

H.E. Moussa Faki Mahamat
Chairperson
African Union Commission
Addis Ababa, Ethiopia

Your Excellency,

There is at present no prospect for justice before the courts of South Sudan for crimes committed during the particularly brutal conflict that started with fighting between government and opposition armed groups in December 2013. Thousands of people have been killed and raped by both government and opposition forces, and millions have been forcibly displaced causing a tragic humanitarian disaster and the largest refugee crisis on the continent.

The South Sudanese authorities have allowed impunity to flourish over serious human rights violations, war crimes and crimes against humanity committed since brutal conflict broke out in December 2013, prosecuting only one case, Amnesty International said in a new report published on October 7. Prosecutors only follow the directives of the executive, and in the absence of such directives, do not investigate serious crimes. South Sudanese authorities failure to prosecute and punish the perpetrators of crimes under international law, committed by both government and opposition armed groups necessitates a meaningful and effective alternative justice mechanism for the people of South Sudan. South Sudanese authorities typically deny credible reports implicating the armed forces in serious human rights violations. When the President does respond by setting up investigation committees, they lack independence and impartiality and, with the one exception, do not result in criminal trials. Amnesty International also documented the all too frequent use of blanket amnesties granted by the President, violating international law and denying victims' their rights to truth, justice and reparations.

Many victims had placed their hopes for justice in the Hybrid Court for South Sudan (HCSS), which the government committed to setting up when it signed both the 2015 peace agreement and the 2018 revitalized peace accord – but the court has yet to be established.

Therefore I call on you

- Issue a communiqué, recommitting to the establishment of the Court, informing the public about a timeline for establishment and operationalization of the HCSS and in which the AU gives South Sudan a deadline or ultimatum (a period of six months) within which the government should sign the MoU and adopt the Statute for the HCSS, failure to which the AU will proceed to unilaterally establish an *ad hoc* tribunal;
- Guarantee the transparency of the process for establishment of the HCSS or the *ad hoc* tribunal and ensure that South Sudanese civil society actors will be consulted throughout.

Yours sincerely,