25 August IGAD Protocol—which was signed by all IGAD heads of state including President Kiir—specifically identified a role for the AUCISS report as a starting point for a vetting process. It stated that individuals identified by the AUCISS as responsible for serious crimes “shall not be eligible for participation in the Transitional Government.” During the intra-SPLM dialogue in Arusha, it was also agreed that “Any individual SPLM member convicted by a competent court or tribunal of crimes against humanity, war crimes, crimes against peace or gross human rights violations and abuses...shall not be eligible to hold public office in the Party and the Government.”

The release of the Commission of Inquiry’s report could play an important role in helping to deter further violations and crimes. With the report shelved, justice remains on hold while parties are emboldened to commit further crimes without fear of the legal consequences.

Victims and survivors have a right to the truth and justice without further delay

One of the most fundamental reasons why the report should be published is that South Sudanese have a right to the truth and justice. Hundreds of victims and witnesses of atrocities took significant time to speak with the AUCISS. They took on sometimes significant personal risk and bore the burden of remembering and recounting painful experiences in order to contribute to a more complete record of the conflict. Many others shared with the AUCISS their ideas for achieving sustainable peace, respect for rule of law and effective governance. They did this because they believed that the AUCISS report could make some positive contribution to the future of South Sudan. For their sake, the report should be published without delay.

Build confidence that the AU will combat impunity across Africa

We lauded the 30 December 2013 decision of the Peace and Security Council to establish the AUCISS. We welcomed the promise of the Chairperson of the AUCISS, Olusegun Obasanjo, “to prove to the world that Africa has come of age to be able to manage African issues by ourselves.” We waited hopefully—alongside other international actors including the United Nations and the Troika—for the AU to take forward its commitment to reject impunity consistent with article 4 of the AU’s Constitutive Act. Precious time has been devoted to the AUCISS completing its work.



We remind you of the PSC's obligations under its Protocol to promote "good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, *as part of its efforts for preventing conflicts.*"

We urge you to prove wrong those who doubt the commitment of the AU to justice and accountability by receiving, considering, and immediately publishing the AUCISS report.

Signed,

1. Action Trans-Crime (Uganda)
2. Affirmative Action Initiative for Women (Nigeria)
3. Africa Legal Aid (The Netherlands)
4. African Centre for Democracy and Human Rights Studies (The Gambia)
5. African Centre for Justice and Peace Studies (Uganda)
6. African Research and Resource Forum (Kenya)
7. Algeria League for Defence of Human Rights (Algeria)
8. Alternative Espaces Citoyens (Niger)
9. Amnesty International (United Kingdom)
10. Arab Coalition for Sudan (Egypt)
11. Arab Foundation for Human Rights and Civil Society Support (Egypt)
12. Arab Network for Human Rights Information (Egypt)
13. Arab Organisation for Human Rights (Libya)
14. Arab Programme for Human Rights Activists (Egypt)
15. Assistance Mission for Africa (South Sudan)
16. Association des Femmes pour le Développement et la Culture de la Paix au Tchad (Chad)
17. Blue Nile Centre for Human Rights and Peace (Sudan)
18. Centre de Recherche sur l'environnement, la Démocratie et les Droits de l'Homme (Democratic Republic of Congo)
19. Centre for Human Rights, Faculty of Law, University of Pretoria (South Africa)
20. Community Empowerment for Progress Organization (South Sudan)
21. Cercle International pour la Défense des Droits de l'Homme, la Paix et l'Environnement (Democratic Republic of Congo)
22. Civil Resource Development and Documentation Centre (Nigeria)
23. Civil Society Legislative Advocacy Centre (Nigeria)
24. Coalition of Advocates for South Sudan (United States)
25. Coalition of Eastern NGOs (Nigeria)
26. Coalition for the ICC (Benin)
27. Convention Tchadienne pour la Défense des Droits de l'Homme (Chad)
28. CSO Network (Kenya)
29. Darfur Action Group of South Carolina (United States)
30. Darfur Relief and Documentation Centre (Sudan)
31. East and Horn of Africa Human Rights Defenders Project (Uganda)
32. End Impunity Organization (South Sudan)
33. Enough Project (United States)



34. EVE Organization (South Sudan)
35. Equatoria South Sudanese Community Association (United States)
36. Foundation for Human Rights Initiative (Uganda)
37. Genocide Watch, Inc. (United States)
38. Governance Bureau – Sudan (Sudan)
39. Heritiers De La Justice a.s.b.l. (Democratic Republic of Congo)
40. Human Rights Network-Uganda (Uganda)
41. Human Rights Watch (United States)
42. Humanity is Us (United States)
43. Institute for Justice and Reconciliation (South Africa)
44. Institute of Human Rights and Development in Africa (The Gambia)
45. International Center for Policy and Conflict (Kenya)
46. International Centre for Transitional Justice (United States)
47. International Commission of Jurists (Switzerland)
48. International Federation for Human Rights – FIDH (France)
49. International Justice Project (United States)
50. International Refugee Rights Initiative (Uganda)
51. Justice Africa – Sudan (Sudan)
52. Kenya Human Rights Commission (Kenya)
53. Kenyans for Peace with Truth and Justice (Kenya)
54. Khatim Adlan Centre for Enlightenment and Human Development (Egypt)
55. Ligue des Droits de la personne dans la region des Grands Lacs (Rwanda)
56. Parliamentarians for Global Action (The Netherlands)
57. Parole et Action pour le Réveil des Consciences et l'Evolution des Mentalités (Burundi)
58. People4Sudan (United Kingdom)
59. Platform for Social Justice (Uganda)
60. Rally for Peace and Democracy (South Sudan)
61. Seed for Democracy in South Sudan (South Sudan)
62. South Sudan Law Society (South Sudan)
63. Southern Africa Litigation Centre (South Africa)
64. Soweto Community Based Organisation (South Sudan)
65. Strategic Initiative for Women in the Horn of Africa (Uganda)
66. Sudan Advocacy Action Forum (United States)
67. Sudan Democracy First Group (Sudan)
68. Sudan Development Initiative (Sudan)
69. Sudan Human Rights Monitor (Sudan)
70. Sudan Social Development Organisation (United Kingdom)
71. Support Peace Initiative Development Organization (South Sudan)
72. The Kenyan Section of the International Commission of Jurists (Kenya)
73. The ROOTS Project (South Sudan)
74. Uganda Coalition for the International Criminal Court (Uganda)
75. United to End Genocide (United States)
76. United Scribes, Teachers and Artists on Sustainable Skills (South Sudan and Kenya)
77. Zorga Organisation for Rural Development (Sudan)