



Press Release:

SSHURSA calls on President Kiir to respect the Constitution and ensure elections held within 60 days in Unity State:

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The South Sudan Human Rights Society for Advocacy (SSHURSA) has been disturbed by the alarming rate in which the President of the Republic of South Sudan General Salva Kiir Mayardit has been violating the Transitional Constitution of South Sudan 2011(TCSS 2011) without any reservation to people's will.

SSHURSA condemns in strongest terms possible the removal by President Kiir on July 7, 2013, of the Unity State elected Governor Taban Deng Gai. Though the President is allowed by the provision of **Article 101(r) of the TCSS 2011** which states that the president shall perform the following functions:

"-----remove a state Governor and/or dissolve a state Legislative Assembly in the event of a crisis in the state that threatens national security and territorial integrity"

However in the case of Unity State, there is no proof of "event of a crisis that threatens national security and the territorial integrity".

This is a clear violation of the supreme law of the land by the head of the state and this is unacceptable in democratic governance. President Kiir sacrificed a lot of his efforts for the liberation of South Sudan. Naturally, he should have been the very first person to remember what caused him to spend his time in the bush wars against military dictators of Khartoum. Having that in mind, he should have been ahead in respect of the rule of law which is centred on the dictates of the Constitution which himself signed.

In January 2013, the President removed the elected Lakes State Governor Engineer Chol Tong Mayay under the pretext of insecurity that calls for necessity for change of leadership in Lakes State but the current militant caretaker Governor Matur Chut Dhuol has not stopped the insecurity and instead has become the worst human rights abuser, undermining at will any provision of the law and good conscience. The president failed through National Elections Commission to organize by-elections for the Lakes State Governor as required by **Article 101(s)** of the Constitution that states the president shall;

"appoint a state care-taker Governor who shall prepare for elections within sixty days in the state where the Governor has been removed or the state Legislative Assembly so dissolved in accordance with the provisions of this Constitution, the relevant state constitution and the law"

When the elected Governor of Lakes State was removed and the President failed to ensure that elections were held within 60 days, SSHURSA made a lot of calls and appeals to South Sudan's Parliament and people of good will to protect the Constitution of South Sudan by calling into question the unconstitutionality of the president's inaction, and also to the extent of taking the matter to the Court of Law to avoid more violations of the supreme law. Nobody hits the noble appeals SSHURSA made.

Now that the president has removed an elected Governor once again, the removal of the elected Lakes State Governor and the inaction of South Sudan Parliament combined, have acted as a soft ticket for the President to continue with more attack and violations of the Constitution. By all standards and for the purposes of South Sudan viability as a Constitutional stable state under the process of nation-building, SSHURSA makes the following recommendations:

To the President of the Republic; His Excellency Salva Kiir Mayardit:

- (i) Show cause or reasons to the public as to why you removed the elected Governor of Unity State as there is no connection between your action with **Article 101(r)** of TCSS 2011 that allows your office to do so.
- (ii) Ensure that the National Elections Commission and caretaker Governors organize elections for the elections of the Governor within 60 days in Unity State as required by Article 101(s) of TCSS 2011. This is the only way to avoid Constitutional crisis in South Sudan.
- (iii) Ensure that the National Elections Commission is fully funded and not having a mere existence in papers but a functional institution with its full structures.

To both houses of the South Sudan National Legislative Assembly:

- (i) As people's watchdogs and protectors of the Constitution, make urgent call on the President of the Republic to tell the Parliament why he removed an elected Governor without respecting the Provision of **Article 101(r)** of TCSS 2011 that provides for reasons as to when the President is allowed by the Constitution to remove an elected Governor which now not application to the situation of Unity State as proclaimed by the Executive in the case of Lakes State's.
- (ii) Urge the President to ensure the elections for the Governor are held in Unity within 60 days

To the National Minister of Justice and Chief Justice (Judiciary) of South Sudan:

- (i) SSHURSA urgently calls upon your learned offices to rise up and protect the letter and spirit of the Constitution. The supreme law is being attacked at day light and it is within your Mandate to protect the Constitution.
- (ii) SSHURSA urges the Chief Justice to wake up and courageously ensure through the office of the President of the Republic that the Constitutional Court is fully constituted to hear cases of the violations of the constitution.

To the people of South Sudan:

SSHURSA appeals to you to protect the Constitution by peacefully resisting any violation of it. Gone are Khartoum days of open violations of the supreme law of the land which must not be allowed in South Sudan.

SSHURSA Background:

*South Sudan Human Rights Society for Advocacy (SSHURSA) is an incorporated non political and non profit making Human Rights organization founded in June 2007 by South Sudanese Lawyers and Law Students at Makerere Law Development Centre (LDC), Kampala-Uganda. In 2009, it became operational in South Sudan with its head office in Juba and co-ordination offices in the states. Its vision is to advocate for a democratic and human rights abiding South Sudan and with its **mission** is to monitor, document and publish human rights status in South Sudan and also train general public on the importance of human rights, fundamental freedoms of an individual, Rule of Law and democracy, all geared towards creating a more responsible, justice and good governance oriented South Sudan.*