



# Security Council

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## Letter dated 20 November 2019 from the Panel of Experts on South Sudan addressed to the President of the Security Council

The members of the Panel of Experts extended pursuant to Security Council resolution [2471 \(2019\)](#) have the honour to transmit herewith the interim report, submitted in accordance with paragraph 3 of the resolution

The report was provided to the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) on 1 November 2019 and was considered by the Committee on 18 November 2019.

The Panel would appreciate it if the present letter and the interim report were brought to the attention of the members of the Security Council and issued as a document of the Council.

*(Signed)* Emilio **Manfredi**  
Coordinator  
Panel of Experts on South Sudan

*(Signed)* Mark **Ferullo**  
Expert

*(Signed)* Dean **Gillespie**  
Expert

*(Signed)* Andrei **Kolmakov**  
Expert



## Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019)

### *Summary*

More than a year after the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, the selective implementation of and inconsistent international support for the Agreement have led to a dangerous stalemate. This has left millions of vulnerable and suffering civilians, across the country and in refugee camps, waiting for a political breakthrough in a deadlocked peace process that risks reversing the recent relative security and humanitarian gains.

The signatories to the Agreement have not demonstrated sufficient political will, trust and urgency to compromise on outstanding issues to facilitate the legitimate formation of the Revitalized Transitional Government of National Unity. In particular, the incumbent Government has demonstrated limited willingness to compromise over issues related to the transitional security arrangements, the reunification of the army and the number of states and their boundaries.

International efforts to break the impasse have been focused more on supporting face-to-face meetings between the President, Salva Kiir, and Riek Machar and on reaching an agreement on the formation of the Revitalized Transitional Government of National Unity than on finding an understanding on the narrow set of outstanding issues. To date, mediation efforts have not advanced implementation of the Agreement. Over the past year, the Intergovernmental Authority on Development and Member States neighbouring South Sudan, specifically Ethiopia, Kenya, the Sudan and Uganda, have not demonstrated full and consistent engagement in the peace process. The Government, in particular, has benefited from the inconsistent approach of the region.

The Government has been unwilling to allocate sufficient resources to fully implement the pre-transitional provisions, especially the security arrangements. The South Sudan People's Defence Forces (SSPDF) have not cantoned their fighters or supplied sufficient forces for the necessary unified forces. Meanwhile, the Panel of Experts on South Sudan has corroborated information that in the past year the National Security Service has recruited, outside the security arrangements of the Agreement, a force of at least 10,000 fighters from communities in the former Warrap State.

The Government also has pursued a strategy to split and co-opt the leadership of both signatories and non-signatories to the Agreement. The Panel has corroborated the fact that in Maiwut State the Government has taken advantage of an internal conflict within the Sudan People's Liberation Movement-Army in Opposition to weaken its power base. The Government has also attempted to weaken the new alliance of non-signatories, the South Sudan Opposition Movements Alliance, while continuing to conduct a military offensive on the ground against one of its members, the National Salvation Front. The Government risks undermining the ceasefire with this strategy.

Humanitarian access has improved after a year of relative security across many parts of the country. However, the population is yet to experience the dividends of peace. The Panel found evidence of continued human rights violations, including child recruitment in the former Unity and Warrap States, and the deliberate use of sexual and gender-based violence in the former Unity and Central Equatoria States. The political and civic space has remained closed. In particular, the National Security Service has continued to arrest members of civil society, without due process, and to detain political activists, such as Peter Biar Ajak and Kerbino Wol Agok.

Signatories have not prioritized aspects of the Agreement concerning human rights and accountability and underlying causes of the conflict, such as the competition for natural and public resources. The Government has not increased transparency and oversight in the financial management of the country's oil and non-oil revenues. The illicit exploitation and trade of natural resources has continued. For instance, the Panel has found that the leadership of both the Sudan People's Liberation Army in Opposition and SSPDF in areas under their control in the former Central Equatoria and Eastern Equatoria States have continued to illegally exploit and trade in timber.

The region has not consistently enforced the arms embargo or the asset freeze and travel ban on sanctioned individuals. The Panel has corroborated evidence of the presence of Ugandan military forces in various areas of Yei River State, including a deployment in October 2019, which violated the arms embargo.

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\* Circulated in the language of submission only and without formal editing.

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**Abbreviations**

IGAD	Intergovernmental Authority on Development
NAS	National Salvation Front
NGO	Non-governmental organization
SPLA	Sudan People's Liberation Army
SPLA-IO	Sudan People's Liberation Army in Opposition
SPLM	Sudan People's Liberation Movement
SPLM/A-IO	Sudan People's Liberation Movement-Army in Opposition
SPLM-IO	Sudan People's Liberation Movement in Opposition
SSOA	South Sudan Opposition Alliance
SSOMA	South Sudan Opposition Movements Alliance
SSPDF	South Sudan People's Defence Forces (formerly SPLA)
UNHCR	Office of the United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan

## I. Background

### A. Mandate and travel

1. By its resolution [2206 \(2015\)](#), the Security Council imposed a sanctions regime targeting individuals and entities contributing to the conflict in South Sudan and established a sanctions committee (Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan). The Committee designated six individuals for targeted sanctions on 1 July 2015. With the adoption of its resolution [2428 \(2018\)](#), the Council imposed an arms embargo on the territory of South Sudan and added two individuals to the list of designated individuals. On 30 May 2019, with the adoption of its resolution [2471 \(2019\)](#), the Council renewed the sanctions regime until 31 May 2020.

2. By its resolution [2471 \(2019\)](#), the Security Council also extended the mandate of the Panel of Experts on South Sudan until 30 June 2020 so that it might provide information and analysis in support of the work of the Committee, including as relevant to the potential designation of individuals and entities who might be engaging in the activities described in paragraphs 13–15 of its resolution [2428 \(2018\)](#), as reaffirmed in its resolution [2471 \(2019\)](#).

3. On 2 July 2019, the Secretary-General, in consultation with the Committee, appointed the five members of the Panel (see [S/2019/544](#)). The humanitarian expert has not yet assumed her functions.

4. Since August 2019, Panel members have travelled to Ethiopia, Kenya, South Sudan, the Sudan, Uganda and the United States of America.

### B. Methodology

5. The present report was prepared on the basis of research conducted by the Panel, as well as a review of documentation made available by the Government of South Sudan, other Member States, regional entities, international organizations and commercial entities. The report also draws on the Panel's earlier work, including previous reports to the Security Council and the Committee, both public and confidential, hundreds of interviews and a body of credible information obtained from a wide range of sources. Owing to the liquidity situation in the United Nations, the report is shorter than the Panel's previous interim reports.

6. The Panel follows the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions ([S/2006/997](#)), which call for reliance on verified, genuine documents, concrete evidence and on-site observations by experts. The Panel corroborated the information contained in the present report using multiple, independent sources to meet the appropriate evidentiary standard.

7. The Panel conducted its work with the greatest possible transparency, while prioritizing confidentiality where necessary. A source, document or location is described as confidential when its disclosure could compromise the safety of the source or ongoing Panel investigations.

### C. Cooperation with Member States, international organizations and other stakeholders

8. While the Panel operates independently of United Nations agencies and institutions, it wishes to express its gratitude to the United Nations Mission in South

Sudan (UNMISS) for its support in the field and other United Nations staff, in particular in Brindisi, Italy, and New York.

9. The Panel met the Minister of Defence and Veterans' Affairs, the Chief of General Staff, the Minister of Information, Communication, Technology and Postal Services and the Minister of Finance and Economic Planning of South Sudan, as well as representatives of the Ministry of Foreign Affairs and International Cooperation, the Ministry of Petroleum, the Ministry of Mining, the Ministry of Agriculture and Forestry and the Bank of South Sudan, the Speaker of the Parliament and a number of SSPDF officials.

10. Pursuant to paragraph 18 of Security Council resolution [2428 \(2018\)](#), as renewed in its resolution [2471 \(2019\)](#), in which the importance of consultations between the Panel and concerned Member States, international, regional and subregional organizations and UNMISS is emphasized, the Panel has consulted extensively with Member States and such bodies.

11. The Panel met representatives of United Nations bodies and agencies in South Sudan and elsewhere. It also consulted the representatives of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism and the Commission on Human Rights in South Sudan.

## II. Update on conflict dynamics and armed groups

### A. Peace implementation and armed groups

12. Since it submitted its final report pursuant to resolution [2428 \(2018\)](#) (see [S/2019/301](#)), the Panel notes that the signatories to the Revitalized Agreement on the Resolution of the Conflict in South Sudan, endorsed on 12 September 2018, have made limited progress towards implementing its provisions during the eight-month pre-transitional period and its six-month extension. In the lead-up to the deadline of 12 November 2019 to form the Revitalized Transitional Government of National Unity, the Panel noted that the selective implementation of key measures of the Agreement, especially by the incumbent Government, has left a number of issues unresolved, reinforced the existing mistrust among the signatories and impeded the permanent return of all signatories to Juba, notably Riek Machar.<sup>1</sup>

13. In particular, the signatories have failed to resolve and implement transitional security arrangements and the army reunification process (art. 2.2 of the Agreement); a final consensus on the number of states, their boundaries and the devolution of centralized powers (art. 1.15); a constitutional amendment aimed at incorporating the Agreement into the Transitional Constitution (art. 1.18.1.1); and the allocation of government portfolios (art. 1.12).<sup>2</sup> The failure to resolve some of the same outstanding issues precipitated the collapse of the previous peace agreement in July 2016 and the return to war.<sup>3</sup>

<sup>1</sup> Interviews with senior government representatives; the leadership of SSPDF, the National Security Service, SPLM/A-IO and SSOA; members of civil society; community leaders; representatives of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism; foreign diplomats; and regional intelligence personnel, in Juba, Kampala, Addis Ababa, Nairobi and Khartoum and by telephone, August–October 2019.

