

May 27th, 2013

**Hon. Kornelio Koriom,
The Governor,
Bank of South Sudan,
Republic of South Sudan,
Juba.**

**Subject: Ministry of Physical Infrastructure, Central Equatoria State
vs. Nile Petroleum Company and Nimule Transportation Company –
Suit No. SC/CIV-APP/3/2010.**

Your Excellency,

I write with compliments and confidence to you in relation to the above mentioned subject, and to intimate to your goodself that a judgment of the Supreme Court of South Sudan had been entered regarding the issue of plots Nos. 7 and 8 DVI Juba respectively.

Originally, plot No. 7 was registered in the name of General Manager Nile Import and Trading Oil Co. Ltd on 1st/1/1958, whilst plot No. 8 was registered in the name of General Manager Shell Co. Ltd on 1st/1/1958,

which were subsequently sold and thus registered in the name of Garang Deng Aguer, the promoter of the above mentioned companies.

On the 10th/7/2009, the above two plots changed ownership of the title and thus registered under the name of Bank of South Sudan. Notwithstanding the fact that the bona fide rightful owner, who had the indefeasible and lawful title to the said two parcels of land still held in his possession the titles to the two parcels of land.

The Bank of South Sudan erred and erroneously relied on the decision of the Court of Appeal, which dispossessed the claimant of his right of quiet possession, although this decision has since been over turned by the Supreme Court verdict, which entered judgment in favor of the claimant, thus reverting the indefeasible and lawful title of the plots to the said claimant, on the 4th, August 2010. As such, the earlier decision of the Court of Appeal has got no legal effect, as it has been overtaken by the decision of the Supreme Court. A copy of the judgment is herewith attached for your ease of reference.

The incumbent Deputy Chief Justice, who was a member of the Coram (penal) of the Supreme Court, has now issued instructions to the Register of Lands directing them to revert the title to the bona fide rightful owner.

Accordingly, as a sign of respect to your person, I am writing this polite letter reminding you of your obligations to honour and respect the Court verdict, which entered judgment in favor of the Claimant, Mr. Garang Deng Aguer.

Without prejudice to the foregoing, and in the alternative, the Claimant, Garang Deng Aguer has intimated to me that he is ready to settle this matter with the Bank of South Sudan amicably, as he has lost a lot

financially, since the plots were compulsorily acquired from him, as he had a running *Forex Bureau* and two petrol stations, all of which were demolished.

Towards that end, the Claimant, Garang Deng Aguer, is willing to enter into agreement with Bank of South Sudan for the settlement of cost of his plots, and in that light, he demands to be paid seven million, five hundred thousand USD (\$7,500,000), although I am of the considered view that this said amount is too much. In the alternative, I think that appropriate amount for compensating the Claimant would be 6 Million USD.

It would not be to the best of our interest as a Government to compulsorily possess parcels of land without prompt compensation. The Transitional Constitution of the Republic of South Sudan, under Article 171(10), unequivocally provides *inter alia* that, persons enjoying rights in land shall be entitled to prompt and equitable compensation on just terms arising from acquisition or development of land in their areas in the public interest. These sentiments of the Constitution are further reinforced by the Land Act, 2009. Although in the present case, as the Supreme Court which has the final and binding decision as stipulated and provided for under Article 126(5) of the Constitution, has ruled in favor of Garang Deng Aguer, then the Government has no choice but to comply with its directives.

As such, the idea initiated by Garang Deng Aguer, (who is the bona fide owner of the two parcels of land in contestation) of amicably settling the matter outside should be the best option to be taken.

By the same vein, I really do appreciate the last meeting we had, which I must say was very fruitful, and would like to give you a vote of thanks for your cooperation and understanding of the matter in issue, despite some careless statements which were released by one of your staff.

Have the assurance of my highest regards and consideration.

**Telar Ring Deng,
Presidential Advisor on Legal Affairs,
Republic of South Sudan,
Juba.**

**Cc: General Salva Kiir Mayardit,
President of the Republic of South Sudan**

Cc: Garang Deng Aguer