



## Security Council

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### Letter dated 28 April 2020 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 final report, submitted in accordance with paragraph 3 of the resolution.

The report was provided to the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan on 17 March 2020 and was considered by the Committee on 28 April 2020.

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

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Coordinator  
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*(Signed)* Laura **Bernal**  
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## Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019)

### *Summary*

The formation of the transitional Government of South Sudan in February 2020 marked a political milestone. While peace in South Sudan has remained fragile, the signatories to the Revitalized Agreement on the Resolution of the Conflict in South Sudan have generated a narrow political opening to allow for the South Sudanese who have endured the consequences of conflict to enjoy the dividends of peace. However, the competition for security control, at the local and national levels, and for economic resources, remain persistent factors that continue to pull the country away from sustainable peace.

The selective and incomplete implementation of the security compromises made under the revitalized peace agreement threatens the peace, security and stability of South Sudan. In particular, the signatories to the agreement have not met the deadlines for the completion of the transitional security arrangements, including the expeditious cantonment of forces and the formation, training and redeployment of the necessary unified forces. In Unity, the South Sudan People's Defence Forces and Sudan People's Liberation Movement-Army in Opposition forced recruited civilians, including children, to boost the size of their forces for inclusion in the cantonment process.

Amid the implementation of the revitalized peace agreement, the National Security Service has expanded its unchecked security control to silence political and civic dissent. It has arbitrarily detained civilians at a prison known as "Riverside" and committed serious human rights violations. The military intelligence of the South Sudan People's Defence Forces has conducted similarly violent and extrajudicial activities. Under the leadership of Major General Rin Tueny Mabor Deng, it has arbitrarily detained, tortured and killed civilians in a prison known as "Giada".

In violation of the arms embargo, the National Security Service, which has not participated in the army reunification process, received three deliveries of weapons from the General Intelligence Service of the Sudan to resupply its forces. The Internal Security Bureau of the National Security Service, under the leadership of Lieutenant General Akol Koor Kuc, as well as the South Sudan People's Defence Forces military intelligence, have also recruited, trained and armed separate militias in Warrap and Lakes.

Government and opposition armed forces have continued to commit serious human rights violations and use methods of warfare that are in contravention of international humanitarian law and the revitalized peace agreement. For instance, the South Sudan People's Defence Forces in Central Equatoria committed acts of sexual and gender-based violence, occupied civilian structures, looted and burned property and targeted humanitarian workers. The country has remained highly militarized, and both the army and the Sudan People's Liberation Army in Opposition have not vacated civilian areas, which has posed a risk to stability.

The political arrangements that led to the ceasefire and the transitional Government have reduced large-scale fighting but have insufficiently addressed the economic dimensions of the conflict. The presiding economic system has not adequately prevented the misallocation and diversion of State funds, which threatens to undermine political and security improvements. For instance, the body that oversaw the pre-transitional period, the National Pre-Transitional Committee, failed to

transparently manage the State funds allocated for peace implementation, such as by not adequately resourcing cantonment and training sites.

South Sudan has obtained an average income of about \$82 million per month from the sale of its oil, by far the country's largest economic resource and a sector that has been the target of financial impropriety. A new open tender process enacted in mid-2019 has not increased the transparency in the management and sale of the country's oil, as called for in chapter 4 of the revitalized peace agreement. The National Security Service has benefited from the oil revenue through its businesses, including the company Sudd (Suud) Security Services Co. Ltd., which has received payments for services in the oilfields. In addition, the National Security Service and the South Sudan People's Defence Forces have received in-kind donations for their protection of the oilfields that amount to sizable non-monetary and off-budget forms of payment.

During years of conflict, a lack of administrative regulation and transparent management of the country's resources have allowed for the illicit extraction and exploitation of the country's natural resources. In Eastern Equatoria, the local administration in Kapoeta has allowed mostly unlicensed miners to extract gold with the illegal use of industrial equipment. Elsewhere in Eastern Equatoria, the military has been paid to protect the transport of illegally harvested timber. For instance, Lucky Friends Trading and Construction Company Ltd. has relied on the protection of the South Sudan People's Defence Forces for its illicit logging.

