

#AfricanLivesMatter

Hope for Humanity Africa and the restoration of human rights in South Sudan

HOPE FOR HUMANITY AFRICA (H4HA) is an NGO founded by leading attorneys in accordance with the Republic of South Sudan's NGO Act of 2016. H4HA works to defend human and constitutional rights, foster democracy and rule of law, and promote the development of a fair and open civil society in South Sudan.

H4HA's activities

- (a)** Enhance the unity of the South Sudanese under the rule of law.
- (b)** Promote and develop initiatives enhancing the awareness of and respect for the rule of law and fundamental rights.
- (c)** Bring about legal reforms and the harmonization of laws in the Republic of South Sudan.
- (d)** Establish and maintain relationships among the members of South Sudan's legal and institutional communities, and support and defend their independence, so as to improve the administration of justice and to foster the achievement of sustainable development in South Sudan.
- (e)** Develop the provision of legal assistance and services to the public.
- (f)** Promote and protect gender equality and the participation of women in the system of jurisprudence, so as to advance women's rights and social justice in Africa.
- (a)** Foster awareness of South Sudan's legal code and its implications for the general public

- (b)** Help implement programs designed to reconcile ethnic and other groups in South Sudan.
- (c)** Help provide psychological counseling to those traumatized by strife, flight and deprivation.
- (d)** Help counter climate change by fostering the implementation of reforestation and similar programs; and provide support to the internally displaced and others facing impoverishment.
- (e)** Provide training to personnel engaged in the fostering of human rights and rule by law.
- (f)** Promote relationships and carry out dedicated projects with organizations that have similar objectives and interests.

These activities are motivated by South Sudan's having one of the worst track records in the world in the area of human rights and rule by law. The restoration of human rights in the country is predicated upon its achieving an independent system of justice whose ability to effectively act stems from the capabilities of the investigators, police, prosecutors and judges to act according to rules of law and their consciences.

As the relevant indicators eloquently detail, this independence does not exist today, due to interference by the government and large-sized, foreign-owned oil companies. A result of this: the people of South Sudan experience injustice. The same holds true for CSO (civil society organizations). To change these situations, H4HA institutes lawsuits designed to restore human and environmental rights. These suits are placed with the East African Court of Justice.

Cases handled

One such high-profile case was brought before the East African Court of Justice in 2017 on behalf of the citizens of South Sudan: WANI SANTINO JADA versus the Attorney General of the Republic of South Sudan, the Speaker of

South Sudan's Legislative Assembly, and the Secretary General of the East African Community (EAC). In this matter the respondent was deemed to be obliged - under article 5, 6(d), 7(2), 8(1)(c), 13, 14, 15, 16, 20, 21, 22, 23, 27(1), 29, 30, 33, 38, 39, 44, 53(3), and 71 of the Treaty Establishing the EAC - to conduct elections for Members of Parliament of the East African Legislative Assembly (EALA). This suit alleged that the President of the Republic of South Sudan had decided to select these MPs, and to thus eschew the conducting of such elections. This failure to pursue elections was contended to be a breach of the stipulations of the Treaty Establishing the East African Community, which the Republic of South Sudan has signed, and to which it is thus party.

Pursuing this case exposed Wani Santino of H4HA to great professional and personal risks. This was partially because it represented the first time that an attorney and an NGO attempted to bring about the overturning of a decision reached by a head of state. For further information:

<https://africanlii.org/ea/judgment/east-african-court-justice/2019/3-0>

and <https://www.eacj.org/?cases=application-no-8-of-2017-arising-from-reference-no-5-of-2017-wani-santino-jada-vs-the-attorney-general-of-the-republic-of-south-sudan-the-speaker-of-the-parliament-of-south-sudan-and-the-secretary>

This suit was successful. It has become a precedent-setter in Africa. Its pursuit has become the subject of study by students of and experts in jurisprudence.

Second case: redress for victims of abductions and their families

The second high-profile case brought by H4HA was a suit against the ministry of justice of the Republic of South Sudan (the first respondent) and the attorney general of the Republic of Kenya (the second respondent).

