



## **PALU sues the Government of South Sudan at the East African Court of Justice regarding the arbitrary arrest of Mr. Kerbino Wol Agok**

Arusha-Tanzania, 12<sup>th</sup> October 2018, the Pan African Lawyers Union (PALU) has sued the Government of South Sudan at the East African Court of Justice (EACJ), regarding the arbitrary arrest and unlawful detention and torture of prominent South Sudanese Businessman and Philanthropist, Mr. Kerbino Wol Agok. In the Reference, Number 19 of 2018, PALU asks the Court to order the Government of South Sudan to produce Mr. Wol before a competent impartial Court, and to restore to him his properties and stop the attacks and seizure of Mr. Wol's businesses, which includes the recent order by the country's Central Banker to close Mr. Wol's personal and corporate bank accounts.

In the case, PALU notes that: -

- Mr. Wol was arrested on Friday 27<sup>th</sup> April 2018, and has been in custody since then at the infamous "Blue House", which is the headquarters of the National Security Service (NSS) of South Sudan
- Mr. Wol has neither been formally informed of the reasons for his arrest, nor has he been brought before a competent Court or Tribunal, despite the clear provisions within the Constitution and laws of South Sudan, and indeed the requirements of several provisions of international law, including the Treaty for the Establishment of the East African Community (the EAC Treaty).
- The **Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCISS)**, which was signed on 12 September 2018, has express provisions requiring the release of all prisoners of war and political detainees, which includes Mr. Wol and others in a situation similar to him. **This has not been done.**
- On 27<sup>th</sup> September 2018, the President of the Republic of South Sudan, H.E. Mr. Salva Kiir Mayardit, issued **Republican Order (Decree) Number 17**, which was widely aired on the State Broadcaster, the South Sudan Television (SSTV) and also on private electronic and print media across the East African region. In the said Decree, President Kiir orders that all prisoners of war and political detainees be released with immediate effect under the supervision of the International Committee of the Red Cross (ICRC). **This has not been done.**
- Through a letter dated yesterday, Thursday 11<sup>th</sup> October 2018, the Bank of South Sudan (its Central Bank), acting under orders from National Security Service (NSS), ordered a closure of all bank accounts in the name of Kerbino Wol Agok, KASS Private Security Company Limited and any other related financial accounts. No reasons for such a decision were given. The arbitrary order to close Mr. Wol's Bank Accounts, with no reason given, is a clear violation of his right to own and enjoy his property, protected by the EAC Treaty as well as the EAC Common Market Protocol.

Reputable international human rights non-governmental organisations (INGOs), including Amnesty International and Human Rights Watch, have released numerous reports highlighting the fact that persons held in the "Blue House" and similar detention centres in South Sudan are held unlawfully, arbitrarily, without being informed of the reasons of their arrest or taken to competent courts or tribunals within 24 hours, as stipulated by South Sudan's Constitution and penal laws, and by international law. Many have been held in such conditions for months, and some for years, some incommunicado and some disappearing without a trace. **The**



**detainees include South Sudanese civilians, soldiers and officers of other security forces, including NSS itself. They also include foreign nationals, from Eritrea, Ethiopia, Kenya and Uganda, amongst others.**

Mr. Wol himself has been held in such conditions for close to 6 months. They are subjected to beatings, torture, insufficient and unsafe food and water. Their families, friends and lawyers are denied access to them. During the brief standoff, peaceful demonstration and outreach to the international community staged by prisoners at “the Blue House” last Sunday, 7th October 2018, Mr. Wol and the other prisoners attested to these torturous and unlawful conditions.

In the case filed at the EACJ, PALU notes that all of the above heightens the fear that Mr. Wol’s life is in danger. PALU therefore invokes the Court’s powers to compel the Attorney General of South Sudan to come to the Court and to produce Mr. Wol before the Court.

Shortly after filing the case, PALU was informed that today, Friday 12<sup>th</sup> October 2018, armed officers from the National Security Service (NSS), transported in official NSS Trucks, stormed the premises of KASS Group of companies, without any Arrest or Search Warrants. They confined staff members to a room, confiscated their communications devices, searched the premises and later released several staff members, telling them not to report back to work until further notice.

PALU will be monitoring the situation very closely and will file additional Motions at the Court, should there be any disobedience of the Court’s Orders or should there be any adverse development affecting Mr. Wol or any of his businesses.

Signed and released in Arusha, Tanzania on Friday 12<sup>th</sup> October 2018.

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