The international community spearheaded a complex, multifaceted diplomatic pressure campaign that resulted in the formation of the transitional Government and has allowed for the signatories to continue dialogue. The big-tent approach to national politics has been conducted mostly outside the agreed-upon timelines and framework of the revitalized peace agreement. This approach so far has not adhered to the provisions of the agreement on the critical need for structural reforms of State institutions, the reconstruction of a devastated social fabric, financial accountability and justice. Without reforms, the millions of South Sudanese who fled their homes will not feel safe to return.

Neighbouring States have consistently failed to adhere to the revitalized peace agreement and the Security Council's sanctions regime. For example, the respective customs entities of the States in the region have not transmitted any inspection reports to the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan, which has frustrated efforts to ensure a full-fledged commitment to the arms embargo. The agreement's main guarantors, the Sudan and Uganda, have violated the arms embargo. The Uganda People's Defence Forces have maintained a presence in Central Equatoria and the General Intelligence Service of the Sudan has shipped weapons to South Sudan.

The widespread support for peace in South Sudan has not led to consistent adherence to the provisions of the revitalized peace agreement. However, if the parties fully implement the agreement, its detailed provisions would address the drivers of the conflict, including delayed justice and accountability, the violence deployed by unrestrained security forces to achieve political objectives and an economic system that has allowed for the misallocation and diversion of State funds and natural resources.

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

## Abbreviations

COHA	Cessation of hostilities agreement
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
GIS	General Intelligence Service
IGAD	Intergovernmental Authority on Development
ISB	Internal Security Bureau
NAS	National Salvation Front
NGO	Non-governmental organization
NPTC	National Pre-Transitional Committee
NSS	National Security Service
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan
SPLA-IO	Sudan People's Liberation Army in Opposition
SPLM/A-IO	Sudan People's Liberation Movement-Army in Opposition
SPLM-FD	Sudan People's Liberation Movement – Former Detainees
SPLM-IO	Sudan People's Liberation Movement in Opposition
SPLM-N Abdelaziz al-Hilu faction	Sudan People's Liberation Movement – North Abdelaziz al-Hilu faction
SSOA	South Sudan Opposition Alliance
SSOMA	South Sudan Opposition Movements Alliance
SSPDF	South Sudan People's Defence Forces
SSPDF MI	South Sudan People's Defence Forces military intelligence
SSUF/A	South Sudan United Front/Army
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 (the 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 sanctions list. On 30 May 2019, with the adoption of its resolution [2471 \(2019\)](#), the Council renewed the sanctions regime until 31 May 2020.

2. By 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 resolution [2428 \(2018\)](#) and reaffirmed in resolution [2471 \(2019\)](#).

3. The Secretary-General, in consultation with the Committee, appointed the five members of the Panel (see [S/2019/544](#) and [S/2019/896](#)): a humanitarian affairs expert (Laura Bernal), a natural resources expert (Mark Ferullo), an arms expert (Dean Gillespie), a finance expert (Andrei Kolmakov) and an expert on armed groups and regional issues (Emilio Manfredi). Mr. Manfredi was designated to serve as the coordinator of the Panel.

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

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

5. While the Panel operates independently of United Nations agencies and institutions, it wishes to express its gratitude to UNMISS for its support in the field and other United Nations staff, in particular in New York.

6. In the course of its work, the Panel met with representatives of the Ministry of Defence and Veterans' Affairs, the Ministry of Information, Communication Technology and Postal Services, the Ministry of Finance and Planning, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Petroleum, the Ministry of Mining and the Ministry of Agriculture and Food Security of South Sudan, the Chief of General Staff of SSPDF, representatives of the Bank of South Sudan and the speaker of the Transitional National Legislature.

7. The Panel consulted extensively with Member States and international and regional and subregional organizations, as well as with UNMISS, in the pursuit of its mandate, the importance of which is emphasized in paragraph 18 of resolution [2428 \(2018\)](#), as renewed in resolution [2471 \(2019\)](#).

8. The Panel has met with United Nations bodies and agencies in South Sudan and elsewhere. The Panel also consulted with the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism and the Commission on Human Rights in South Sudan.

## C. Methodology and format

9. 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.

10. The Panel followed 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 standards.

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

12. The report is structured into six sections. The first section contains the introduction and the second section contains an overview of security issues, including ongoing conflicts and verified human rights, humanitarian and arms embargo violations. The third section is focused on economic factors related to the peace and security of South Sudan, such as the risks of misappropriation of funds and the illicit exploitation of natural resources. The fourth section provides a description of the role of the region in the peace process and the outstanding risks to the implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan. Finally, after a review of the asset freeze and travel ban, the Panel has made a number of recommendations, which are provided in the sixth section.