<https://www.eacj.org/?cases=reference-no-15-of-2019-hope-for-humanity-africa-h4ha-and-pan-africa-lawyers-union-palu-v-the-hon-minister-of-justice-of-the-republic-of-south-sudan-and-the-hon-attorney-general-of-the-republic>

Reference No 15 of 2019 Hope for Humanity Africa (H4HA) and Pan Africa Lawyers Union (PALU) v The Hon. Minister of Justice of the Republic of South Sudan and The Hon. Attorney General of the Republic of Kenya.

The applicants alleged that Mr. Dong Smauel Luak and Mr. Aggrey Ebon Edri -- both citizens of South Sudan who were registered refugees in Kenya, and who both held valid visas for it – had been abducted and unlawfully arrested and detained.

The suit goes on to maintain that the filing of missing persons reports by the two men’s next of kin, close friends and associates failed to be followed by the second respondent’s undertaking of the proper, diligent, thorough and comprehensive investigations of the subjects’ fates. The men are presumed to have been murdered.

On January 26, 2017, the families of the subjects filed a motion for habeas corpus with the the High Court of Kenya. The Court ruled that the subjects’ disappearance was a criminal act of abduction. Perpetrators were deemed to be “unknown”. The Court ordered the second respondent to pursue the requisite investigation.

The officers and agents of the second respondent subsequently failed to produce any information substantiating what they had submitted in response to the above motion. The applicants alleged that the actions committed by the first and second respondents represent breaches of the stipulations and spirit of the EAC Treaty, of national laws, and of international agreements, with this especially including those pertaining to the protection of human rights and the pursuit of the rule of law and of due process.

Third case: the people of South Sudan vs. their government and oil pollution

The people of South Sudan are plagued with oil spills and leaks resulting from obsolete oil pipelines and facilities operated by the consortia GREATER PIONEER OPERATING COMPANY (GPOC) AND DAR PETROLEUM OPERATING CO. LTD. (DPOC). The Republic of South Sudan is a shareholder in both consortia, and is respondent - along with GPOC and DPOC - in the lawsuit filed by Hope for Humanity Africa on behalf of the victims of the ensuing oil pollution.

Incorporated under the South Sudan Company Act of 2012, **GREATER PIONEER OPERATING COMPANY** is a consortium comprised of CNPC International (NIL) Ltd (represented by Liu Vincal, a Chinese national), PETRONAS Carigali Nile Ltd (PCNL) (represented by Janin Girie, a Malaysian national), ONGC Nile Ganga B.V (represented by Bamdeo Tripathy, an Indian national) and NilePet Company Ltd (Nilepet), represented by Chol Deng Thon Abel, a South Sudanese national.

Incorporated under the South Sudan Company Act of 2008, **DAR PETROLEUM OPERATING CO. LTD.** is a consortium comprised of PETRONAS Carigali Nile Ltd (“PCNL” - with a **40% stake, ultimate ownership in Malaysia**), SINOPEC International Petroleum Exploration and Production Corporation (“SIPC” - with a 6% stake, ultimate ownership in China), TRO Ocean Exploration and Production (“TOEP” - with a 5% stake and ultimate ownership in Egypt), and Nile Petroleum Company Ltd (“NILEPET” - with an 8% stake and ownership in South Sudan).

Asking for the awarding of \$720 million in indemnification for damages ensuing from breaches of human and environmental rights, the lawsuit has been submitted to the EACJ. The Respondents have been served with the Court’s summons and with the applicant’s contentions.

Challenges face by H4HA

Lack of funding

H4HA's source of funding is the support raised by Wani Santino. The insecurity and lack of funding impairs the pursuit of lawsuits and the equipping and staffing of its offices,

Danger

South Sudan's National Security Office frequently voices threats against H4HA's attorneys. The Office is reputed to have been behind abductions and murders of persons critical of the government of South Sudan.

Summary

Hope for Humanity Africa is the only NGO operating in the Republic of South Sudan that proactively uses courts of law to redress the violations of human and environmental rights that affect millions in South Sudan and elsewhere in East Africa.