

AFRICAN UNION

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**PEACE AND SECURITY COUNCIL 996TH MEETING
ADDIS ABABA, ETHIOPIA
14 MAY 2021**

PSC/BR/COMM.(CMXCVI)

COMMUNIQUE

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Adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 996th meeting held on 14 May 2021, on the consideration of the Report of the Fact Finding Mission to the Republic of Chad, in line with communique [PSC/BR/COMM.2(CMXCIII)], adopted at its 993rd meeting held on 22 April 2021,

The Peace and Security Council,

Recalling its previous decision on the situation in Chad, namely; communique [PSC/BR/COMM.2(CMXCIII)], adopted at its 993rd meeting held on 22 April 2021, to constitute and undertake an AU Fact Finding Mission to the Republic of Chad;

Noting the opening statement made by Permanent Representative of People's Democratic Republic of Algeria and Chairperson of the PSC for May 2021, H.E. Ambassador Salah Francis Elhamdi, and the presentations by the co-leaders of the Fact Finding Mission to Chad, namely, the Permanent Representative of the Republic of Djibouti to the AU, and Chairperson of the PSC for April 2021, H.E. Ambassador Mohammed Idriss Farah and the AU Commissioner for Political Affairs, Peace and Security, H.E. Ambassador Bankole Adeoye;

Also noting the statements delivered by the Minister of Foreign Affairs, African Integration and Chadians Abroad of the Republic of Chad, H.E. Ambassador Cherif Mahamat Zene, representing the concerned Member State, as well as the remarks made by the other four PSC Members who participated in the Fact Finding Mission to Chad, namely the Permanent Representatives to the AU of Cameroon, Egypt, Ghana and Lesotho;

Further recalling the provisions of all relevant AU normative instruments, including, the July 2000 AU Constitutive Act; the July 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union (Article 7 (g)); the African Charter on Democracy, Elections and Governance; and the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted by the 36th Ordinary Session of the OAU Assembly of Heads of State and Government, held in Lome, Togo, July 2000 (the Lome Declaration);

Drawing particular attention to the OAU Convention for the Elimination of Mercenarism in Africa [(CM/817(XXIX)], adopted by the 14th Ordinary Session of the OAU Heads of State and Government held July 1977, in Libreville, Gabon; the OAU Convention on the prevention and combating terrorism adopted in Algeria, 14 July 1999 and the AU Non-Aggression Convention adopted in Abuja on 31 January 2005;

Taking due note of the report of the AU Fact Finding Mission to Chad from 29 April to 5 May 2021, with its findings and recommendations;

Highlighting in particular the finding in the report of the mission that Chad was facing grave and multi-pronged attacks in the form of external aggression as described in Article 1(c) of the AU Non-Aggression Convention, and by mercenaries as enshrined in Article 1 of the OAU Convention on the Elimination of Mercenarism in Africa, as well as the terrorist attacks by Boko Haram, ISWAP and other

armed groups operating in the Lake Chad Basin, contrary to the OAU Convention on the prevention and combating terrorism adopted in Algeria, 14 July 1999;

Noting with concern the current fragile, fluid and tenuous security situation in Chad following the death of H.E. President Idriss Deby Itno on 20 April 2021, with huge repercussions for the peace, stability and security of the region and the Continent;

Mindful of the pivotal role being played by Chad in the promotion and maintenance of peace and security, particularly in the countering terrorism and violent extremism in the Lake Chad Basin and the Sahel regions, as well as the intrinsic linkages between the stability of Chad and that of Libya;

Ajfirming that topmost priority should be accorded to the restoration of peace, stability and security and the return to civilian-led democratic order bearing in mind that both are essential, crucial, mutually reinforcing and inter-connected;

Re-ajfirming the steadfast commitment of the AU for the preservation of the political independence, sovereignty, territorial integrity and unity of Chad, as well as the imperative of sustained support of the AU for the prompt and successful restoration of constitutional order in that country; and

