



June 4, 2015  
His Excellency Jacob Zuma  
President of South Africa  
Office of the President of the Republic of South Africa  
Mahlamba Ndlopfu  
Bryntirion Estate  
Pretoria, Gauteng, South Africa

**Bashir Watch Coalition Letter to the Government of the Republic of South Africa  
Re: Omar al-Bashir's invitation to the African Union Summit in South Africa**

The Bashir Watch Coalition, a group of human rights organizations dedicated to accountability in Sudan, writes to express its grave concern that the government of South Africa is inviting Sudanese President Omar al-Bashir to visit South Africa for the African Union (AU) Summit this month despite his grotesque record of human rights abuses.

President Bashir is wanted by the International Criminal Court (ICC) on charges of genocide, war crimes, and crimes against humanity. He has perpetrated the ongoing atrocities in Darfur where hundreds of thousands have died since 2003 and millions remain displaced. In 2014 alone, approximately half a million people were newly displaced in Darfur, and projections for 2015 are even grimmer with up to 143,000 already displaced this year. The crimes in Darfur continue to rage, and violence has spread into other areas of Sudan, including South Kordofan and Blue Nile. Bashir has continuously blocked humanitarian aid from reaching those in need, and many people are at risk of starvation. Bashir has carried out his reign of terror with impunity for more than twelve years, and bringing justice to his victims is long overdue.

South Africa is a founding member and signatory to the Rome Statute, under which the ICC was established. The situation in Darfur was referred to the ICC by the UN Security Council (UNSC) and UNSC Resolution 1593 (2005), which urges all UN members to fully cooperate with the court. Given Parliament's ratification of the Rome Statute in November 2000 (making it the 23<sup>rd</sup> State Party to the treaty), as well as its subsequent domestic implementation through the ICC Act of 2002, South Africa has a constitutional duty to abide by its international obligations and is required by law to act and bring Bashir to justice. As South Africa's Director-General of the Department of International Relations and Co-operation stated in 2009, should Bashir travel to South Africa, the government is obliged to enforce the arrest warrant under the Rome Statute and comply with the request for arrest and surrender.

Your Excellency, as the leading democracy in Africa and a central player in regional affairs, it is imperative that the "Rainbow Nation" promotes justice, accountability and the rule of law at both the domestic and international levels. The Coalition acknowledges that South Africa has sought to facilitate a genuine peace process in Sudan over the years, and as a country having experienced a prolonged struggle for justice and human rights itself, South Africa has a special

duty to demonstrate its leadership in the region and responsibility to its people by ensuring that when genocide, crimes against humanity and war crimes are committed, those responsible are brought to justice. Just as then Deputy Secretary-General of the ANC, Thandi Modise, reiterated the duty to transfer Bashir to The Hague if he entered South Africa in 2010, we encourage the South African government to continue to both espouse and abide by its international obligations should Bashir attend this month's Summit.

Furthermore, the Coalition notes that South Africa does not constitute neutral territory in the same way that the United Nations headquarters in New York does (given its extraterritorial status), and therefore South Africa's obligations under the Rome Statute still apply for an AU Summit convened on South African territory.

The Bashir Watch Coalition urges the Government of South Africa to stand for justice for the people of Sudan and refuse to allow an individual charged with genocide, war crimes, and crimes against humanity into its territory. If Bashir enters South Africa, this coalition calls on the South African authorities to respect both the rule of law and their legal obligations to arrest and surrender Bashir to the ICC's custody to fairly face the charges against him. Failing this, we ask that South Africa rescinds its invitation to President Bashir immediately.

Sincerely,

The Under Signed,

The Coalition of the International  
Criminal Court, NY, USA



The International Justice Project, NJ, USA



Darfur Women Action Group, DC, USA



United to End Genocide, DC, USA



Waging Peace, London, UK



Cc: H.E. Ms. Maite Nkoana-Mashabane,  
Minister of International Relations and  
Cooperation of the Republic of South  
Africa

H.E. Mninwa Johannes Mahlangu,  
Ambassador of the Republic of South  
Africa to the United States of America  
H.E. Ambassador Kingsley Mamabolo,  
Permanent Representative of the Republic  
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