

## **President Salva Kiir Mayardit: The Victim, the Judge and the Executor**

"It is not a crime for a lady to get married to the man of her choice. Forceful marriage, like experience has shown, can sometimes be very disastrous. Why are you now complaining yet none of you applied to marry my daughter?" –President Kiir's first comment on the detention of journalists.

**By PaanLuel Wel, Washington DC, USA.**

Dear Mr. President, we, the honorable citizens of the Republic South Sudan, are deeply appalled by the continuing detention of the two journalists—Ngor Garang of Sudan Tribune, who was arrested on November 2, and Dengdit Ayok of The Destiny Newspaper, forcefully detained on November 5. So far, South Sudanese domestic organizations and media groups—the Association for Media Development in South Sudan (AMDISS), Community Empowerment for Progress Organization (CEPO), South Sudan Human Right Society for Advocacy (SSHURSA), Sudan Tribune (ST), South Sudan Nation (SSN) etc—as well as renowned international organizations—Amnesty International, Human Rights Watch, Reporters Without Borders, Committee to Protect Journalists, the New York Times etc—have all released press statements condemning the autocratic action taken by your government and calling for the immediate, unconditional release of the two journalists in line with media freedom in our interim constitution.

Mr. President, it is very disconcerting, if not chillingly embarrassing, to us the citizens of this great country that these domestic and international organizations should be begging your government to abide by and uphold the freedom of expressions, enshrined in your own hand-written constitution, at a time when the International Community has unequivocally come to the rescue of South Sudan at the UN Security Council against the unprovoked aggression from (north) Sudan. Your actions, Mr. President, are gratuitous distractions not only from the somber business of embarking on serious development of our infant nation but also from averting harrowing threat of invasion from (north) Sudan.

Mr. President, the decisions you have taken since the publication of the article "Nyan-e-Bany" by The Destiny in Juba are outrageous because they demonstrate one unassailable fact: you are the victim, the self-appointed judge of your own case and the law executor, all at the same time in total disregard to the rule of law and the sanctity of the constitution. That you may have felt some genuine personal grievances—a libel lawsuit for apparent defamation—in the wake of the article "Nyan-e-Bany" is not something we can dismissingly question. In that regards, Mr. President, we feel that you should have diligently follow the due process of law and rightfully claim some redress to right wrong, perhaps, done unto your names and that of your family in a civil court of law. Mr. President, the morality and legality of our constitution demand that the best course of action for you and your family was to honorably register your case before our noble judges.

As the victim, Mr. President, our laws would have afforded you ample time and space to present and argue your case, through your lawyers, demonstrating the falsehood of the alleged impregnation of your daughter by an alien. You would have conclusively counter-verified that the wedding was never a cover up meant to ward off shame and embarrassment. You would have

established beyond any reasonable doubt how none of the South Sudanese bachelors ever applied to have your daughter's hand in marriage and how that frustration compelled her to seek international deliverance. You would have discounted the suspected infiltration of our State House by foreigners and allayed our misgivings that our national security might have long been compromised. And in the end of it all, Mr. President, the sweet victory, in the minds and hearts of your beloved subjects, would have been yours and yours alone. They, your alleged accusers, Mr. President, would have been morally crucified and publicly humiliated!

Unfortunately, Mr. President, you willfully and combatively chose to take the law into your own hand, making yourself the wronged victim as well as the sole judge to decide the merit of your own case before your own self. By ordering the detention of the two journalists and the immediate closure of The Destiny newspaper, you are hauntingly trampling on the freedom of the media and on our freedom of expression guaranteed by Article 9 (2) of the constitution of the Republic of South Sudan which states that "the rights and freedoms of individuals and groups enshrined in this bill shall be respected, upheld and promoted by all organs and agencies of government and by all persons." You overlooked that Article 9 (2) and unconstitutionally set yourself up as the judge of your own case and unlawfully declared the two journalists guilty of defamation. Their continued illegal incarceration is a testimony of how far you can purposely abuse state powers we invested in you to safeguard our national interests.

It is not a crime, Mr. President, for South Sudanese to speak their minds on pertinent national issues unless it is proven so in a court of law. Instead of lodging a defamatory lawsuit against the news media Mr. President, you supposed it morally sound and legally appropriate, in the vastness of your imperial wisdom, to gag up the media through intimidation and harassment. We wonder if you had conferred with President Al-Bashir to tutor you in that old game of state oppression of its own citizens. As our dear elected leader, Mr. President, our expectations are that every thoughts and actions emanating from you should be exemplary to others. We believe that is not asking or expecting too much from you though we stand to be corrected.

The implications of your decisions and actions in this case, Mr. President, are sobering. Consider a country, Mr. President, wherein the citizens habitually take law into their own hands and settle scores among themselves on spot without seeking the guidance of the law and the wisdom of the judges. Consider comparing your actions to the ones taken by George Athor Deng plus others after losing in the general election. How could we, Mr. President, continue to condemn South Sudanese rebels' action of taking up arms against your government instead of seeking redress from the court of law when you, the president, have no respect for the constitution? If you resort to abuse of state powers that easily on flimsy ground, how could we advise the warring tribes like the Murle-Dinka-Nuer to observe the rule of law when the President has strong penchant for being a judge and the police in his own case?

Lest you got us wrong Mr. President, we are not against individuals choice and freedom to choose their life partners and nor are all of us against your decision to be the first ever African head of state to marry off his daughter to a foreigner. While some of us are ready to congratulate you on bringing home that Guinness-Book-of-the-Year record for handing over Adut to an immigrant, we would like to remind you that our society is still a deeply conservative one. Unlike your progressive household, most South Sudanese citizens do still cherish their time-

tested cultural heritages. They have honorably resisted the wanton destructions and erosion of their cultural and social identity from the combined forces of Arabism and Westernization. As much as they admire other people cultures, Mr. President, they are still fervently proud of who they are and what their cultural identity represent to them.

To these cores group Mr. President, and we have to remind you that they are the majority of those who elected you into office, the marriage of your daughter was a national humiliation. For one, they could not comprehend how their beloved President could distrust every young man in South Sudan to the extent of giving away the First Daughter to a foreigner? Secondly, they are deeply worried of your own safety since foreigners freely made it into your own house and allegedly impregnated the First Daughter under the watchful eyes of your security guards. Thirdly Mr. President, they wonder if your security guards could have done a better job of securing your household instead of excelling in arresting and intimidating South Sudan media.

Furthermore, by resorting to the use of force instead of abiding by the rule of law, we wonder if there is a truth to the alleged cover up story. Mr. President, is it true that your expressed outraged is actually a confession of someone expose in the act of deceiving the nation? If that is the case, was it a wise decision for you to employ state resources to conduct a sham wedding let alone detaining journalists for speaking the truth? You may have been forced into it by your dear daughter but we hold you responsible for the detention of the journalists and for the supposed attempted cover up. It is highly inconceivable that the security guards acted in the absence of your nodding. After all, you have the veto power—presidential decrees—and you could easily, by decree, free them from confinement if you wish so.

Mr. President, we urge you to unconditionally and immediately set the journalists free. The examples you are setting are transforming you into the greatest enemy of your own government. A democratic nation as we are must respect the rule of law, and that include you, the president. Otherwise, we the citizens of South Sudan will be left dumbfounded by the pooled conspiracy against the good people of South Sudan: the rebels are mercilessly slaughtering innocent civilians across the countryside, Al-Bashir is threatening to invade South Sudan, your government has been consistently defrauding the nation through corruptions and you, Mr. President, is arresting journalists and intimidating the masses. What onerous sin have we committed against you guys that we must pay in blood and flesh?

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