

REPUBLIC SOUTH SUDAN

JONGLEI STATE – BOR

H.E SPLM CHAIRMAN AND GOVERNOR OF JONGLEI STATE.

Date: 8/5/2012

SUBJECT: RESIGNATION OF RT. HON. SPEAKER OF JONGLEI LEGISLATIVE ASSEMBLY PETER CHOL WAL FROM HIS POST.

We the members of SPLM caucus in Jonglei Legislative Assembly have lost confidence in our Speaker RT. Hon. Peter Chol Wal. We are hereby demanding his resignation from his position as Speaker in front of the SPLM Caucus, for the attached charges:-

We also denounced his unlawful and imposed recess he declared without approval from the MPs while they were engaged in Peace process, with his forged mandate of the outdated conduct of business of the Interim Constitution that he rejected to be amended so as to be in conformity with Transitional Constitution.

Regards

Signed on behalf of the MPs attached

1- Hon. Moses Mayul Bol

2- Hon. Barnaba Okony Gilo

3- Hon. Philip Thon Nyok

4- Hon. James Diu Chack

5- Hon. Akelo Cham

6- Hon. Kuol Bol

CC: DEPUTY SPLM CHAIRMAN
CC: SPLM SECRETARY JONGLEI STATE
CC: ASSEMBLY SPLM CAUCUS
CC: RT. HON. SPEAKER PETER CHOL WAL
CC: MINISTER OF PARLIAMENTRY

REPUBLIC OF SUDAN

JONGLEI STATE - BOR

To: H.E THE SPLM CHAIRMAN AND GOVERNOR OF JONGLEI
STATE

Date: 08/05/2012

**Subject: Resignation of RT. Hon. Speaker of Jonglei Legislative
Assembly.**

H.E SPLM CHAIRPERSON AND GOVERNOR OF JONGLEI STATE

Despite the respect we the undersigned MPs have been accorded to Hon. Speaker Peter Chol Wal as a symbol of our noble State, he remains adamant intimidating his team to date.

H.E State SPLM Chairman,

Hon. Speaker Peter Chol Wal has sharply divided his unit the August House into friends and enemies, upper MPs and lower MPs.

would, your esteemed office review and scrutinize, why has, he been so extravagant to his Hon. MPs who honoured him to earn such rare title of Speaker?

Nonetheless, without prejudice to our obedient response to your appeal about the Speaker's fate for the Transitional term, the appalling State of affairs of the Assembly, since he took oath to date; have prompted us to label the attached charges; *being persevered* by the isolated 32 ordinary Hon. Members of Jonglei Legislative Assembly, since its inception under his leadership without verification. He has been scorning Hon. MPs, who were confidently got elected by the Jonglei State community.

Charges are categorized as (a, b, c and d) below: -

(a) Constitutional Violations.

- 1- Rejection of the Legal Advisor to attend Assembly sittings for the last 21 months (since Aug. 2010 to date) is a "*gross violation of regulation # 13 – (b) conduct of business*" and has contributed into the current tension that the Speaker has unlawfully dismissed the tabled motion.
- 2- Deliberate delay of Assembly Conduct of Business for circulation for the last 17 months, which is a "*violation of article (56) of State Transitional Constitution 2011.*"
- 3- Forceful freezing of the amendment of conduct of business to conform the Transitional Constitution of the Republic of South Sudan.
- 4- Unlawful dismissal of a motion of ABC performance appraisal review or change. "*regulation (# 113- b- (e, j, h) and (# 116 – a, b, and c)*" officially tabled with order of the day circulated and members signed, Speaker is not eligible to discuss a motion let alone raising and seconding it as he did to the above motion.
- 5- Disrespect to international and national festivals such as "*Women International Day*" which is a violation of "*regulation # 21*" conduct of business. E.g the dismissed sitting was enforced in that in that day.
- 6- Speaker's rudeness, undersigning and the abuse to members who raised, the rejected motion by "*childish behaviour and illiterate conduct*", and depriving statement he said that even if any member amongst the opposing MPs raises his/her hand for 20 years she/he won't be allowed to deliberate.
- 7- His Direct abuse to Hon. Judi Jonglei, by stating that he thinks as if he is still the Speaker of this House.
- 8- Lack of desire to build legislative capacity of Hon. MPs exemplified through lack of briefing and circulation of the resolutions of the Speakers' forum before and after its commencement, the process that exhibits ignorance of the Speaker about legislative procedures.
- 9- Speaker has isolated MPs and that has created disunity as he assumes himself a vanguard, to his ABC only, not all the MPs, as he demonstrated it through tearing of a document, slurring of Hon. member and kicking out of the other MP from Assembly Office, in defense of chairperson of finance who detained the document of MPs' arrears inside his drawer for more than (4) months, the behaviour we all denounce and labeled as "*violation of Article 56 (1) of Transitional Constitution*".