<sup>2</sup> Ibid.

<sup>3</sup> Interviews with government officials, SPLM/A-IO and SSOA representatives, local and international analysts, foreign diplomats and regional intelligence personnel, in Juba, Addis Ababa, Khartoum, Kampala, Nairobi and New York and by telephone, August–October 2019.

14. The Agreement is a comprehensive one, with ambitious deadlines that the signatories have not met.<sup>4</sup> After the pre-transitional period was extended, regional and international mediators emphasized the importance of a face-to-face meeting between the President, Salva Kiir, and Mr. Machar, as a potential breakthrough that would overcome delays in the implementation of the pre-transitional tasks.<sup>5</sup>

15. Mr. Kiir and Mr. Machar have met twice in Juba since early September 2019, without reaching a comprehensive settlement for the outstanding pre-transitional tasks. The two leaders met from 11 to 14 September, under the auspices of the Vice-President of the Sovereign Council of the Sudan, Lieutenant General Mohammed Hamdan Dagalo, known as Hemedti. On 20 October, during the visit to Juba of the members of the Security Council, the two leaders met again.<sup>6</sup>

16. The personal meetings have not set the country on a path to sustainable peace. After the meeting in October, Mr. Machar stated that SPLM/A-IO would not participate in the Revitalized Transitional Government of National Unity and raised the risk of war without a further extension of the pre-transitional period. For his part, Mr. Kiir reiterated his plans to form the Revitalized Transitional Government on schedule, which he indicated would make decisions on outstanding issues. The Security Council and the Special Representative of the Secretary-General and Head of UNMISS supported this position.<sup>7</sup>

17. On the basis of conversations with political and military representatives of the various signatories to the Agreement, including the Government, the Panel assesses that some of the outstanding issues will take months to resolve.<sup>8</sup> For example, the creation of the 83,000 strong necessary unified forces is far behind schedule. By 7 October 2019, only 7,474 SSPDF personnel had been registered, compared with about 32,000 opposition fighters.<sup>9</sup> SSPDF are also yet to demilitarize civilian areas

<sup>4</sup> Interviews with senior government representatives, SSPDF and National Security Service officers, SPLM/A-IO and SSOA leadership, members of civil society, community leaders, representatives of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, foreign diplomats and regional intelligence personnel, in Juba, Kampala, Addis Ababa, Nairobi and Khartoum and by telephone, August–October 2019.

<sup>5</sup> Interviews with international and regional diplomats and regional intelligence personnel, in New York, Juba, Kampala, Addis Ababa, Nairobi and Khartoum and by telephone, August–October 2019. See annex I.

<sup>6</sup> Interviews with members of the Government, SPLM/A-IO representatives, members of civil society, journalists, community leaders and regional intelligence personnel, in Juba and Khartoum and by telephone, September–October 2019. See *Radio Tamazuj*, “Kiir and Machar: we have made progress in talks”, 11 September 2019.

<sup>7</sup> Interviews with members of the Government, representatives of the National Security Service, SPLM-IO and SSOA leadership, UNMISS senior personnel, members of civil society, community leaders, foreign diplomats, foreign and local analysts and regional intelligence personnel, in Juba, Kampala, Addis Ababa, Nairobi and Khartoum and by telephone, October 2019. See *UN News*, “UN Security Council calls for South Sudan leaders to speed up action on peace deal”, 21 October 2019, and *AP News*, “South Sudan’s opposition leader warns of return to civil war”, 20 October 2019.

<sup>8</sup> Interviews with members of the Government, leadership of the National Security Service, SPLM-IO and SSOA, members of civil society, community leaders, UNMISS senior personnel, foreign diplomats, foreign and local analysts and regional intelligence personnel, in Juba, Kampala, Addis Ababa, Nairobi and Khartoum and by telephone, October 2019.

<sup>9</sup> Interviews with UNMISS and Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism personnel, SSPDF and SPLA-IO senior officers, National Pre-transitional Council members, members of civil society and confidential sources, in Juba and by telephone, October 2019.

(art. 2.2.3.1), collect long- and medium-range heavy weapons (art. 2.2.3.2) and declare force location, size and weaponry maps (art. 2.2.3.4).<sup>10</sup>

18. On the issue of states and their boundaries, on 12 September, Mr. Kiir and Mr. Machar agreed to form a commission to discuss the matter further after the Independent Boundary Commission, whose mandate was established under the Revitalized Agreement on the Resolution of the Conflict in South Sudan, failed to reach a consensus on a majority proposal to return to 10 states from the current 32 states.<sup>11</sup> The government officials designated to join the new commission have not attended any meetings to date.<sup>12</sup> The Panel assesses that Mr. Kiir is unwilling to alter the current situation of states and boundaries because changes would displease various sectors of his ethnic Dinka power base and also limit the allotment of local administration posts to government loyalists.<sup>13</sup> Meanwhile, Mr. Machar is aware that entering the Revitalized Transitional Government of National Unity with no government concessions on this issue risks alienating significant portions of his constituency. In particular, these include supporters outside the core Nuer base of SPLM/A-IO, such as the Shilluk under the leadership of General Johnson Olony, Fertit communities and most of the forces still loyal to SPLM/A-IO in the former Eastern Equatoria, Central Equatoria and Western Equatoria States. In this case, SPLM/A-IO has already lost many supporters to one of the non-signatory armed groups, NAS, which is led by General Thomas Cirillo Swaka.<sup>14</sup>

19. The Panel notes that the Government's preference for the status quo has led to the selective implementation of the provisions of the Agreement on financial transparency.<sup>15</sup> The Government has not met its obligations to disburse sufficient funds for the implementation of the peace process, and the National Pre-transitional Council has not managed its funds transparently (art. 1.4.8). Despite the pledge made by the Government in May 2019 to disburse \$100 million for the peace process, which already represents a significant reduction from an initial budget of \$285 million, it has allocated only about \$35 million.<sup>16</sup>

20. Casting further doubt on the Government's commitment to the full implementation of the Agreement, the Panel has found that the Government aimed to co-opt opposition signatories – trading economic or political benefits for support – into the Revitalized Transitional Government of National Unity.<sup>17</sup> This strategy

<sup>10</sup> Interviews with SSPDF, National Security Service, SPLA-IO and SSOA military leadership, members of civil society, UNMISS, Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism and regional intelligence personnel, in Juba, Khartoum, Addis Ababa and Kampala and by telephone, October 2019.

<sup>11</sup> Interviews with Independent Boundary Commission members, boundaries experts, National Pre-transitional Council members, representatives of civil society, UNMISS officials, regional intelligence personnel, foreign diplomats and confidential sources, in Juba, Khartoum and Nairobi and by telephone, July–October 2019.

<sup>12</sup> Interviews with government officials, SPLM-IO and SSOA leadership and regional intelligence personnel, in Juba and Khartoum and by telephone, October 2019.

<sup>13</sup> Interviews with Dinka elders and community leaders, members of civil society, National Security Service and SSPDF military intelligence personnel and confidential sources, in Juba and by telephone, August–October 2019.

<sup>14</sup> Interviews with Shilluk, Fertit and Equatorian SPLM/A-IO members, members of civil society and confidential sources, in Juba, Kampala and Nairobi and by telephone, September–October 2019.

<sup>15</sup> Interviews with government officials, the National Security Service, SPLM/A-IO, SSOA, regional intelligence personnel, members of civil society, Dinka elders and confidential sources, in Juba, Khartoum, Addis Ababa and Nairobi and by telephone, August–October 2019.

<sup>16</sup> Interviews with the National Security Service, SPLM/A-IO, SSOA, international diplomats and regional intelligence personnel, in Juba, Khartoum, Addis Ababa and Nairobi and by telephone, August–October 2019.

<sup>17</sup> Ibid.

proved successful with most of the South Sudan Opposition Alliance (SSOA), which de facto has split into multiple groups. Some were ready to join the Revitalized Transitional Government on 12 November and others, such as the National Democratic Movement led by Lam Akol, were opposed.<sup>18</sup>

21. The Government has deployed a similar co-optation strategy with SPLM/A-IO. The Panel has corroborated attempts by the Government to use internal political divergences and subethnic tensions to provoke proxy conflicts within SPLM/A-IO and to weaken the unity of Mr. Machar's power base. In Maiwut State, the Panel corroborated information that government leaders, including the First Vice-President, Taban Deng Gai, and senior National Security Service officers, influenced the defection of Major General James Ochan Puot's from SPLA-IO to the Government (see annex II).<sup>19</sup>

22. Mr. Kiir has exhibited no intention of relinquishing key security powers retained by the National Security Service, which continues to operate unchecked. As the Panel has previously reported, the Director General of the Internal Security Bureau, Lieutenant General Akol Koor Kuc, has continued to suppress dissenting voices with no regard for legal due process (see sect. IV).<sup>20</sup>

23. The Panel corroborated the fact that, contrary to the provisions of the peace agreement (art. 2.1.8), the National Security Service had recruited a new force of at least 10,000 fighters from communities in the former Warrap State (Gogrial, Tonj and Twic) who had been training since August 2019 in Yithkuel, Tonj South county. In parallel, the Panel is following indications that National Security Service forces have received additional training in infantry and urban warfare, outside the arrangements of the Agreement, for the necessary unified forces, at the National Security Service facilities in Luri, 40 km west of Juba (see annex III).<sup>21</sup>

24. After months of fragmentation, non-signatory armed and political groups formed a loose alliance, the South Sudan Opposition Movements Alliance (SSOMA), which seeks to provide an alternative to the Government and SPLM/A-IO. SSOMA is composed of NAS, the South Sudan United Front/Army led by General Paul Malong and the newly created Real Sudan People's Liberation Movement led by Pagan Amum Okiech and Oyay Deng Ajak, former detainees of SPLM. During its first meeting, held in The Hague from 28 to 30 August 2019, the new alliance stated that it was committed to the ceasefire and a parallel peace process that was inclusive, addressed the root causes of the conflict and led to a dignified peace.<sup>22</sup>

25. The Government has minimized the relevance of the positions of non-signatories while attempting to co-opt SSOMA leadership and to manipulate internal dynamics to weaken the movement.<sup>23</sup> At the same time, the Panel has found

<sup>18</sup> Interviews with SSOA leadership, members of civil society and regional intelligence personnel, in Juba, Khartoum and Addis Ababa and by telephone, August–October 2019.

