

Summary of the suit filed by the Society Network Organization to the Constitutional Court against the SSRC and the Southern Sudan Referendum procedures

15/12/2010

Background:

The suit was filed to the Constitutional Court on 12th December 2010. The Court declared it admissible on 14th December. On 15th December the Court forwarded the plaintiffs allegations to the SSRC and required it to reply.

The suit complains against barring a number of southern Sudanese eligible voters from registering in both northern and southern Sudan, in addition to receiving threats of arrest and murder. The plaintiffs also accuse the SSRC of denying the Sultans from being "identifiers" which resulted in denying eligible voters from registering. Additionally the suit objects to the time line issued by the SSRC, considering it a constitutional violation as the original time line is specified by the CPA -annex- which is considered a part of the constitution.

Plaintiffs:

Approximately 250 alleged Southern Sudanese eligible voters in addition to three Arab groups from Northern Bahr Al-Ghazal state.

Lawyers: Zeinab Bashir, Qurashi Altoum, Ismail Hussein Haj...others.(Society Network Organization).

Defendant:

Southern Sudan Referendum Commission

Plaintiffs Requests:

- 1- Immediate suspension of all registration and other referendum procedures until the Constitutional Court rules on the substance matter.
- 2- Stop the registration and publishing of the register
- 3- Declare certain articles – regarding the registration- of the SSRA as unconstitutional and annul any procedure or decision which resulted from the registration process.(appeals, administrative decisions, courts decisions...etc).
- 4- Dissolve the commission due to violations in its formation procedures.
- 5- Order the full implementation of the Southern Sudan Referendum Act (SSRA) 2009 (timeline among other things).

RoL Comment:

This case has received wide media coverage on national TV and local newspapers. RoL of law sources believe that this suit is the one orchestrated by the Bar Association. The diversity of the origins of the plaintiffs and the press conference venue of the group indicates an organization with considerable reach and resources.

RoL received an oral summary from one of the lawyers representing the plaintiffs, and is in the process of acquiring a copy of the suit.

Nevertheless, by declaring it admissible the Constitutional Court may take a few days - at least- to decide on the case. In a worst case scenario the Court can grant the demands of the plaintiffs, which can lead to a protracted referendum process. However, even if the court denies the requests of the plaintiffs, it is conceivable that it may suspend the process until it rules on the case. Both scenarios might lead to a delay in the referendum process.

Drafted by RoL Officers:
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