



Hon. Wek Mamer Kuol, PhD
Minister of Justice and Constitutional Affairs,
JUBA.

SUBJECT: Formal Complaint Concerning the Forgery and Falsification of the Abyei Arbitration Final Award Map by Hon. Joseph Malek Arop, Deputy Minister of Justice and Constitutional Affairs

Dear Hon. Minister,

We respectfully submit this formal complaint concerning a matter of serious constitutional, legal and public importance arising from a recent publication by **Hon. Joseph Malek Arop, Deputy Minister of Justice and Constitutional Affairs**, in which he published and circulated on his official Facebook page, a purported map of the Abyei Area that materially differs from the boundaries determined by the Arbitration Tribunal in its Final Award of 22 July 2009.

We are deeply concerned that such a publication could emanate from a senior constitutional officeholder serving within the Ministry, which is principally entrusted with upholding the Constitution, defending the rule of law, and providing authoritative legal advice to the Government of the Republic of South Sudan. This matter raises serious questions about his integrity, his abuse of public office, and his fitness to continue holding such a high constitutional responsibility.

The Legal Status of the Abyei Area boundaries is not a matter that can legitimately be redrawn or represented according to individual, political, or communal preferences. As we all know, the Abyei question was addressed under the 2005 Comprehensive Peace Agreement (CPA), including the Protocol on the Resolution of the Abyei Conflict. Following disagreement over the findings of the Abyei Boundaries Commission (ABC), the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) voluntarily agreed to submit the dispute to international arbitration.

Pursuant to that agreement, the Abyei Arbitration Tribunal rendered its Final Award on 22 July 2009 in The Hague, with the Permanent Court of Arbitration serving as Registry. The Award determined the boundaries of the Abyei Area in the matters submitted to the Tribunal and was accompanied by Appendix (1), Final Award Map, which illustrates the delimitation established by the Tribunal. The resulting boundaries, commonly referred to as the "Abyei Box," therefore did not originate from any individual, community or political organization. They resulted from an international legal process voluntarily agreed to by the parties, which undertook to abide by and

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implement its outcome. A privately prepared or altered map cannot therefore legitimately be substituted for the Final Award Map.

Our concern is heightened by the office occupied by Hon. Joseph Malek Arop. A Deputy Minister of Justice and Constitutional Affairs is not merely speaking as a private citizen. He occupies a constitutional position within the institution responsible for safeguarding the rule of law and advising the Government on constitutional and legal matters. We are therefore entitled to expect from such an officeholder the highest degree of integrity, impartiality and respect for established legal instruments. If the Deputy Minister knowingly altered and circulated a map purporting to represent the internationally determined boundaries of Abyei when he knew that it was inconsistent with the PCA Final Award Map, such conduct would warrant a serious investigation under applicable laws and standards, including any relevant provisions concerning falsification, forgery, and abuse of office.

We are equally concerned about statements attributed to the Deputy Minister that appear to question or diminish the belonging, equality, dignity or constitutional standing of the people of Abyei. Any suggestion that the people of Abyei are less entitled to constitutional protection, less indigenous or inferior in their rights to other South Sudanese communities would be inconsistent with the fundamental principles of equality before the law, human dignity and non-discrimination upon which the constitutional order of the Republic of South Sudan is founded. A constitutional officeholder, particularly one serving in the Ministry of Justice, has a special responsibility to defend these principles.

This concern is particularly important given the recent tensions and tragic loss of life involving the Ngok Dinka of Abyei and neighboring Twic Mayardit communities. Public officials have a special responsibility to avoid statements and publications that could aggravate communal tensions. Existing disagreements must be addressed through law, dialogue and established institutions rather than through actions that could deepen divisions among our two communities.

In light of the seriousness of the matter, we respectfully request the following:

1. Order an immediate and impartial investigation into the origin, preparation, alteration, publication and circulation of the map attributed to Hon. Joseph Malek Arop;
2. Conduct an authoritative comparison between the original Final Award Map of 22 July 2009 (Appendix 1) as officially issued through the Permanent Court of Arbitration and the forged map published by Hon. Joseph Malek Arop;
3. Determine responsibility, including whether the Deputy Minister personally prepared, altered, commissioned, authorized, endorsed, circulated or knowingly relied upon a misleading version of the Arbitration Award map;
4. Require the Deputy Minister to provide a formal explanation regarding the source, purpose and circumstances surrounding the publication of his forged map;
5. Investigate whether the conduct constitutes a violation of applicable law or standards governing constitutional officeholders, including provisions relating to falsification or forgery, abuse of public office, incitement or official misconduct;
6. Examine the statements attributed to the Deputy Minister concerning the people of Abyei and determine whether they are compatible with the constitutional principles of equality, dignity and non-discrimination and with the responsibilities of his office; and



7. Take appropriate administrative, disciplinary, and legal action, proportionate to the seriousness of the conduct.

Hon. Minister,

This complaint is fundamentally about the integrity of constitutional office and respect for the rule of law. Individuals are entitled to their personal and political opinions. Constitutional officeholders, however, carry an additional responsibility and should not use the authority or credibility of public office to distort or misrepresent established legal instruments.