<sup>19</sup> Interviews with SSPDF military intelligence personnel, SPLM/A-IO senior commanders and political leaders, senior representatives of the SPLM/A-IO faction of Taban Deng Gai, Gajaak Nuer community leaders, elders, civil society and confidential sources, in Juba, Nairobi, Khartoum, Kampala and Addis Ababa and by telephone, August–October 2019.

<sup>20</sup> Interviews with security sector senior officers, members of civil society and confidential sources, in locations withheld for security reasons, August–October 2019.

<sup>21</sup> Ibid.

<sup>22</sup> Interviews with NAS, South Sudan United Front/Army and Real Sudan People's Liberation Movement leadership, in Nairobi, Addis Ababa and locations withheld for security reasons, July–October 2019.

<sup>23</sup> Interviews with NAS, South Sudan United Front/Army and Real Sudan People's Liberation Movement senior leadership, members of the Government, members of civil society and confidential sources, in Juba, Addis Ababa, Nairobi and Kampala and by telephone, August–October 2019.

evidence that the Government has launched an offensive against NAS bases in the former Central Equatoria and Western Equatoria States (see sect. IV).

## B. Regional developments and context

26. The Government and opposition signed the Revitalized Agreement on the Resolution of the Conflict in South Sudan in September 2018 against a backdrop of growing détente in the Horn of Africa. To kick-start the peace process, the Sudan and Uganda emerged to supplement the mediation of the regional mechanism, IGAD, chaired by Ethiopia. Since then, the region has demonstrated uneven engagement in the peace process, contributing to selective implementation.<sup>24</sup>

27. The regional backing in support of the peace process has not been institutionalized, resulting in policies that leave room for the signatories to the Agreement, in particular the Government, to take advantage of the inconsistent mediation. The inability of IGAD to convene a long overdue ordinary summit, at which the handover of the chairpersonship and the status of Mr. Machar's limitation of movement in Khartoum should be determined, is indicative of the competing priorities of the neighbouring States.<sup>25</sup>

28. In the Sudan, the dismissal of the former president, Omer Hassan al-Bashir, one of the main guarantors of the Agreement, and the accession of a transitional Government composed of senior military officers, a paramilitary militia and civilians has slowed the country's engagement with South Sudan. The recently appointed Government of the Sudan, motivated by a severe economic crisis, has been reengaging the parties in South Sudan through the lens of guaranteeing the flow of oil from the south into its territory and using the Government of South Sudan to mediate with Sudanese armed groups.<sup>26</sup> Lieutenant General Hemedti is leading Sudanese mediation efforts.

29. Uganda has inconsistently engaged in the South Sudan mediation process. When it does, the Panel notes that it has emboldened the hard-line positions of the incumbent Government.<sup>27</sup> Furthermore, the Panel has also corroborated information that the Uganda People's Defence Forces are inside the territory of South Sudan, further complicating the Ugandan role in pushing for the implementation of the Agreement (see sect. III).<sup>28</sup>

30. Ethiopia, the current chair of IGAD, and Kenya, the top candidate to succeed it, have not demonstrated sufficient political and diplomatic will to consistently support the peace process. The limited engagement, such as the visits of the Prime Minister of Ethiopia, Abiy Ahmed Ali, on 4 March and 14 October 2019, and the bilateral meetings between the President of Kenya, Uhuru Kenyatta, and Mr. Kiir in Nairobi on 1 and 2 July 2019 have not led to the sustained presence and pressure necessary to fully implement the pre-transitional provisions of the Agreement.<sup>29</sup>

<sup>24</sup> Interviews with regional diplomats and intelligence personnel, foreign diplomats and analysts and confidential sources, in Juba, Addis Ababa, Nairobi, Kampala and Khartoum and by telephone, July–October 2019.

<sup>25</sup> Ibid.

<sup>26</sup> Interviews with regional and international analysts, regional intelligence personnel and confidential sources, in Juba, Khartoum and Addis Ababa and by telephone, October 2019.

<sup>27</sup> Interviews with regional intelligence personnel, foreign diplomats and confidential sources, in Kampala, Juba, Addis Ababa, Khartoum and Nairobi, August–October 2019.

<sup>28</sup> Interviews with regional intelligence personnel, foreign diplomats and analysts and confidential sources, in Kampala, Addis Ababa and Nairobi and by telephone, August–October 2019.

<sup>29</sup> Ibid.

### III. Arms and implementation of the arms embargo

31. The Panel continued to monitor the enforcement of the arms embargo on South Sudan imposed by the Security Council in its resolution 2428 (2018) and renewed in its resolution 2471 (2019).

32. The Panel continued to receive multiple credible accounts of the presence of Uganda People's Defence Forces troops in various areas of Yei River State, including a deployment in October 2019.<sup>30</sup> Uganda has not applied for any exemption from the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan, as required by the Council in paragraph 5 of its resolution 2428 (2018) and reaffirmed in its resolution 2471 (2019).

33. Since the Panel submitted its final report pursuant to resolution 2428 (2018), several Member States have requested that the Committee allow exemptions to the arms embargo to provide materiel in support of the implementation of the terms of the Revitalized Agreement on the Resolution of the Conflict in South Sudan. To date, China, Egypt and Ethiopia have transmitted requests for exemptions to the Committee pursuant to paragraph 5 (f) of Security Council resolution 2428 (2018), as reaffirmed in its resolution 2471 (2019). For the two most recent requests, the ultimate recipient in one case was SSPDF and in the other it was the Ministry of Defence and Veterans' Affairs of South Sudan, rather than one of the joint technical mechanisms created by the Agreement.

34. The Panel notes that, once an exemption is granted by the Committee, there is no oversight of the approved delivery. Therefore, the Panel has no capacity to monitor such deliveries.

35. Separately, at the time of submission of the present report, no Member State neighbouring South Sudan had submitted any inspection reports as requested by the Security Council in paragraph 8 of its resolution 2428 (2018) and renewed in its resolution 2471 (2019). This limits the capacity of the Panel to monitor the implementation of the arms embargo. Nevertheless, the Panel continues to follow numerous leads on potential breaches of the arms embargo.

### IV. Violations of international humanitarian law and human rights

36. The humanitarian situation in South Sudan has remained precarious, and most civilians have not experienced improvements in their livelihoods since the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan. Over 7 million people in South Sudan are in need of humanitarian assistance, 2.3 million civilians live as refugees in neighbouring States and around 1.5 million South Sudanese remain internally displaced. Most South Sudanese face serious food shortages.<sup>31</sup>

37. The panel has found that, while some South Sudanese refugees have returned to their country in the past year, many of the returns were temporary. Most of the internally displaced persons, including those sheltering in protection of civilians sites,

<sup>30</sup> Interviews with members of civil society, community leaders, representatives of international NGOs, SPLA-IO and NAS personnel, regional intelligence personnel and confidential sources, in Juba, Kampala and Nairobi and by telephone, July–October 2019.

<sup>31</sup> European Civil Protection and Humanitarian Aid Operations, *South Sudan Crisis Report*, No. 61 (October 2019).

and refugees with whom the Panel spoke feel unable to return to their homes, many of which have been occupied or destroyed, on a permanent basis.<sup>32</sup>

## A. Humanitarian access and food insecurity

38. The improved security situation in the country has alleviated some of the humanitarian access issues that hampered assistance in the past. Nevertheless, humanitarian actors operate in a dangerous environment. In July and August 2019, 79 incidents by unaffiliated criminals or State security services had an impact on the delivery of humanitarian aid. The Panel has found that an increase in abductions, especially of local aid contractors and drivers, was reported in August and September 2019.<sup>33</sup>

39. Food insecurity has slightly decreased in 2019 during the “lean season”, in the light of the absence of active conflict and improved access to markets. However, food insecurity remains a serious concern, with over 6.3 million South Sudanese still severely food insecure and 10,000 in famine-like conditions.<sup>34</sup>

## B. Recruitment of children in conflict

40. Pursuant to Security Council resolution 2471 (2019), the Panel has investigated violations related to the use and recruitment of children in conflict. Though the recruitment and use of children has been declining in South Sudan since the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, the Panel has received multiple allegations of ongoing child recruitment, including forced recruitment, in the former Unity and Warrap States. It has found that armed groups have recruited children as part of larger recruitments of fighters and to meet the requirements of cantonment, often to bolster numbers (see annex III).<sup>35</sup>

## C. Sexual and gender-based violence

41. The Panel has noted how sexual violence, in particular rape, has been used as a deliberate military strategy (see S/2018/292). Despite the provisions of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, which contain a call for the cessation of all forms of sexual and gender-based violence, widespread incidents in the former Unity and Central Equatoria States have been reported to the Panel. In the former Central Equatoria State, the Panel collected multiple testimonies of cases of sexual violence against women, including minors, as a consequence of military operations. In particular, government security forces have

<sup>32</sup> Interviews with civilians, protection of civilians site residents, UNMISS and International Organization for Migration officials, NGO personnel, members of civil society and community leaders, in Bentiu and Yei (South Sudan), Juba, Kampala, Addis Ababa and Nairobi and by telephone, August–October 2019.

<sup>33</sup> European Civil Protection and Humanitarian Aid Operations, *South Sudan Crisis*, report No. 61 (October 2019).