- 10- Unlawful deletion of CONSTITUTIONAL items and documents approved in final reading of conduct of business such as *life span or period of Specialized Committees which was 2 years* with out amendment approved by the Assembly, is a violation of **regulation # 17 conduct of business**. And addition of regulations not discussed such as **Assembly recess determination that he robbed and it is non of ABC prerogative**.
- 11- Prohibition of Deputy Chairpersons of Specialized Committee during the long absence including the dead Chairperson of Specialized Committee, to attend ABC meetings and lack of briefing before and after any of the meetings its commenced.
- 12- Deliberate aloof domain of the Assembly Leadership towards *public disasters*, i,e Our communities have been killing one another since August 2011 to date, but no any meetings conducted as per such tragedy to denounce its occurrence, nor voices screamed to console them, or condolences paid to the grieved, families, friends and relatives. "*Violation of Regulation # 3 – (i)*".
- 13- Speaker has closed the Assembly and escaped, while the whole governments of the Republic at all levels were engaged in peace and reconciliation, and his county is one of the most affected by internal conflict, when did he think their issues are to be settled and by who?

(b) Institutional management incapability

- Intimidation of Hon. MPs while on official sitting witnessed by H.E Gai Riam Minister of Parliamentary affairs. No abuse occurred except what he did. **Conduct of business regulation # 52**
- Harassment, degrading and humiliating behaviour of chasing out Hon. MP from the office, the conduct that was witnessed by Deputy Speaker of the August House and Minister of finance H.E. Aquilla Maluth Mam.
- Tearing of an official document also in the presence of Deputy Speaker and H.E Aquilla Maluth Mam.
- Conspiracy against MPs, by accusing them to be plotting against him and the Government of the State. The allegation that proves his guilty consciousness, and cheating character and scapegoat to avert the Assembly looming internal grievances.

- His division of the August House into enemies and friends, lower MPs and so called upper MPs, has illustrated his managerial limitation and lack of group functional ability and peer approach.
- His insult to Hon. MP Peter Deng Aguer with mockery – (foudha in Arabic) in absentia, proved his non competency in running institution affairs.
- Undermining of Hon. MPs status he reflected through allocation of tables to managers of the Assembly leadership ABC, abandoning Hon. MPs seated under the trees in the precinct with their laptops at their shoulders.

(c) Grave disorders.

H.E SPLM Chairman Sir,

- Hon. Speaker Peter Chol Wal, in his office Thursday 16/2/2012 has abused his constitutional powers by tearing an official document of MPs' Claims in front of the minister of finance H.E. Aquilla Mam, that was not even addressed nor copied to him, but was addressed to the Chairperson of finance whose mandate is running of financial business in the Assembly, the document was a follow up of the arrears of MPs abandoned inside the drawer of Deng Chol, after it has been neglected by that office for (8) eight months without being submitted to the ministry of finance and no update to MPs, about its fate and progress until then.
- Chasing out of Hon. Member Barnaba Okony Gilo from the Assembly office and insult of Hon. Peter Deng Aguer in absentia with mockery, have exhibited constitutional inability of Hon. Speaker Peter Chol Wal that pretended to be the only capable and competent member amongst the 48 forty eight Hon. MPs.
- Such conducts in the Assembly, have triggered general anxiety, mistrust and lack of communication between MPs and the Assembly leadership ABC.

(d) Administrative Incompetence

- Lack of transparency and nepotism administrative style demonstrated through appointment of cousin "*Aguer Awer Wieu related to (Him) Chol Wal Wieu*" as a clerk of the assembly without approval from the Assembly to advance (his) the Speaker financial welfare and interests, which led to the following.

- Malpractice attitudes of handling financial emoluments of Hon MPs exhibited in denial of the sum of *1,000 SSP*, the first right of each Hon. Member, for May 2010 was shamelessly confiscated and disguised to have been used for the construction of the Assembly Hall, the allegation we strongly dispute, as fraud simply, because Executive is always instrumental in provision of any required infrastructures when requested by the Legislative Institution.
- "Dressing allowances summing *125,000 SSP claims as per (regulation # 148, b, vii conduct of business) for MPs to perform dress code (regulation # 66 conduct of business)*" have spent more than 20 months without any feedback to the mistreated MPs, whereas the Speakers' office has been and remains enjoying receiving the approximate sum of *56000 SSP being monthly wages of (7) MPs serving in Executive since July 2010 – March 2012* for more than 20 months, that constituted more than one million *1,000,000 SSP* cash.
- Lack of will and a desire from the Speaker, to serve his mere MPs made it impossible to consider payment of *125,000 SSP*, from *1,000,000 SSP* of Executive members, for "*25 MPs dressing claims*".

In Conclusion

We are puzzled by the deterring conduct and behaviour of Hon. Speaker Peter Chol Wal Wieu, who continues to antagonize his dear team by being adamant to the following mistakes that obliged to request his resignation from the post of the Speaker :-

- Oppression of enactment of Transitional Constitution (rejection of the amendment of the Interim conduct of business)
- Tearing of a document
- Chasing out of MP from the Assembly office
- Slurring of MP
- Rejection of the legitimate motion
- Intimidation of Hon. MPs. (abuse to MPs during sitting)

- Deliberate suppression of community problems (tribal conflicts were not taken care of)
- Deletion of approved regulations and addition of unapproved regulations
- Lack of transparency in Assembly financial system
- Declaration of Assembly recess with out approval of the Assembly and without fulfillment of the amendment of the conduct of business of Interim Constitution to conform its operation with Transitional Constitution of the Republic of South Sudan

Regards