## II. Security and human rights: threats to civilians, violations and conflict dynamics

13. On 21 February 2020, the President of South Sudan, Salva Kiir Mayardit, dissolved the incumbent Government and appointed the Chairman of SPLM/A-IO, Riek Machar Teny, as First Vice-President. By swearing in Mr. Machar and four vice-presidents – Taban Deng Gai, James Wani Igga, Rebecca Nyandeng De Mabior and Hussein Abdelbagi Ayii Akol – Mr. Kiir launched the formation of the Revitalized Transitional Government of National Unity and the beginning of a transitional period of 36 months, which will end with national elections, in accordance with article 1.1.5 of the revitalized peace agreement.<sup>1</sup>

14. The transitional Government was formed, outside the framework of the revitalized peace agreement, when the signatories reached a compromise solution on the issue of the number of states and their boundaries, reverting from 32 to 10 states plus three administrative areas.<sup>2</sup> The Panel notes, however, that the long delay in the resolution to the states issue was just one of the many mandatory provisions that the signatories failed to address during the eight-month pre-transitional period and its two

<sup>1</sup> The President also reappointed two long-term allies of his to key positions: Tut Kew Gatluak, as advisor for national security affairs, and Mayiik Ayii Deng, as advisor for presidential affairs. See Radio Tamazuj, "Kiir dissolves entire government, appoints new VPs", 21 February 2020.

<sup>2</sup> These are Abiey, Ruweng and Pibor. Interviews with government representatives, civil society and confidential sources, in Juba, Yei, Nairobi and Kampala, November 2019–February 2020.



extensions. During that period, the signatories – and the incumbent Government in particular – did not demonstrate sufficient political will, trust and urgency in adhering to key provisions of the agreement to pave the way for essential reforms designed to put the interests of the South Sudanese people at the centre of the peace process.

15. The selective and incomplete implementation of these pre-transitional tasks have been a persistent threat to the peace, security and stability of South Sudan, as many of the key pre-transitional provisions have remained pending. These include the constitutional amendment incorporating the revitalized peace agreement into the Transitional Constitution (art. 1.18.1.1); the reconstitution of the Council of States (art. 1.15.13); and the pre-transitional security arrangements and the formation, training and redeployment of the necessary unified forces (arts. 1.4.3.4 and 2.2).

#### **A. Unimplemented security arrangements threaten civilians**

16. On the basis of conversations with political and military representatives of the signatories to the revitalized peace agreement, including SSPDF, the Panel assesses that the creation of the 83,000-strong necessary unified forces is incomplete.<sup>3</sup> On 12 February 2020, a document of the Joint Transitional Security Committee that the Panel had reviewed indicated that the total number of soldiers of the necessary unified forces present in 17 of the 18 established training centres amounted to 45,436, or just over half the full force size of 83,000 specified in the agreement. The SSPDF soldiers at the training centres comprised a significantly smaller percentage of the necessary unified forces than the opposition soldiers.<sup>4</sup>

17. According to multiple corroborated testimonies from both SSPDF and SPLM/A-IO, many key commanders instructed their forces to remain outside of the security reunification process, retain their weapons and stand ready to re-engage in active fighting, contrary to articles 2.2.2 and 2.2.3.3 of the revitalized peace agreement.<sup>5</sup> Furthermore, SSPDF has not collected long- and medium-range heavy weapons (art. 2.2.3.2), nor has it provided maps detailing its forces' location, size and weaponry (art. 2.2.3.4), thereby creating doubts regarding its will to genuinely reintegrate forces.<sup>6</sup> The Panel notes that a similar dynamic resulting from a slow integration process precipitated the collapse of the August 2015 peace agreement and a return to conflict in July 2016 (see [S/2016/793](#)).

18. The security integration and screening process has been flawed. The absence of biometric screening procedures and the insufficient number of registration forms distributed to the cantonment and barrack sites have contributed to a slow and disorganized process. For instance, the Panel has corroborated information that some individuals whose names are on the registration rolls do not exist. In other cases, civilians joined the cantonment process in the hopes of being assigned to certain ranks and receiving associated economic benefits, such as salaries and pensions.<sup>7</sup>

<sup>3</sup> Interviews with SSPDF and SPLA-IO commanders, representatives of security mechanisms, UNMISS personnel and confidential sources, in Juba, Nairobi and Kampala and by telephone, November 2019–February 2020.