<sup>34</sup> Integrated Food Security Phase Classification, South Sudan, August 2019. Available at [www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_South%20Sudan\\_Key\\_Messages\\_August\\_2019.pdf](http://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_South%20Sudan_Key_Messages_August_2019.pdf).

<sup>35</sup> Interviews with National Security Service and SSPDF personnel, humanitarian actors, civil society, community leaders and confidential sources, in Bentiu and Juba and by telephone, September–October 2019.

used sexual and gender-based violence against alleged supporters of NAS and civilians expressing dissenting views to suppress criticism.<sup>36</sup>

#### D. Human rights violations and accountability

42. In spite of the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, which contains calls for the protection of human and political rights, the Government has not abided by the agreement to open the civic and political space. The Panel notes that the release of all prisoners of war and detainees to the International Committee of the Red Cross, in compliance with article 2.1.6, has not been completed. The Panel has found that, instead, the Government has recategorized politically motivated detention as a criminal matter.<sup>37</sup>

43. In addition, the Panel corroborated the fact that the Internal Security Bureau of the National Security Service and SSPDF military intelligence personnel have continued to arbitrarily detain individuals during the pre-transitional period. Notably, the National Security Service and SSPDF military intelligence personnel detained dozens of young people in Juba and other parts of the country in 2019. The Government accused the detainees of sympathizing with groups voicing concerns against it, such as the Red Card Movement and other opposition forces. The Panel corroborated information that most of the detained individuals remained in National Security Service and SSPDF military intelligence facilities without access to legal counsel and due process.<sup>38</sup>

44. October 2019 marked the fourteenth month in detention for the South Sudanese civil society activist Peter Biar Ajak. On 11 June 2019, the High Court sentenced him to two years in prison for giving interviews to foreign media that “disturbed the peace” during a standoff between guards and prisoners at the Blue House detention facility on 7 October 2018.<sup>39</sup> The Blue House is one of the many extrajudicial detentions facilities that the National Security Service controls across South Sudan (see S/2019/301).

45. In the same trial, the businessman Kerbino Wol Agok was sentenced to 13 years in prison for allegedly leading the incident. The Government also sentenced Simon Dau Makuei, Dar Duer Dar, Benjamin Agany Akol and James Bol Akec to five years in prison in connection with the incident. The six men were initially arrested by National Security Service officials in 2017 and 2018 and taken to the Blue House. To date, no charges have been made against any of them in relation to their initial detention.<sup>40</sup> The Panel corroborated the fact that the detainees sparked the incident at

<sup>36</sup> Interviews with members of civil society, community leaders, civilians, humanitarian actors and confidential sources, in Bentiu and Yei and Juba and by telephone, August–October 2019.

<sup>37</sup> Interviews with government officials, high-ranking SSPDF military intelligence and National Security Service personnel, SPLM-IO, members of civil society, lawyers, community leaders and confidential sources, in Juba, Kampala and Nairobi and by telephone, August–October 2019.

<sup>38</sup> Interviews with members of civil society, journalists, NGO personnel and confidential sources, in Juba and by telephone, July–October 2019.

<sup>39</sup> Mr. Ajak’s lawyers filed an appeal just after the sentencing in June 2019. Although a response is required within 45 days under the South Sudanese legal code, the Court of Appeal has not yet responded. Interviews with individuals acquainted with Mr. Ajak’s case, in Nairobi and by telephone, August–October 2019. See *Radio Tamazuj*, “Lawyers representing Biar and Kerbino complain over delayed appeal”, 23 August 2019.

<sup>40</sup> Interviews with individuals acquainted with the cases and confidential sources, in Juba and Nairobi and by telephone, August–October 2019. See *Radio Tamazuj*, “Lawyers representing Biar and Kerbino complain over delayed appeal”, 23 August 2019.

the Blue House because of the extremely poor conditions inside it, including torture and targeted killings (see annex IV).<sup>41</sup>

46. The signatories to the Revitalized Agreement on the Resolution of the Conflict in South Sudan, in particular the Government, have not pursued actions in the pre-transitional period to improve accountability. South Sudanese officials recommitted themselves to fully cooperating with the African Union to establish a Hybrid Court for South Sudan by signing the agreement (arts. 5.1.5 and 5.3).<sup>42</sup> Amid the continued human rights violations, the Panel notes that survivors, victims' families and community and religious leaders, as well as civil society representatives, have expressed frustration at the delays in establishing the hybrid court in accordance with chapter 5 of the Agreement.<sup>43</sup>

## V. Finance and natural resources

47. The Panel has been investigating the exploitation of natural resources, including oil, gold and teak, in South Sudan, in line with paragraph 14 (j) of Security Council resolution 2428 (2018), as reaffirmed by the Council in its resolution 2471 (2019), concerning the illicit exploitation of or trade in natural resources, and paragraph 15 of its resolution 2428 (2018), as reaffirmed in its resolution 2471 (2019), by which the Council expressed concern at the misappropriation and diversion of public resources and financial impropriety that posed a risk to the peace, stability and security of South Sudan (see annex V).

### A. Transitional Government and public resources

48. Since its establishment in 2015, the Panel has consistently identified how the competition for natural and public resources threatens peace and security (see S/2015/656, S/2016/70, S/2018/292 and S/2018/1049). In the lead-up to the formation of the Revitalized Transitional Government of National Unity, the Government has not safeguarded against this risk by pursuing measures, consistent with chapter 4 of the Revitalized Agreement for the Resolution of the Conflict in South Sudan, to counter the illicit exploitation of natural resources and the diversion of State funds.<sup>44</sup> The Government and other signatories have not prioritized discussions on the implementation of provisions for financial management to prevent continued competition for the country's natural and public resources.<sup>45</sup>

<sup>41</sup> Interviews with security sector officers and confidential sources, locations withheld, August–October 2019.

<sup>42</sup> In chapter 5 of the Agreement, a sound basis is provided for delivering justice, promoting reconciliation and providing for reparations for victims, including by harnessing and adapting the rich customary institutions of South Sudan.

<sup>43</sup> Interviews with community and religious leaders, members of civil society and civilians, in Bentiu, Yei, Juba, Nairobi, Kampala and Addis Ababa and by telephone, August–October 2019.

<sup>44</sup> Article 4.1.4 on the general principles on revenue collection, article 4.14.10 on the requirements of public finance management and articles 4.10.1.1 and 4.10.1.2 on the management of oil and non-oil revenue by the Revitalized Transitional Government of National Unity.

<sup>45</sup> Interviews with civil society, foreign diplomats and a member of the National Pre-transitional Council, in Juba and by telephone, August–October 2019. Article 4.1.7 contains calls for immediate economic and financial management reforms, such as the implementation of the Petroleum Revenue Management Act of 2012 (art. 4.8.1.1) and the “closure of any petroleum revenue accounts other than those approved by law” (art. 4.8.1.2) within three months of the start of the transition period.

## B. Non-oil revenue collection

49. As outlined in chapter 4 of the Revitalized Agreement for the Resolution of the Conflict in South Sudan, the Government formed the National Revenue Authority, the country's tax agency responsible for non-oil revenue collection.<sup>46</sup> The Authority reported a sharp increase in non-oil revenues of \$36 million from taxes and fees in the period from January to June 2019, under the management of its Commissioner General at the time, Olympio Attipoe, a Ghanaian citizen.<sup>47</sup> The Authority harmonized tax collection into a single block account for government receipts, revenues and income, revoked excessive tax exemptions on importers and opened a revenue collection account in United States dollars in Mombasa, Kenya, where most of the cargo bound for South Sudan is offloaded.<sup>48</sup> The Authority increased the country's non-oil revenue with assistance of about \$14 million from the African Development Bank.<sup>49</sup>

50. On 23 August, the Ministry of Finance and Economic Planning fired Mr. Attipoe, who, as at mid-October 2019, was prevented from leaving South Sudan.<sup>50</sup> His dismissal threatens to undermine the initial steps towards financial transparency.<sup>51</sup> The Government has not publicized the reason for opening an investigation after his dismissal, but multiple confidential sources indicate that the Ministry of Finance and Economic Planning alleges that the Authority opened the revenue collection account in Mombasa without its knowledge.<sup>52</sup> The Panel confirmed that the Authority's commercial bank account in Mombasa was not a debit account, indicating that deposits could only be transferred to the Bank of South Sudan.<sup>53</sup>

## C. Oil sector transparency

51. Oil revenue is projected to account for about 80 to 85 per cent of government revenues in 2019/20.<sup>54</sup> The crude oil output of South Sudan reached about 175,000 barrels per day in September 2019, approximately 35 per cent higher than the output

<sup>46</sup> Articles 4.10.1.4 and 4.10.1.5 on the role and mandate of the National Revenue Authority.

<sup>47</sup> Interviews with NAS and SPLA-IO, in Kampala, August–September 2019. Correspondence with former detainees, October 2019. See *Xinhua News Agency*, “South Sudan collects 36 mln USD tax from non-oil sources”, 15 October 2019.

<sup>48</sup> Interviews with banking professionals, development economists, SPLA-IO, members of the South Sudanese diaspora, members of civil society and former detainees, in Juba and Nairobi, August–October 2019. Articles 4.10.1.5 and 4.10.1.6 on the mandate of the Authority relate to the management and collection of revenue.

<sup>49</sup> The non-oil revenue mobilization and accountability project of the African Development Bank provides capacity-building support, strengthens financial control and accountability mechanisms and finances aspects of the Authority's operations, including the salary of the Commissioner General.

<sup>50</sup> Ministry of Finance and Economic Planning, ministerial order RSS/MoF&P/MO/3/08/19 on the termination of the service of the Commissioner General of the National Revenue Authority, 23 August 2019 (annex VI).

<sup>51</sup> Interviews with foreign diplomats and development officials, in Addis Ababa, Juba, Nairobi and Washington, D.C., September 2019.

