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November 22, 2012

Our Reference: -----SSHURSA/02/2012

Your Reference: -----

H.E. President Salva Kiir Mayardit, The President of the Republic of South Sudan,

Office of the president of the Republic,

Thro: The office of H.E. Dr.Riek Machar Teny-Dhurgon; The Vice President of the Republic.

Your Excellency, the President of the Republic,

RE: APPEAL TO EXTEND THE MANDATE OF THE CONSTITUTIONAL REVIEW COMMISSION

Your Excellency, SSHURSA kindly brings to your attention the citizens' concerns over the timeframe of the mandate of the National Constitutional Review Commission. We recently made a press statement calling upon your kind attention to the same concerns and again we are now appealing directly to your office on the same subject matter. On behalf of citizens of South Sudan, ***SSHURSA requests your good leadership over this nation to extend the mandate of the National Constitutional Review Commission for one more additional year before its mandate comes to an end by January 9, 2013.*** SSHURSA is well aware that the extension of the time may affect other national issues stipulated to happen in-between during the Transitional Period. However, Your Excellency, a good Constitution is the solid basis for democratic governance as Your Excellency stated during the swearing-in of the NCRC members in January 24, 2012 and we thank you for stating it clearly that;

“The Permanent Constitution-----will reflect the aspirations of our people and will lay down basis for effective governance and help our country to develop in peace and prosperity----this Constitution is to be a document for all the people of South Sudan”¹

¹ H.E. President Salva Kiir Mayardit, January 24, 2012, in a speech at Swearing-in Ceremony of the National Constitutional Review Commission, Juba, South Sudan

Your Excellency, the above expression is a very powerful statement which greatly shows the committed and concerned leadership you have over this nation and it is to be acknowledged that you have always committed yourself to see this nation run in democratic and rule of law based principles.

Your Excellency, as a reminder, the following provisions from the Transitional Constitution of South Sudan 2011 give the mandate and functions of the Commission² and they are thus as follows'

Article 202(6) states; ***“The Commission shall review the Transitional Constitution and collect views and suggestions from all the stakeholders including any changes that may need to be introduced to the current system of governance”***

Article 202(8) equally states; ***“The Commission shall conduct a nation-wide public information programme and civic education on constitutional issues”***

And **202(10)** provides that; ***“The commission shall adopt and present the Draft Constitutional Text and Explanatory Report to the President one year after its formation”***

Your Excellency, since its establishment on **9th January 2012**, the commission's membership wasn't complete and until more months thereafter when its membership was complete. Though the commission's structures have so far been set up, given some of the challenges mentioned among others which it faces, however, it has neither reviewed the Transitional Constitution; nor having collected views and suggestions from not only stakeholders within capital Juba but also from the South Sudanese citizens in the ten states' grassroots. With two months remaining for its mandate to come to an end, it is obviously that the Commission has done nothing as provided for under the purposes for which it was established.

Your Excellency, against the above challenges the Commission has found itself in, SSHURSA recommends the following to your caring leadership over your people:

The Constitution has clearly mandated your office as it states under **Article 101(f)** that;

“The President shall initiate Constitutional amendments and legislation and assent to and sign into law bills passed by the National Legislature”

The above provision allows your leadership to cause an amendment to the Transitional Constitution before the National Legislature in order to extend the important mandate of the Commission.

² National Constitutional Review Commission

SSHURSA calls also upon the Speakers of the National Legislature and the entire members of the August House to urgently and in good faith receive from the President and pass the amendment of allowing the extension of the mandate of the commission. The amendment requires only introduction to the Assembly at least one month prior to the deliberations by the National Legislature as stipulated under Article 199 of the Transitional Constitution 2011.

South Sudan Human Rights Society for Advocacy is a registered non-political and non-profit making Human Rights organization founded in June 2007 by South Sudanese Lawyers and Law Students at Makerere Law Development Centre (LDC), Kampala-Uganda. In 2009, it became operational in South Sudan with its head office in Juba and co-ordination offices in the states. Its membership composes of individuals and organizations who believe in its human rights protection mandate. Its **vision** is to advocate for a democratic and human rights abiding environment whereas its **mission** is monitoring, documenting and publishing human rights status in South Sudan and train general public on the importance of human rights, fundamental freedoms of an individual, Rule of Law and democracy among others all intended towards creating a more responsible, justice and good governance oriented South Sudan. SSHURSA works closely with the Human Rights Commission and other rights minded bodies in the country.

SSHURSA³, South Sudan

Cc: Speaker, South Sudan National Legislative Assembly (SSNLA)

Cc: Speaker, Council of States

Cc: President, Judiciary of South Sudan

Cc: National Ministry of Justice,

Cc: Chair, National Constitutional Review Commission

Cc: National Human Rights Commission

Cc: Chairperson, Legislation and Justice Committee, SSNLA

³ SSHURSA can be reached through the above provided contacts