Acting under Article 7 of its Protocol, the Peace and Security Council:

1. **Reiterates its total rejection** of any unconstitutional change of government in the Continent, consistent with the provisions of Article 4 (p) of the AU Constitutive Act;
2. **Strongly condemns** the use of violence by mercenaries, foreign fighters and rebels in pursuit of political power in Chad, and **demands** the immediate cessation of hostilities and the unconditional and expeditious withdrawal of all mercenaries, and foreign fighters from Chad, in line with the 1977 OAU Convention for the Elimination of Mercenarism in Africa;
3. **While noting** the positive measures being taken towards the transition, **welcomes**, as a step in the right direction, the formation of a civilian-led Transitional Government on 2 May 2021, headed by H.E. Mr. Albert Pahimi Padacke who was named Prime Minister, and inclusive of members of some opposition political parties, as Government Ministers, entrusted with spearheading the national dialogue and reconciliation towards the restoration of constitutional order;
4. **Bearing in mind** the complexity of the current political and security situation in Chad:
 - a) **Emphasizes** the imperative of a civilian-led, inclusive and consensual transitional process in Chad, with clear separation of the roles and functions between the Transitional Government and the Transitional Military Council (TMC), with the TMC focusing primarily on the statutory defence and security of Chad, while the Transitional Government concentrate on political and other public policy related issues in the country;
 - b) **Therefore directs** the Transitional Government headed by the Prime Minister, in consultation

with the National Transition Council to urgently review the Transition Charter, which was hastily decreed by the TMC on 20/21 April 2021, with a view to realigning it to reflect the collective interests and aspirations of all Chadians for genuine civilian-led democratic governance, and serve the sole purpose of the transition;

- c) **Underscores** the utmost necessity that the transition to democratic rule should be completed within the 18-month period, as announced by the TMC, being effective from 20 April 2021 when the TMC was established, **while categorically asserting** that no form of extension of the transition period prolonging the restoration of constitutional order, would be acceptable to the AU;
- d) **Demands** that the transitional authorities to urgently establishes the National Transition Council as planned, to serve as an interim and sovereign legislative body, with a clearcut mandate to, among other things, draft a new people-centred constitution which opens up the political space to all Chadians and takes into account their fundamental rights and freedoms;
- e) **Calls upon** the Chairman and members of the TMC to abide with the avowed commitment, not to contest or take part in the upcoming national elections towards democratic rule; and in this respect, **assures** that the Military will be held fully accountable in this respect;
- f) **Further urges** the Chadian stakeholders, including the civil society, human rights, faithbased organizations and the media, to contribute positively towards ensuring the success of the transition and to refrain from any actions or statements that may further incite violence and complicate the current situation in the country and negatively affect regional security and stability.

5. **Requests** the Chairperson of the AU Commission to urgently appoint a High Representative to serve as Special Envoy, to work closely with the Transition Government leading to the organization of free, fair and credible elections to the end of the transition period;

6. **Also requests** the Chairperson of the AU Commission to promptly appoint the Special Representative for the vacant position of the Head of the AU Liaison Office in Ndjamena, and provide the necessary human and material resources, in order to extend the required support to the envisaged AU High Representative for Chad;

7. **Further requests** the Chairperson of the AU Commission to set up an AU-led Support Mechanism, to facilitate and coordinate the efforts of the AU High Representative and interested development partners, towards providing comprehensive and sustained support to the transition process in Chad, including the deployment of a multidisciplinary technical team of experts, and to effectively monitor the major transition actions for the benefit of all Chadians and assist particularly in the areas of constitution drafting, national reconciliation and dialogue, electoral reform and management system, mobilization of partners and financial resources for the transition as well as security sector reform (SSR) and disarmament, demobilization and reintegration (DDR) towards building a truly national army and national security outfit to ensure a successful transition;