<sup>52</sup> Interviews with confidential sources, in Juba and by telephone, September–October 2019. Document on file with the Panel: SPLM/IO official letter dated 2 February 2019, “SPLM/IO concerns on financial management and economic reforms after the termination of Commissioner General of NRA Dr. Olympio Attipoe”.

<sup>53</sup> Interviews with confidential sources, in Nairobi and by telephone, October 2019.

<sup>54</sup> In the draft budget for 2019/20, net revenue of 179.980 billion South Sudanese pounds is projected, of which 150.128 billion pounds is derived from oil and 29.852 billion pounds from non-oil revenue.

in September 2018. The primary driver for the increased output is the rapid rehabilitation of oil fields in the former Unity State, where output is about 45,000 barrels per day.<sup>55</sup> Combined with the oil produced in the former Upper Nile State, the country is on track to produce close to 200,000 barrels per day in 2020.<sup>56</sup>

52. There has been a continued lack of transparency in the oil sector. The Ministry of Petroleum has not ended the practice of pre-sale financing arrangements for South Sudanese oil, despite the recommendations of the International Monetary Fund.<sup>57</sup> Mr. Kiir opened a high-level inquiry into the crude oil pre-sale process, in line with the provisions of the Revitalized Agreement on the Resolution of the Conflict in South Sudan.<sup>58</sup> However, the findings of the investigation have not been released.<sup>59</sup>

53. The Panel was unable to verify the financial liabilities of the Government related to oil advances, cargoes and repayment terms because the Government has not released current data on oil sales or published its marketing report, in accordance with the stipulations in the Agreement on transparency and accountability.<sup>60</sup>

54. Since the signing of the Agreement, the Government has attempted to attract investment in high-value joint venture projects in the oil sector. In May 2019, it signed a \$1 billion exploration and production-sharing agreement with the State-owned Strategic Fuel Fund of South Africa to explore oil concession “block B2” in Jonglei State and construct an oil refinery. The specific details of the agreement have not been released.<sup>61</sup>

55. The Ministry of Petroleum plans to auction licenses for the exploration and development of eight unexplored oil and gas concession blocks and to build four refineries by 2022 in South Sudan, which currently does not have refining capability.<sup>62</sup> The Panel has been enquiring about any signature bonuses or related off-budget payments connected with joint venture projects, because the government stake in high-value deals has lacked clear oversight and remains vulnerable to the diversion of public funds.<sup>63</sup>

<sup>55</sup> Interviews with South Sudanese oil sector officials and businesspersons, by telephone, October 2019.

<sup>56</sup> Interviews with oil sector officials, foreign diplomats and an industry analyst, in Juba and Nairobi and by telephone, September–October 2019.

<sup>57</sup> Interviews with an oil sector official, an industry analyst and a businessperson, by telephone, October 2019. See International Monetary Fund, “IMF staff completes visit to South Sudan”, 18 March 2019.

<sup>58</sup> Interviews with a former government official and foreign diplomats, in Juba, September 2019. Articles 4.8.1.3 and 4.14.4.

<sup>59</sup> Interviews with SPLM-IO, foreign diplomats and a former government official, in Juba and by telephone, August–October 2019.

<sup>60</sup> Article 4.8.1.3, which contains calls for a review of loans and contracts related to oil within six months of the transition; article 4.8.1.7 on the requirements for the open, transparent and competitive marketing of South Sudanese oil; and article 4.14.4 on the publication of loans and contracts.

<sup>61</sup> Interviews with an industry expert, journalists, foreign diplomats and a Ministry of Petroleum official, in Juba and Nairobi, September 2019. See *Reuters*, “South Sudan agrees oil exploration deal with South Africa”, 6 May 2019.

<sup>62</sup> Confidential document on file with the Panel. See *Africa Oil and Power*, “South Sudan previews first oil and gas licensing round since 2011”, 9 October 2019.

<sup>63</sup> Article 1.19.1 contains calls for the rapid restructuring and reconstitution of the main oversight bodies of South Sudan, including the nomination of the head of the Anti-Corruption Commission within two months of the transition (art. 4.4.1.7) and the National Auditor-General within four months (art. 4.5.4).

## D. Case studies on the exploitation of timber by the Sudan People's Liberation Army in Opposition and the South Sudan People's Defence Forces

56. As the Panel previously reported (see [S/2019/301](#)), the leadership of both SPLA-IO and the SSPDF have continued to exploit and trade in timber in areas under their control in the former Central Equatoria and Eastern Equatoria States. Rather than participating in the cantonment or barracking process, as required under the Revitalized Agreement on the Resolution of the Conflict in South Sudan, the armed groups have continued to generate revenues through the illegal harvest, sale and taxation of teak and mahogany. Furthermore, the activities of the armed groups have displaced local communities, some of which have fled to Uganda.

57. The Panel corroborated the fact that since early May 2017 at the earliest, SPLA-IO has profited from the illegal exploitation of and trade in timber in Kajo-Kaji county, Yei River State. Revenues received by SPLA-IO were partly used to purchase small batches of ammunition and medical supplies.<sup>64</sup>

58. The Panel received credible information indicating that Major General Moses Lokujo of SPLA-IO division 2B had been directly involved in the taxation of teak and mahogany illegally harvested in Liwolo, Kariwa, Kendire, Kala, Ajio, Lora Manglotore, Bori, Lowili and Katire payams, which are areas under his control. He has also been active in the transit of logs to the borders with the Democratic Republic of the Congo and Uganda.<sup>65</sup>

59. In May 2017, Major General Lokujo logged teak and mahogany around Kajo-Kaji, forcing local communities to accept his forces' exploitation of timber in the area. Community representatives to whom the Panel spoke confirmed that the cutting of trees for SPLA-IO had ruined the communities' economies, leaving local people with no income. In addition, the forces harassed community members who refused to follow orders, leading many to flee to refugee camps in Uganda.<sup>66</sup>

60. SPLA-IO compelled timber harvesting companies and traders logging and transiting to pay for protection.<sup>67</sup> Traders have mostly used the main transit route from Kajo-Kaji to Uganda, along the Koboko-Yumbe-Oraba road. The Panel has corroborated information that timber traders paid SPLA-IO up to \$600 for the right to log and \$800 to transport logs through their territories. The price of 1 m<sup>3</sup> of teak in Yei River State has been in the range of \$65 to \$100, depending on the length and width.<sup>68</sup> This trade results in significant profits, with logs priced in Uganda for as much as \$410 to \$620 per m<sup>3</sup>.<sup>69</sup>

<sup>64</sup> Interviews with NAS, a former official of the Yei River State administration, community leaders and teak traders, in Kampala and by telephone, August–October 2019.

<sup>65</sup> The Panel has sought a comment from SPLA-IO through written correspondence but is yet to receive a reply.

<sup>66</sup> Interviews with community leaders, civil society and a NAS representative, in Kampala and by telephone, September 2019.

<sup>67</sup> In its final report submitted pursuant to resolution [2428 \(2018\)](#) (see [S/2019/301](#)), the Panel stressed that Major General Lokujo used loyal paramount chiefs and county commissioners to negotiate with logging companies and traders the rates for protection while logging and transiting. Interviews with community members, NAS and teak traders, in Kampala, August–October 2019.

<sup>68</sup> Interviews with community leaders, civil society and NAS, in Yei and Kampala, September–October 2019.

<sup>69</sup> International Tropical Timber Organization, *Tropical Timber Market Report*, vol. 23, No. 17 (1–15 September 2019), p. 7.

61. The Panel has received additional information that SSPDF commanders in Pageri county (Pageri and Moli payams) and Ajaci county (Palwar and Owiny Kibul payams) in the former Eastern Equatoria State have exploited the trade in timber since April 2017.<sup>70</sup> In Pageri county, SSPDF and especially units of its Tiger Division deployed in Moli actively cut timber and taxed logging companies for permission to harvest and transport timber.<sup>71</sup> The Panel corroborated the fact that the final beneficiary of the illegal logging was the head of administration and finance for SSPDF, Major General Johnson Juma.<sup>72</sup> The Panel continues to investigate the pricing of and trade in timber in territories controlled by SSPDF.

## VI. Implementation of the asset freeze and travel ban

### A. Asset freeze

62. Pursuant to Security Council resolution 2471 (2019), the Panel has continued to gather and examine information regarding the implementation by Member States of asset freeze measures that target the eight designated individuals. The Panel notes that one of the sanctioned individuals, Peter Gadet (SSi.006), died in Khartoum in April 2019.<sup>73</sup>

63. On the basis of documents and information obtained, the Panel identified three commercial entities with accounts in a Kenyan bank related to Malek Reuben Riak Rengu (SSi.007), as well as three commercial entities with accounts in a Kenyan bank and one entity with an account in a South Sudanese bank related to Paul Malong Awan (SSi.008).<sup>74</sup> The Panel requested information on these accounts but, to date, has not received any acknowledgement from the banks concerned.

64. The Panel also addressed correspondence to Egypt, Kenya, the Sudan and Uganda, through their Permanent Missions to the United Nations, regarding the implementation of asset freeze measures. During the current mandate, the Panel has received no responses.

### B. Travel ban

65. The Panel continued to monitor the implementation of the travel ban. During the reporting period, the Panel established that Gabriel Jok Riak (SSi.001) participated in the East African Community military games and cultural events, which were held in Nairobi between 11 and 26 August 2019, in the absence of a request for a travel ban exemption by the Kenyan authorities to the Committee (see annex VII).

66. According to corroborated information gathered by the Panel, Paul Malong Awan (SSi.008) travelled from Nairobi to Johannesburg, South Africa, on 2 July 2019 on a Kenya Airways flight. He returned to Nairobi from Johannesburg on 13 July

<sup>70</sup> Interviews with community leaders, timber traders and SPLA-IO representatives, in Juba and Kampala, September–October 2019.

<sup>71</sup> Interviews with community leaders and SPLA-IO officers, in Juba and Torit (South Sudan), September 2019.

