

## South Sudan: SPLM's Amum acquitted of \$30 million scam

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March 21, 2012 (JUBA) - A court in South Sudan's capital Juba on Wednesday acquitted the Secretary General of the country's ruling Sudan People's Liberation Movement (SPLM), Pagan Amum Okiech, of receiving a \$30 million corrupt payment in 2006.

South Sudan's then minister of finance, Arthur Akuien Chol, alleged earlier this year that he received orders from "above" to transfer the public money.

Lado Arimino Sekwat, the high court judge who presided over the case on Wednesday said he was clearing Amum because there was not "sufficient evidence" indicating that the money had been transferred into his private account. However, the judge said that it was proved that the money was transferred into an official SPLM account to which Amum was not a signatory.

It is still unknown what happened to the money, what it was spent on, or why public funds were transferred into an account belonging to the ruling SPLM.

The ruling was met by cheering from Amum's supporters who were present in the court room. The judge ruled that Chol pay Amum 100,000 South Sudanese pounds (\$37,000) in compensation for defaming his personality.

He also fined *The Citizen* and *Almasir* newspapers 100,000 SSP each for publishing "lies" about Amum. If the papers and Chol do not publish an apology within 15 days this fine will increase to 1 million SSP to be paid within three months. Chol was also instructed to pay court fees of 30 million SSP.

Speaking to journalists outside the courtroom, Amum smiled thanking his family for the support they gave him before and during trial.

Amum praised the "professionalism and commitment to uphold the rule of law" showed by the judge and both legal teams. The SPLM secretary general also thanked Chol for taking the matter to court.

"Today's verdict is milestone in the long quest to promote and ensure respect for the rule of law in South Sudan as a credible mechanism for resolving disputes and protecting the rights of all," said Amum.

The senior member of the country's ruling party explained that the passage of the verdict without objection restores confidence in the efficiency and fairness of the judiciary and discourages attempts by individuals to take the law into their own hands through the use of violence, foul language and exchange of insults.

"I could have done that but I chose the court because this is the way to address such cases", said Amum explaining further that the verdict also "sends out a clear message that the freedom of expression should be exercised in such a measured, responsible manner that ensures the rights of others are not hammered or taken away".

Amum also accused Chol of intending to tarnish his political image but that he has forgiven him, saying has no "personal grudges" against him.

Lam Akol, the leader of the SPLM for Democratic Change South Sudan's largest opposition party, has also threatened to take Amum to court over his allegation that the SPLM-DC have links to militia and rebel groups in Upper Nile State that are backed by Khartoum. However, since then Akol has reconciled with President Salva Kiir and returned to Juba from self-imposed exile.

Despite being found Chol guilty of attacking Amum's personality, the former finance minister insisted that the money he always maintained that the money was wired to Amum through the SPLM account and not directly.

Speaking at a press briefing, Chol described the ruling as "unfair" and that he would appeal against it but said he was happy the court recognised that he did not embezzle any money as had been alleged by some news outlets over the last six years.

Chol demanded he be allowed to appeal to the high court because his allegation was not that the money was transferred into Amum's personal account, despite this being the basis that senior SPLM figure was acquitted.

"I have never said the money was transferred to [Amum's] personal account. What I said was that I cannot account for money which was transferred to SPLM/GOSS account", said Chol.

He said that the case had been a big success in that it was now accepted that the money had been wired from the ministry of finance to an SPLM account.

“This is the biggest achievement because for the last six years I have been accused to have embezzled this money. I am now cleared since they have accepted it”, said former finance minister

However this did not appear to be the case on 10 February 2012 when Chol told journalists that 30 million SSP was paid by the Ministry of finance directly into Amum's account as he was instructed from "above". He said that the transfer was done on 22 December 2006 and that Amum should tell the public how he spent the funds.

Chol said he had kept quiet over the allegations until this year due to patriotism and a wish not to disrupt preparations for South Sudan's referendum in January 2011 and subsequent independence in July.

“I was accused recently in the newspaper and some parliamentarians of not going to the parliament to answer questions about irregularity in 2006 report produced by then Audit[or] General. The reasons were that I was told my presence was not required, as I have already written and submitted a report to the public accounts committee in the parliament”, Chol said in his official release in February.

He noted there have been constant attempts by some individuals within the SPLM dominated government to discredit and defame him since he left government accusing him of misusing and stealing public funds.

Chol was South Sudan's first finance minister in the autonomous government that was formed in Juba as part of the 2005 Comprehensive Peace Agreement, which also established a power sharing Government of National Unity in Khartoum.

In 2005 the SPLM went from being the political wing of a guerrilla army to a governing party of one of the poorest areas of the world with almost no infrastructure after decades of civil war.

A report earlier this year presented to South Sudan's parliament showed that in 2005-2006 \$1 billion went unaccounted for.

Chol said: “the Government of the period of 2005-6 had great influx of cash and I being the minister of finance and economic planning at that time has strict operative values that cloud not allow the public money to be rotating anyhow amongst corrupt individuals”.

Before he was removed as the Minister of Finance in 2007 Chol was accused of purchasing vehicles for the government at twice the actual amount from the Cardinal company. Chol says that he purchased the vehicles having received written instructions from South Sudan's Vice President Riek Machar.

Chiol maintains that he instructed his ministry to undergo proper procurement procedures in the purchase, which he says occurred while he was on an official visit to Malaysia and Singapore but his undersecretary had failed to follow his directives.

After he was sacked Chol was investigated and tried for corruption but the case was dismissed in September 2009 due to lack of evidence.

No official has been successfully prosecuted for corruption in South Sudan since the SPLM came to power in 2005 despite billions of dollars going unaccounted for.

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