8. **Urges** the Transitional Government to expedite the process of organizing an inclusive and transparent national dialogue and national reconciliation, with sincerity of purpose, openness and credibility, under the auspices of the Prime Minister, within the next three months , to address the underlying structural challenges, with the participation of all relevant stakeholders, including the opposition political parties, faith-based leaders, civil society and human rights organizations, women and youth, labour unions, local regions, Chadians in the diaspora, as well as the media, and armed groups/movements that are ready to renounce definitively violence, to enable the rebuilding of trust, confidence and credibility amongst all stakeholders and to collectively agree on the new constitution and modalities for the upcoming elections;

9. **Expresses the urgent need** for the Transitional Government to prioritize the promotion, protection and safeguard of human rights and fundamental freedoms of all Chadians and other nationals in Chad, particularly the freedom of speech and peaceful assembly, in line with the relevant national laws and AU legal instruments and, **in this regard, calls upon** the TMC to immediately release all political detainees and arrested protesters or prosecute them in the court of law while underaged detainees should be released forthwith;

10. **Calls on** the Transitional Government, headed by the Prime Minister, to develop, within the shortest time possible, a detailed transition programme, along with roadmap reflecting key timelines and milestones/benchmarks that will usher in a new constitution and free, fair and credible elections;

11. **Expresses deep concern** over the security situation in Chad which is attributable to the condemnable activities of mercenaries and foreign fighters from Libya; and **urges** the Chadian defence and security forces not to relent in the fight against terrorism and violent extremism in the Lack Chad Basin and the Sahel, while respecting the basic rights of prisoners of war, including child soldiers; in this regards **appeals** to the United Nations to intensify its efforts toward combating mercenaries and foreign fighters, especially those in Libya and the Sahel;

12. **Stresses** the need for the AU Commission to continue to closely monitor, report and assess the transition efforts by the Chadian authorities and provide the required technical support within the AU-led Support Mechanism, to stem the proliferation of illicit weapons in Chad, including small arms and light weapons (SALW) and heavy weaponry by armed groups;

13. **Requests** the AU Commission to finalize the Regional Stabilization Strategy for the Sahel, in collaboration with the concerned Member States and the relevant Regional Economic Communities and Regional Mechanisms (RECs/RMs), namely ECCAS, ECOWAS and CEN-SAD, as well as development partners;

14. **Notes with concern the** dire humanitarian situation in Chad and **appeals** to the AU Member States and the international community including the United Nations, to swiftly scale up humanitarian support for the population in need, particularly the internally displaced persons and refugees;

15. **Calls upon** to the international community to support AU's efforts in Chad through the Support Mechanism and, in this context, **requests** the Commission to coordinate the mobilization of special emergency financial support from AU Member States, development partners and global financial

institutions, to address the macroeconomic and financial challenges facing Chad and explore the possible utilization of the AU Peace Fund in accordance with the relevant rules and regulations governing the Fund;

16. **Adopts** the report of the Fact Finding Mission to Chad with its findings and recommendations;
17. **Highly commends** the co-leaders and members of the AU Fact Finding Mission, including the fruitful participation of representatives of the AU Chairperson from the DRC, ECCAS and CEN- SAD and **conveys profound appreciation** to the Chadian authorities and other stakeholders for the close collaboration with the AU Mission in carrying out its tasks in a very good working environment, **while pointing to** the AU Fact Finding Mission mechanism as a useful PSC/AU Commission model and potential learning tool for the promotion of good political governance and conflict prevention by the PSC in the future;
18. **Requests** the Chairperson of the Commission to report to the Peace and Security Council by the end of June 2021, on the evolution of the situation in Chad, especially the work of the Support Mechanism and the overall state of progress in the implementation of this current Communique, and thereafter, on a quarterly basis until the end of the 18-month transition period;
19. **Encourages** the transitional authorities of Chad to speed up the official investigation into the brutal killing of the former President through the already-established Commission of Enquiry in the Office of the Attorney General and Minister of Justice, so that the perpetrators of this high crime could be brought to justice without any further delay;
20. **Decides** to remain actively seized of the matter.