<sup>72</sup> Interviews with community leaders, civil society, NGO personnel and SPLA-IO officers, in Torit, September 2019. The Panel has sought a comment from SSPDF through written correspondence but is yet to receive a reply.

<sup>73</sup> *Sudan Tribune*, “South Sudan’s Peter Gatdet dies in Khartoum”, 16 April 2019.

<sup>74</sup> Documents on file with the Panel and interviews with SPLA-IO political representatives, an NGO activist in Juba and a civil society activist in Torit, September–October 2019.

2019 on a Kenya Airways flight and travelled using a Ugandan diplomatic passport (No. DA025963).<sup>75</sup>

## VII. Conclusion

67. More than six months after the pre-transitional period was extended, the signatories have made no significant decisions regarding the implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan. A particular concern is that the Government has demonstrated little interest in abiding by the letter or spirit of the agreement on security arrangements, the number of States and their boundaries, and financial accountability. These entrenched positions have eroded trust among the signatories, imperilled the survival of the agreement and posed an immediate threat to peace and security in South Sudan.

68. Amid this deficit of implementation, inconsistent and at times competing international engagements have failed to put pressure on the parties to respect the agreement as it is written. By focusing on elite-level compromise and a deadline for the formation of the Revitalized Transitional Government of National Unity, this approach has favoured the absence of war over building the conditions for durable, inclusive and genuine peace for the millions of exhausted civilians. Regional and international mediators should focus on facilitating a return to constructive and inclusive dialogue and to the letter of the Agreement, which is the only agreed framework for peace.

## VIII. Recommendations

69. The Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan should request the Council to call upon financial institutions, especially commercial banks operating in Member States neighbouring South Sudan, to increase cooperation with the Panel, building on the terms of paragraph 21 of Council resolution [2428 \(2018\)](#), as renewed in its resolution [2471 \(2019\)](#). Since the Panel has not received replies to most of its correspondence addressed to regional financial institutions pertaining to the enforcement of the asset freeze, an amendment to paragraph 21 with specific requests for financial institutions to support the Panel could further compel financial institutions to comply with the sanctions regime.

70. Given the importance of regional authorities and commercial airlines in the enforcement of the travel ban, the Committee should facilitate a joint training programme with regional Member States on the implementation of the travel ban, in accordance with paragraph 12 of Security Council resolution [2428 \(2018\)](#), as renewed in its resolution [2471 \(2019\)](#). Such training should involve government authorities, including foreign ministries, intelligence services, immigration officials and aviation authorities, alongside commercial airlines active in the region.

71. The Panel recommends that the Security Council amend the arms embargo by authorizing the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism to inspect cargoes entering South Sudan that have received an exemption approval by the Committee, in accordance with subparagraphs 5 (f) and (g) of Council resolution [2428 \(2018\)](#), as reaffirmed in its resolution [2471 \(2019\)](#). The Panel notes that the exemption and notification process used by the Committee

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<sup>75</sup> The Panel has requested more information through official communications addressed to both Kenya and South Africa; to date, it has received no replies. Interviews with confidential sources, location withheld, July–August 2019. United Nations, “Security Council South Sudan Sanctions Committee amends one entry on its sanctions list”, press release, 25 June 2019.

is fundamental to the successful implementation of the arms embargo and that on-the-ground verification of exempted deliveries would enhance its effectiveness.

72. To ensure effective implementation of the arms embargo, the Panel recommends that the Committee urge the Security Council to call upon Member States neighbouring South Sudan to report to the Committee on the steps taken to inspect cargo bound for South Sudan, in accordance with paragraphs 8 and 9 of Council resolution [2428 \(2018\)](#), as renewed in its resolution [2471 \(2019\)](#). In addition, Member States neighbouring South Sudan should submit to the Committee inspection reports pursuant to paragraph 10 of Council resolution [2428 \(2018\)](#), as renewed in its resolution [2471 \(2019\)](#).

73. The Committee should encourage the Government of South Sudan and neighbouring Member States to strengthen their efforts to prevent the illegal exploitation of and trade in timber. These illegal activities have contributed, directly and indirectly, to the funding of armed groups, including government security forces, as stated in paragraph 14 (j) of Security Council resolution [2428 \(2018\)](#) and reaffirmed by its resolution [2471 \(2019\)](#).

## Annex I

## Communiqué of the Intergovernmental Authority on Development Council of Ministers on the consultation meeting of the parties to the Revitalized Agreement on the Resolution of the Conflict in South Sudan



### COMMUNIQUÉ OF THE IGAD COUNCIL OF MINISTERS ON THE CONSULTATION MEETING OF THE PARTIES TO THE R-ARCSS

21<sup>st</sup> August 2019  
Addis Ababa, Ethiopia

The IGAD Council of Ministers convened a consultation meeting of the Parties to the R-ARCSS on the 21<sup>st</sup> August 2019 in Addis Ababa, Ethiopia, under the chairmanship of **H.E. Gedu Andargachew**, Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia and Chairperson of the IGAD Council of Ministers.

The session was attended by **H.E. Ahmed Isse Awad**, Minister of Foreign Affairs of the Federal Republic of Somalia; **H.E. Sam Kutesa**, Minister of Foreign Affairs of the Republic of Uganda; **H.E. Mohamed Ali Hassan**, Secretary General of the Ministry of Foreign Affairs of the Republic of Djibouti; **H.E. Hirut Zemene**, State Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia; **H.E. Ababu Namwamba**, The Chief Administrative Secretary of Foreign Affairs of the Republic of Kenya; **H.E. Deng Dau Deng Malek**, Deputy Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan; **H.E. Omar Dahab**, Under Secretary of the Ministry of Foreign Affairs of the Republic of the Sudan, **H.E. Mahboub Maalim**, IGAD Executive Secretary; **H.E. Amb. Smail Chergui**, African Union Commission Commissioner for Peace and Security, **H.E. Dr. Ismail Wais**, IGAD Special Envoy for South Sudan; **H.E. Stephen Kalonzo Musyoka**, Kenya's Special Envoy to South Sudan; **H.E. Jamal El-Sheikh**, Sudan's Special Envoy to South Sudan, **H.E. Lt. Gen Augustino Njoroge**, Interim Chairperson of the Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC); **Maj. Gen. Desta Abiche Ageno**, Chairperson of CTSAMVM, **H.E. David Shearer**, the Special Representative of the United Nations Secretary General to South Sudan and Head of UNMISS, and representatives of the Parties to the R-ARCSS namely Transitional Government of National Unity, Sudan People's Liberation Movement/Army in Opposition, South Sudanese Opposition Alliance, Other Political Parties and SPLM-Former Detainees as well as South Sudanese stakeholders.

Representatives of AUC, the UN, the European Union, the IGAD Partners Forum (IPF), the Troika (Norway, UK and USA), RJMEC and China made statements during the opening session.

After listening to the presentation by the IGAD Executive Secretary on the IBC report, the statement of the IGAD Special Envoy for South Sudan, reports of the Secretary of the NPTC, Interim Chairperson of R-JMEC, and Chairperson of CTSAMVM;

T + 253 21 35 40 50 F + 253 21 35 69 94 E info@igad.int  
Avenue Georges Clemenceau, Djibouti P.O. Box 2653, Republic of Djibouti  
www.igad.int

**The Council, in consultation with the Parties to the R-ARCSS and stakeholders:**

1. **Appreciates** that the ceasefire is holding and as a result South Sudan has experienced relative peace, and in this regard **calls** for the cantonment process to be expedited to ensure the continued holding of the ceasefire in South Sudan;
2. **Commends** the Parties to the R-ARCSS for the important work they are doing in the various institutions and mechanisms of the Agreement;
3. **Welcomes** the conducive environment the Government has created for the implementation of the R-ARCSS;
4. **Recognizes and commends** representatives of the opposition parties for moving back and working from Juba;
5. **Takes note** of the progress made in the implementation of the R-ARCSS;
6. **Appreciates** the cordial and constructive manner with which the Parties conducted the consultation meeting;
7. **Commits** to engage their respective Heads of State and Government to directly engage H.E. President Salva Kiir to disburse the balance of the pledged USD 100 million;
8. **Urges** the Government of the Republic of South Sudan to be transparent and put in place accountability mechanisms in the use of funds for the implementation of the Peace Agreement;
9. **Recommends** to the IGAD Heads of State and Government to convene face-to-face meeting of the top leadership of the Parties to discuss and resolve outstanding issues;
10. **Further recommends** to the Heads of State and Government to hold an Ordinary Summit of IGAD in mid-September 2019 to deliberate on and decide, among others, the status of Dr. Riek Machar;
11. **Resolves** that at least 50% of the 83,000 necessary unified forces should be cantoned and barracked, trained and deployed before the end of September 2019;
12. **Welcomes** the adoption of the Terms of Reference of the DDR Commission by the Parties and stakeholders, and the subsequent nomination of candidates by all except the TGoNU and in this regard **decides** that the reconstitution of the DDR Commission should be completed by the end of August 2019;
13. **Urges** the Parties to continue dialoguing and consulting on the issue of the number and boundaries of states with a view to find a common solution, and report on the same to the next IGAD Ordinary Summit in mid-September;
14. **Congratulates** the Republic of the Sudan on the power-sharing deal signed between the Transitional Military Council and the umbrella group Alliance for Freedom and Change that paves the way for a transition to a civilian-led government;
15. **Also congratulates** the Republic of Kenya on being nominated Africa's candidate for a non-permanent seat at the UN Security Council for 2021-2022, and **commends** Djibouti for graciously conceding the results;
16. **Decides** to remain seized of the matters.