We therefore respectfully request that this matter be treated with the seriousness it deserves and that a prompt, impartial and transparent investigation be conducted. Our objective is to uphold the integrity of public institutions, protect peaceful coexistence among our communities and ensure accountability from those entrusted with constitutional responsibility.

Please accept, Hon. Minister, the assurances of our highest consideration.

Respectfully submitted,



Dr. Dier Tong Ngor,
Chairman,

Abyei Community Organization in Juba (ACOI)



Dr. Biang Kuol Deng
Chairman,

Abyei Lawyers Network

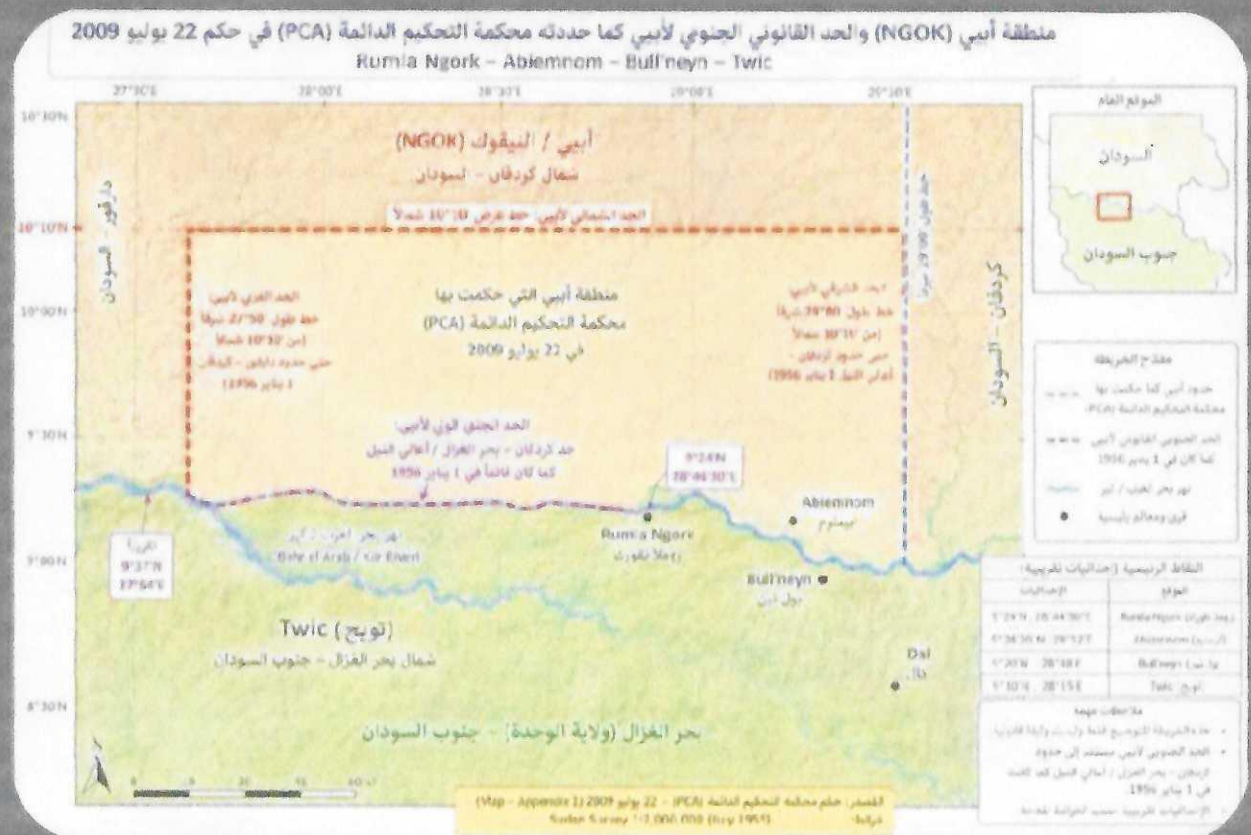
Annexes

1. Official Abyei Arbitration Final Award Map of 22 July 2009.
2. Video Clip of the Final Award: <https://www.facebook.com/share/v/1BF1fMmBBK/>
3. Disputed map attributed to the Deputy Minister.



Joseph Malek · 1h

هذه الخريطة هي خريطة أصلية
من محكمة لاهاي وفقا لتحكيم
وليس الخريطة الحالية لادارية
ابيبي



Reply

