

Reference No. 14 of 2023 South Sudan Arline Co. Ltd V. The Attorney General of the Republic of South Sudan.

Coming up for delivery of Ruling on: Friday 11th October 2024

Lodged on: 21st August 2023

Articles: 5(3)(g), 6(d), 7(2), 8(1)(a), (b) and (c), 4, 23(1), 27(1), 30(1), (2), 38(2) of the Treaty for the Establishment of the East African Community

Rule: 4, 23(3), 25(1)(2)(3), 132 & 133 of the East African Court of Justice Rules of Procedure 2019.

Subject Matter: Alleged breach of contract

The Applicant alleges that the Respondent's State act of refusal to pay the sums of USD 764,542,245.00, Euro 9,332,254.00 and South Sudan Pounds (SSP) 105,744,142.00. for services and goods supplied by the Applicant in the form of food items, fuel products, cash payments and allowing its aircraft to be used by the Government of South Sudan despite its filing a suit against the Ministry of Finance and Planning and obtaining judgment in the Applicant's favour is a violation of the Municipal laws and the Treaty for the Establishment of the East African Community and the Protocol on the Establishment of the East African Community Common Market.

The Applicant therefore prays that the Court makes declaration that the Respondent's State act is a violation of Articles 6(d), 7(2), 27(2) and 151 of the Treaty for the Establishment of the East African Community and Articles 2(1), 3(3), 4, 5(1), 20(1)(2), 54(2) of the Protocol for the Establishment of the East African Community Common Market Protocol. It also prays that the Respondent's State be directed to pay the sums claimed with interest.

On the other hand, Respondent's State contend that this Honourable Court does not have jurisdiction to entertain this matter on grounds that the Reference is time barred within the meaning of Article 30(2) of the Treaty and also Respondent admitted the refusal of furnishing the payment of the USD 764,542,245.00, Euro 9,332,254.00 and South Sudan Pounds (SSP) 105,744,142.00 with the reason that it's a huge amount of money compared to the supply done by the Applicant during the 2012-13 civil war and that the act does not amount to an infringement of the Treaty.

The Respondent prays that the Reference be dismissed with costs.

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