**-End-**

## Annex II

### Case study on internal fighting among the Sudan People's Liberation Movement-Army in Opposition in Maiwut State

Events in Maiwut state (former Upper Nile state)<sup>1</sup> exemplify how the government, while discussing peace implementation with the SPLM/A-IO, has in parallel been co-opting constituencies within the Nuer community, Riek Machar's historical power-base, to strategically weaken his position.<sup>2</sup> While this strategy produced visible results in Maiwut, it has also been attempted, less successfully, in Fangak and in the greater Nasir areas of Upper Nile.<sup>3</sup>

The Panel has corroborated evidence that President Kiir is implementing this plan through the Director General of the General Intelligence Bureau of the NSS, Lieutenant General Thomas Duoth, an ethnic Nuer, as well as other Nuer in the government who are operating under the direct orders of the First Vice President, General Taban Deng Gai, who is also Nuer. According to multiple sources, Deng Gai has viewed the possible return of Machar into the government as a direct threat to the former's current position and his overall political role.<sup>4</sup>

Maiwut state, near the Ethiopian border, was one of the main points of entry used for weapons and food that in the past were delivered to the SPLM/A-IO from outside South Sudan. As a consequence, Maiwut remains one of the most strategically significant areas currently under the control of the SPLM/A-IO.<sup>5</sup> The area is mostly inhabited by ethnic Ciec-Waw Gajaak Nuer, one of the two ethnic components of the Jikany Nuer.<sup>6</sup> These communities have been supportive of the SPLM/A-IO under Machar's leadership since its formation.<sup>7</sup>

In July 2019, simmering tensions between SPLM/A-IO military commanders in the area developed. Since 2017 the area has been under the command of two senior military commanders: Major General James Khor Chol, the commander of SPLA-IO Division 5, and Major General James Ochan Puot, the commander of a special force that Machar sent into Maiwut from northern Upper Nile in 2017 to support Chol in fighting the SPLM/A-IO faction led by Deng Gai. Ochan's strategic intervention allowed the SPLA-IO under Machar's command to push the SPLA-IO faction led by Deng Gai towards the border with Ethiopia. This manoeuvre confined Deng Gai's

<sup>1</sup> The area is referred to as Adar state by the SPLM/A-IO.

<sup>2</sup> Interviews, SSPDF Military Intelligence, SPLM/A-IO Riek Machar faction senior commanders and political leaders, SPLA-IO Taban Deng Gai faction senior commanders, Gajaak Nuer community leaders, elders and civil society, confidential sources; Juba, Nairobi, Khartoum, Kampala, Addis Ababa, by telephone; August-October 2019.

<sup>3</sup> Interviews, Nuer community leaders, elders and civil society, regional intelligence personnel, SPLM/A-IO senior leadership, TGoNU representatives, Juba, Nairobi, Khartoum, Kampala, Addis Ababa, by telephone, August, September, October 2019.

<sup>4</sup> Interviews, SPLM/A-IO(TDG) senior representatives, former SPLM/A-IO(TDG) representatives, Nuer community leaders, elders and civil society, Juba, Nairobi, Addis Ababa, by telephone, August, September, October 2019.

<sup>5</sup> Interviews, SPLM/A-IO(RM) senior commanders and political leaders, community leaders, elders and civil society, regional intelligence personnel; Juba, Nairobi, Addis Ababa, by telephone; August-October 2019.

<sup>6</sup> Other Gajaak Nuer sub-groups are Ciec-Chany, Thiang Ciec-Kan, Ciec-Nyajani, and Ciec-Reng.

<sup>7</sup> The other sub-group is the Gajouk.

forces to Pagak town, securing Maiwut under Machar faction's control. Ochan was subsequently named deputy commander of SPLA-IO Division 5.<sup>8</sup>

In the aftermath of this military victory, General Ochan, who is a local Ciec-Waw, not only gained local popularity, but also controlled a significant share of local resources. Ochan controlled cattle, crops, revenues from cross-border economic activities with Ethiopia and the collection of local taxes. The revenue from these resources had previously benefitted Chol, who hails from Ciec-Niajany. Eventually this rivalry between the two commanders over the division of resources grew until Chol unsuccessfully requested that the SPLA-IO command order Ochan to return to Nasir.<sup>9</sup>

In early 2019, the SPLA-IO forces in the area engaged in minor clashes with one another as tensions festered. To avoid further confrontation, and to re-group in preparation for a possible escalation, Ochan redeployed to Maiwut town, while Chol remained in Turow.

In parallel, tensions developed within the SPLM-IO leadership in Adar state, particularly between the Adar state governor, General Stephen Pal Kuon (from the Thiang Ciec-Khan community) and local Ciew-Waw community leaders. Governor Kuon allegedly complained to the SPLM/A-IO leadership about Ochan, alleging that he had mobilized the local community against him. When, in response, the governor attempted to remove local Ciec-Waw county commissioners from Maiwut and Jotome counties, replacing them with Ciec-Chanys, the local Ciec-Waw community protested these new appointments. Machar intervened by appointing a new, ethnically non-Gajaak, commissioner, who was accepted by the local communities.

Governor Kuon grew increasingly unhappy with the new commissioner and with the Ciec-Waw community more broadly, eventually forming an alliance with General Chol against General Ochan.<sup>10</sup> Minor skirmishes resulted in May and June 2019. Some civilians were killed and cattle were slaughtered in retaliation. Tensions escalated further on 31 July 2019 when Chol deployed military forces from Turow, the headquarters of SPLA-IO Division 5; Jekou, Machar's historical headquarters; and Lolnyang into Maiwut, in order to disarm Ochan's forces. Ochan and the local communities prepared to oppose them.

Upon Chol's arrival in Maiwut, fighting erupted, and local Ciec-Waw armed youth, formerly part of the White Army, sided with Ochan's SPLA-IO forces against Chol's forces. Chol's force were repelled from Maiwut on the first day of fighting. The following day, Chol attacked Maiwut with additional forces, and captured the town, leading Ochan's forces to flee. The Panel received multiple reports of displacement, killings, looting and SGBV abuses resulting from the fighting.<sup>11</sup>

Ochan then requested support from government forces stationed in Pagak. The Governor of Maiwut state, Bol Ruach Rom, who is aligned with Deng Gai, agreed to support Ochan. Soon after, the SSPDF supplied Ochan with weapons, ammunition, and intelligence support.

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<sup>8</sup> Interviews, SPLM/A-IO(RM) senior leadership, former SPLM/A-IO(TDG) representatives, community leaders, elders and civil society, Juba, Nairobi, Addis Ababa, by telephone, August, September, October 2019.

<sup>9</sup> Ibid.

<sup>10</sup> Interviews, community leaders, elders and civil society, Juba, Nairobi, Addis Ababa, by telephone, August, September, October 2019.

<sup>11</sup> Ibid.

Seizing this opportunity to inflict a territorial and popularity loss on Machar, Deng Gai and General Thomas Duoth also involved General Garouth Gathuoth, a government-aligned Jikany Nuer from Nasir, now based in Juba, to manipulate the local conflict to the government's advantage and recruit Ochan and his forces to support the government.<sup>12</sup>

With Deng Gai, General Thomas Duoth and General Garouth Gathuoth's support, Ochan attacked and re-took Maiwut on 6 August 2019. The Panel received multiple credible reports that Ochan's forces eventually advanced on Turow and burned down the town, leading to further killings, looting in the area and SGBV. Turow is also a designated SPLA-IO cantonment site.

According to multiple sources, a Ciec-Waw general, Saddam Chayot Manyang, based in Khartoum and allied to Machar, was also given money by Juba to go to Maiwut with a government-chartered plane in order to brief Ochan and Ciec-Waw elders on the need to distance themselves from Machar and join the government. Local White Army commanders, however, refused.<sup>13</sup>

Ochan convinced Maiwut, Jotome and Thouch counties' commissioners to write a communique with the Ciec-Waw community leader. In the name of the Ciec-Waw, the community leader announced that their community in Maiwut remained within the SPLM/A-IO but disowned the leadership of Machar, even as the community did not openly side with President Kiir.

Manyang's support for the government was short-lived. After his initial defection, he travelled to Ethiopia to visit Machar. Paid this time by Machar, he re-joined Machar's faction of the SPLM/A-IO and abandoned his pro-government negotiations. The SPLM/A-IO loyal to Machar also sent a delegation to negotiate with Ochan and the Ciec-Waw community. On 22 September 2019, however, Major General Ochan formalized his defection from the SPLM/A-IO by declaring his loyalty to President Kiir in Juba. Ochan stated that his forces "support the implementation of the peace agreement, and I will work under the government of South Sudan." He has since created a provisional military council in Maiwut.<sup>14</sup> However, his decision to openly defect to the government has raised tensions among Ciec-Waw community leaders, whose objective was to protect the local population, rather than participate in proxy contests or weaken Machar's power base in former Upper Nile state.<sup>15</sup>

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<sup>12</sup> Interviews, SSPDF Military Intelligence, NSS personnel, SPLM/A-IO Riek Machar senior leadership, former SPLM/A-IO Taban Deng Gai representatives, community leaders, elders and civil society, regional intelligence, confidential sources, Juba, Nairobi, Addis Ababa, by telephone, August, September, October 2019.

<sup>13</sup> Ibid.

<sup>14</sup> See Radio Tamazuj, SPLA-IO's top general defects to government, 22 September 2019: <https://radiotamazuj.org/en/news/article/spla-io-s-top-general-defects-to-government>.

<sup>15</sup> Interviews, community leaders, elders and civil society, Juba, Nairobi, Addis Ababa, by telephone, August, September, October 2019.

