



To: Hon. Chairperson, Joint Monitoring and Evaluation Commission (JMEC) of the Agreement for Resolution of Conflict in the Republic of South Sudan.

Cc: The Secretariat of the Intergovernmental Authority on Development (IGAD)

17 June 2016

Your Excellency,

We, the undersigned non-governmental organisations working in and outside of South Sudan, urge you to be un-deterred by an opinion article in the *New York Times* on 7 June attributed to the President and First Vice-President of South Sudan to forgo establishment of a Hybrid Court. We call on you to utilize all the means at your disposal to ensure that the Transitional Government of National Unity commit themselves to the court's establishment, and to urge the African Union to press ahead with the court's development as a matter of urgency.

In your statement to the AU Peace and Security Council on 29 January 2016, you implored the AU Commission to establish the Hybrid Court, stating, "If the legacy of conflict and impunity is to be finally broken in our continent's newest state, we must also act and not disappoint a new generation of South Sudanese." This view precisely articulates why the Hybrid Court is necessary not just for holding those suspected of criminal responsibility to account for their crimes under international law, but for rebuilding the nation of South Sudan.

The demand for justice, truth and reparation from the people of South Sudan is growing. For years, the country's political and military elite have wielded violence for the attainment of their own objectives, against the interests of their people and with full impunity. Yet now, people across the country are expressing strong support for using criminal justice to hold them to account.

The Hybrid Court is just one element of the transitional justice mechanisms that the President and First Vice-President committed to in the peace agreement. But it is a crucially important element. Without the Hybrid Court, the culture of impunity will continue unabated, and the path to peace will be jeopardised. Based on widespread consultations it had with South Sudanese organisations, the AU's own Commission of Inquiry came to this conclusion itself, stating that a sustainable peace is not possible without holding to account those suspected of criminal responsibility for crimes under international law and human rights abuses committed during the conflict.

The recent conviction of Hissène Habré to life in prison for crimes against humanity that he committed during his eight-year rule in Chad gives us hope that an AU-backed court can also bring justice for South Sudan. The future of South Sudan cannot be one in which those who have committed horrific acts of violence and abuses towards its citizens go unpunished.

We, the undersigned, urge Your Excellency to:

1. Reaffirm the Joint Monitoring and Evaluation Committee's commitment to justice, truth and reparations for crimes under international law committed during the course of the conflict in South Sudan;
2. Strongly remind the President and First Vice-President that they are obliged to establish the Hybrid Court, and meet all the other terms they signed onto in the peace agreement of August 2015;
3. Urge the AU Commission to quickly press ahead with the development of the Hybrid Court, and to start a public consultation process in South Sudan to ensure South Sudanese citizens and civil society actively participate in the establishment of the Hybrid Court.
4. Encourage AU member states to pledge their commitment to the formation of the Hybrid Court – as it is the first of its kind to be established by the AU Commission – through their public statements, the provision of experts on transitional justice and via financial support.

We stand in solidarity to support Your Excellency and JMEC's efforts towards the realization of a sustainable and lasting peace in South Sudan.

Please accept, Your Excellency, the assurances of our highest consideration.

Signed,

1. Africa Peace Forum
2. Amnesty International
3. Assistance Mission for Africa (AMA)
4. Centre for Citizens' Participation on the African Union
5. Center for Conflict Resolution (CECORE)
6. Center for Livelihood, Research and Poverty Reduction (CLIP)
7. Center for Study of Violence and Reconciliation (CSVr)
8. Community Empowerment Progress Organization (CEPO)
9. Dialogue and Research Initiative
10. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
11. Enough Project
12. Foundation for Democracy and Accountable Governance (FODAG)
13. Foundation for Youth Initiative
14. Global Justice Center
15. Human Rights Development Organization (HURIDO)
16. Human Rights Watch
17. Humanitarian Aid Relief Trust (HART)
18. International Center for Policy and Conflict (ICPC)
19. International Federation for Human Rights (FIDH)
20. International Refugee Rights Initiative
21. Southern African Development Community – Council of Non-Governmental Organisations (SADC-CNGO)
22. South Sudan Action Network on Small Arms (SSANSA)
23. South Sudan Law Society (SSLS)
24. South Sudan Women's Empowerment Network (SSWEN)
25. The Centre for Human Rights, University of Pretoria
26. Transitional Justice Working Group
27. Voice for Change
28. Waging Peace
29. Women's Monthly Forum