

## Note to the File

### Supreme Court decides to return Alfred Lado & Angelina Teny appeals to NEC for decision

1. On 6 June, the Supreme Court decided to send back to the National elections Commission (NEC) appeals filed by some candidates about the outcome of the elections in Southern Sudan. The Court obliged the NEC to review the complaints according to article 83 of the National election Act. The Court reiterated in its decision that the announcement of the results and swearing-in of candidates do not prevent NEC to review and decide on the appeals.
2. The appeals were introduced by Angelina Teny in Unity State, Alfred Lado Gore in Central Equatoria State and Jemma Nunu Kumba in Western Equatoria, plus two other complaints at the constituency level by Auyai Deng and Akoj Awmol. The court dismissed the appeal against the elected governor in Jongeli State and in four other constituency and party lists.
3. Article 83 of elections Act stipulates that “the election of a candidate shall only be invalidated if the Commission is satisfied of any of the following circumstances: a) non compliance by the candidate with the provisions of this Act relating to the elections, in a manner that may affect the results of the elections; b) that the elected person is different from the who won the elections; c) that the candidate has, personally or through any other person with her/his knowledge and consent, committed any corrupt practice or any other offence under this Act”

### Comment

4. The Supreme Court’s decision indicates that there is ground on the appeals raised by those candidates and the NEC should therefore examine and decide on them. It remains to be seen how the NEC will react. However, if turns out that these candidates are right then the results of the elections in those areas will have to be reversed.
5. Such a situation would have serious political ramifications and may be recipe for further violence in the already volatile security situation in Southern Sudan.

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