## Annex III

### **National Security Service recruitment and training outside the pre-transitional security arrangements of the Revitalized Agreement on the Resolution of the Conflict in South Sudan**

The Panel has corroborated information related to a recruitment of over 10,000 fighters that has taken place in former Warrap state (Gogrial, Tonj and Twic areas), President Kiir's ethnic powerbase, over the last several months.<sup>1</sup> The government used community chiefs to recruit local youths, including some children, either voluntarily or forcefully.<sup>2</sup> Some SSPDF soldiers from these areas who had deserted and returned home were also forcefully enrolled in this process.<sup>3</sup>

Training for this force started in August 2019 in Yithkuel, Tonj South.<sup>4</sup> Sources within the security services acquainted with the training told the Panel that the new force is under the direct command and control of the NSS, and simply "trained under SSPDF name".<sup>5</sup> The NSS has provided logistics, food and instructors.<sup>6</sup>

According to multiple sources within the NSS and the president's office, this force's recruitment started as a consequence of discussions between President Kiir, the Director General of the Internal Security Bureau (ISB) of the NSS, Lieutenant General Akol Kur Kuuc, and local community elders that took a presidential tour in Bahr el Gazhal in March 2019.<sup>7</sup> Reportedly during these meetings, the president had expressed concern over the lack of discipline among various SSPDF divisions.<sup>8</sup> Both President Kiir and Kuuc allegedly affirmed that the units they could rely upon were those in the SSPDF headquarters, namely the Tiger Division and the NSS Division for Operations. Therefore, they convinced local Dinka elders in former Warrap state of the need to strengthen the capacity of forces loyal to them, using their ethnic power base in Warrap.<sup>9</sup>

In addition, the Panel corroborated evidence that a training in infantry and urban warfare techniques has been taking place in the NSS facilities in Luri, aimed to further strengthen the combat capacities of the NSS operational units under the Division for Operations. The Panel corroborated that the training is being supervised by NSS 2nd Lieutenant Mohammed Alex, under the overall command of Kur Kuuc.<sup>10</sup>

<sup>1</sup> Interviews, NSS and SSPDF high-ranking officers, community leaders, civil society, confidential sources, locations withheld, by telephone, August, September, October 2019.

<sup>2</sup> Local leaders who declined to and were dismissed from their posts. Interviews, community leaders, civil society, confidential sources; locations withheld; Juba, by telephone; August-October 2019.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Interviews, NSS high-ranking officers; locations withheld, by telephone; September-October 2019.

<sup>6</sup> Ibid.

<sup>7</sup> Interviews, NSS and TGoNU officers; locations withheld, by telephone; September-October 2019.

<sup>8</sup> Ibid.

<sup>9</sup> Interviews, NSS and SSPDF high-ranking officers; locations withheld, by telephone; September-October 2019.

<sup>10</sup> Interviews, NSS high-ranking officers, confidential sources; locations withheld, by telephone; September-October 2019.

## Annex IV

### Serious human rights abuses that led to the standoff on 7 October 2018 at the Blue House

The Panel corroborated that inside the Blue House, most often the ‘criminal’ section, detention conditions are degrading. Most inmates have never been charged and a register containing a list of all the detainees in the facility was only introduced in early 2019. The Panel corroborated the detainees’ lack of access to legal representation, visits of relatives and any significant medical attention, as well as details on the tactics of food denial; pervasive patterns of torture; physical and psychological humiliations.<sup>1</sup>

The sources specifically referenced a common practice known as the “midnight pickup”, a form of forcible disappearance, which detainees consider to be the most terrifying abuse committed.<sup>2</sup> As part of the “midnight pick up” inside the Blue House, the NSS imposed solitary confinement for certain detainees in both the ‘political’ and in ‘criminal’ sections.<sup>3</sup> The Panel heard multiple corroborated accounts regarding solitary cells—‘number seven’ in both sections—where detainees were suddenly and forcefully taken out of the cells at night by NSS officers under the presumption of further interrogation. Sources recalled to the Panel that no prisoners picked up from these cells ever returned.<sup>4</sup>

According to multiple sources, the NSS transported the forcibly disappeared detainees to the NSS facilities in Luri, where the detainees were tortured and then either executed or “thrown in the river in a drum with heavy stones”<sup>5</sup> by a dedicated group acting on orders of the then-NSS Luri commander and Director General of the ISB.<sup>6</sup> The Panel corroborated that among those taken from the Blue House and consequently killed were Aggrey Idri and Samuel Dong Luak, whose fate was described in the Panel’s final report (S/2019/301).

The Panel further corroborated that the horrendous detention conditions, and in particular the ‘midnight pickups’ practices were the main reason behind the prisoners’ protest that initiated the 7 October 2018 standoff in Blue House. This forcible disappearance practice has been discontinued as a consequence of the prisoners’ standoff. However, the Panel corroborated that other forms of torture and abuses in the Blue House, as in other NSS detention centres, has remained unchanged.<sup>7</sup>

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<sup>1</sup> Interviews, South Sudan’s security sector officers, confidential sources; locations withheld; August-October 2019.

<sup>2</sup> Ibid.

<sup>3</sup> Also known as ‘zanzan’.

<sup>4</sup> A list of disappeared prisoners taken away during the ‘midnight pickups’ is on file with the Panel. Interviews, South Sudan’s security sector officers, confidential sources, locations withheld, August-October 2019.

<sup>5</sup> Interview, security service personnel; location withheld; September 2019.

<sup>6</sup> Interviews, South Sudan’s security sector officers, confidential sources; locations withheld; August-October 2019.

<sup>7</sup> Ibid.

## Annex V

### Gold in South Sudan

The Ministry of Mining (MoM) has awarded at least twelve companies exploration licenses since the signing of the peace agreement in August 2018.<sup>1</sup> The exploration licenses, which cost \$USD 10,000 plus annual rent, are in part speculative investments because the country has not completed a detailed mapping of its mineral resources to survey the volume and location of deposits. In September, the MoM signed an agreement with Canadian Advanced Satellite Imaging (CASI) Ltd., an affiliate of CVMR corporation, to conduct the first satellite imaging of the country's minerals. The government has not yet financed the study.<sup>2</sup>

In the past two years, the MoM has also issued small-scale mining licenses to 10 companies in a concentrated area of Gorom, Jubek State, about 30 km southwest of Juba.<sup>3</sup> Only one of the companies, 4MB, has constructed its site for mining operations, and is the only legal mechanized small-scale gold mining operator in the country.<sup>4</sup>

The MoM's awarding of exploration licenses contrasts with the on-the-ground reality that almost all gold mining in South Sudan is artisanal, which is managed and regulated at the local or state level.<sup>5</sup> As such, the MoM lacks the complete authority to regulate and tax artisanal mining.<sup>6</sup> This fragmented system of authority benefits armed groups, who exploit, tax, and trade gold, as the Panel's final report (S/2019/301) reported, and also contributes to the undermanagement of the sector.<sup>7</sup>

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<sup>1</sup> Based on MoM information and online public cadastre portal: <http://portals.flexicadastre.com/southsudan/>.

<sup>2</sup> Interview, confidential source; by telephone; September-October 2019.

<sup>3</sup> Interview, MoM; Juba; September 2019.

<sup>4</sup> Interviews, MoM; 4MB; registered mining companies; Juba; September-October 2019.

<sup>5</sup> Article 4.8.1.14.4 determines that the RGToNU shall ensure strict adherence to the Mining Act, 2012, which defines artisanal mining to mean traditional and customary mining operations using traditional or customary ways and means; does not include any minerals occurring more than 10 metres below the surface, whose recovery requires the use of explosives or that overlies mineral resources.

<sup>6</sup> Interview; Ministry of Mining; industry expert, foreign diplomat; Juba, Washington, DC; September 2019.

<sup>7</sup> Article 4.8.1.12 outlines the participation of communities in contracts for natural resources.

**S.SUDAN MINING FEE**

<b>EXPLORATION LICENSE</b>	<b>FEE(USD)</b>
Application Processing Fee	10,000
Registration Fee	500
Base Amount per CU (for calculating minimum expenditure)	14
Annual Rent per CU	1.43
Application for Exploration Licence Relinquishment Processing Fee	2,000
Registration Fee for Relinquishment	100
Application for Exploration Licence Suspension Processing Fee	3,000
Registration Fee for Suspension	150

<b>SMALL-SCALE MINING LICENSE</b>	<b>FEE(USD)</b>
Application Processing Fee	6,700
Registration Fee	300
Annual Rent per CU	180
Application for Term Renewal Processing Fee	3,300
Renewal Registration Fee	170

CU = CADASTER UNIT

1 km <sup>2</sup>= 5 CU



## Annex VII

## Participation of Gabriel Jok Riak (SSi.001) in the opening and closing of the East African Community games





**Republic of South Sudan**  
**MINISTRY OF DEFENCE**

*Directorate for International and Public Relations*

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Our Ref: **MOD/DIPR/2407/2019** Wednesday, July 24, 2019  
Your Ref: .....

The Secretariat,  
East African Community (EAC),  
ARUSHA – TANZANIA

Dear Secretary General,

**Sub: Confirming Participation in the Opening and Closing Ceremonies of the EAC Military Games and Cultural Event**

The Directorate for International and Public Relations of the Ministry of Defence and Veterans Affairs of the Republic of South Sudan presents its compliments to the Secretariat of the East African Community and has the pleasure of informing the esteemed Secretariat that the Honourable Minister of Defence and the Chief of Defence Forces have accepted to participate in the event as invited. The Directorate therefore wishes to inform that the South Sudan delegation shall comprise the following:

1. Hon Kuol Manyang Juok (Minister);
2. General Gabriel Jok Riak Makol, CDF;
3. Maj Gen Kuol Deng Abot;
4. Brig Gen Santo Domic Chol;
5. Capt Ayuen Matthew Mabiey; and
6. Capt Deng Tong Akol.

The Directorate for International and Public Relations of the Ministry of Defence and Veterans Affairs of the Republic of South Sudan seizes this opportunity to renew to the Secretariat of the East African Community the assurances of its highest consideration.



**Maj Gen Kuol Deng Abot**  
Director General

Cc: File

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MOD/RSS/Bilpham GHQs, Tel: +21197468864 / +211955683492, Email: [abotkuol@gmail.com](mailto:abotkuol@gmail.com)