

Impunity must urgently be tackled in South Sudan

By Adama Dieng

The forces allied to the two main parties to the conflict in South Sudan, President Salva Kiir and Riek Machar, continue to inflict pain, suffering and despair on the South Sudanese people as a result of their unwillingness to take the necessary steps to end the civil war. Since fighting started in December 2013, both government and rebel forces have reportedly committed serious violations of human rights and international humanitarian law, including extrajudicial killings, mass rape, torture, arbitrary detention, pillaging, forced displacement and have reportedly attacked protected personnel and sites, including United Nations personnel and property. In June this year, the United Nations reported vicious attacks against civilians in Unity State by government forces, including the mass rape of women and girls, some of whom were reportedly burnt alive. The brutality and cruelty of these attacks defies imagination. Thousands of civilians have been killed to date, more than one and a half million people have been displaced and some seven hundred thousand have sought refuge in neighbouring countries. Given the widespread and systematic nature of attacks against civilians, some may constitute war crimes and crimes against humanity and those responsible must be held accountable.

While the South Sudanese people continue to bear the brunt of the conflict, their leaders have been engaged in endless rounds of talks, traveling back and forth between South Sudan, Addis Ababa (Ethiopia) and Dar es Salaam (Tanzania). These talks have so far failed to produce meaningful results or alleviate in any way the suffering of the South Sudanese. Fighting continues unabated, as do violations and abuses by both sides. This, despite the best efforts of the Inter-Governmental Authority on Development (IGAD), Tanzania's ruling Chama Cha Mapinduzi party and South Africa's ruling African National Congress. We have to ask ourselves whether the lives of the South Sudanese really matter to Salva Kiir and Riek Machar, or to their neighbours, the regional leadership or the rest of the world.

I was among those whose hopes were raised by the establishment on 7 March 2014 of an African Union commission of inquiry on South Sudan, the first such commission to be established since the African Union was founded. The Commission was mandated to investigate allegations of human rights violations and abuses committed during the conflict, assess the underlying causes and, importantly, to make recommendations on accountability, reconciliation and ways to deter and prevent recurrence of violations in the future. Olusegun Obasanjo, an eminent statesman and former President of Nigeria, was appointed to lead the Commission.

Reaction to the establishment of the Commission was mixed. Some saw it as a way to pre-empt the establishment of a United Nations investigation that might recommend prosecution of those leaders responsible for crimes committed in South Sudan. Personally, I was delighted that for once the African Union had demonstrated willingness to deal with

the impunity that has too often accompanied violence on the African continent. I believed that a successful investigation could send a strong message that the regional body would not shield from justice political leaders responsible for crimes committed against their people. In the Op Ed I issued on 9 April 2014 that heralded the African Union's initiative, I also cautioned, however, that the world would be watching to see if the African Union would deliver on its promise.

Almost a year after it completed its work, and six months after the Commission of Inquiry submitted its report to the African Union Peace and Security Council (AUPSC), there is a deafening silence. The AUPSC has so far avoided discussing the Commission's findings, which have not been made public. No action has been taken to implement its recommendations.

When I met President Kiir and Riek Machar in South Sudan in April 2014, both stated their commitment to accountability, promising that those responsible for atrocities would face justice. They both said that they would support the inclusion of accountability measures in a comprehensive peace agreement. Indeed, in the initial agreement signed in January 2015, they committed to establishing a judicial mechanism to prosecute those who had committed atrocity crimes.

What rationale could there be, then, for holding the Commission of Inquiry report hostage? It would be a mistake to think that sustainable peace, reconciliation and national healing can be achieved in South Sudan without any kind of accountability for the crimes committed. Amnesty is not an option. In addition, those who oppose accountability could be seen to be indirectly abetting the atrocities in South Sudan by protecting the perpetrators.

The mantra of "African solutions for African problems" sounds hollow when it is not backed up by action. Africa must stand up for its people. Leaders who turn against their own and inflict on them the kind of suffering we have witnessed in South Sudan lack the moral integrity that is a requisite for leadership.

I urge the AU Summit, which is due to take place in early August 2015, to do the right thing - make the report of the Commission of Inquiry report public and implement its recommendations. Ignoring the need for justice will not solve the conflict in South Sudan. We need to end the cycle of impunity that is fuelling the conflict. If not, we shall be failing the South Sudanese people, and failing once again in our responsibility to protect our populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

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5 August 2015