<sup>4</sup> Document on file with the Panel. Officials from different security mechanisms showed the Panel confidential documents indicating leaner numbers. Interviews with representatives of security mechanisms in Juba, February 2020.

<sup>5</sup> Interviews with officers of SPLM/A-IO, SSPDF and the National Security Service, UNMISS personnel and confidential sources, in Juba, Kampala and Nairobi and by telephone, November 2019–February 2020.

<sup>6</sup> Interviews with confidential sources in Juba, January–February 2020.

<sup>7</sup> *Ibid.*

19. As regards the verified opposition forces that registered at cantonment sites, many soldiers vacated the sites. In some cases, opposition soldiers vacated because of the lack of services, including basic facilities and food. In others, the forces lacked the political commitment to the security reunification process.<sup>8</sup> Meanwhile, the Panel has corroborated information that most members of SSPDF designated for cantonment have not entered the sites and instead have remained housed in military barracks or other outposts throughout the country.<sup>9</sup>

20. In November 2019, despite the challenges in the cantonment process, the Joint Defence Board directed all forces to proceed to the training centres.<sup>10</sup> However, representatives of the Board and other transitional security bodies told the Panel that, similar to the cantonment sites, the training centres lacked basic screening capacities and essential facilities.<sup>11</sup> Furthermore, the training of the necessary unified forces has been limited to basic moral orientation, rather than any substantive military training.<sup>12</sup>

21. Under the revitalized peace agreement, the country's armed groups are directed to guarantee the rule of law, be accountable to the population, reopen the political and civic space and provide the safety necessary for the civilian population inside and outside the country to return to their homes. The Panel notes, therefore, that the failure of the signatories to implement the pre-transitional security arrangements and the formation, training and redeployment of the necessary unified forces, as per articles 1.4.3.4 and 2.2 of the agreement, constitutes an immediate threat to the Revitalized Transitional Government of National Unity and the security of an already vulnerable civilian population.

## **B. Forced recruitment, including of children, in Unity**

22. Since its establishment in 2015, the Panel has documented the forced recruitment of children and adults in South Sudan (see [S/2016/70](#), [S/2019/301](#) and [S/2019/897](#)). Through its investigations, the Panel has confirmed that the practice has remained unabated and that both SSPDF and SPLA-IO have targeted children and young people for recruitment. In Unity, both forces have engaged in forced recruitment to boost the numbers of their soldiers at cantonment sites and training centres. The Panel found that recruitment had spiked in January and February 2020 ahead of the end of the 100-day extension of the pre-transitional period.<sup>13</sup>

23. During a visit to Unity in February 2020, the Panel found evidence of SSPDF and SPLA-IO having carried out forced recruitment of children as young as 12 years old and young adults, between 18 and 27 years old, in Koch, Panyijjar, Rubkona and

<sup>8</sup> Ibid.

<sup>9</sup> Interviews with SSPDF commanders, representatives of security mechanisms, UNMISS personnel and confidential sources, in Juba, Nairobi and Kampala and by telephone, January–February 2020.

<sup>10</sup> Interviews with representatives of security mechanisms and confidential sources, in Juba and Nairobi and by telephone, January–February 2020.

<sup>11</sup> Such as food, housing, toilets and medical support. Interviews with representatives of security mechanisms and confidential sources, in Juba and Nairobi and by telephone, January–February 2020. See Priscah Akol, “Hunger drives away peace soldiers from Wau training center”, Eye Radio, 10 March 2020.

<sup>12</sup> Marching and singing have been the primary activities. Interviews with representatives of security mechanisms and personnel from UNMISS, the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism and international non-governmental organizations, in Juba and Nairobi and by telephone, January–February 2020.

<sup>13</sup> Interviews with civil society, community leaders, victims and confidential sources, in the Bentiu protection of civilians site, Dhorbor, Dingding, Leer, Moum training centre and Rubkona market, February 2020.

Mayendit Counties.<sup>14</sup> The Panel corroborated information that the following commanders ordered and personally managed the forced recruitment: Brigadier General James Galiak Kai of SSPDF Division 4 controlled by Vice-President Taban Deng Gai in Kuerguini,<sup>15</sup> and Major General Turuk Khor of SPLA-IO Division 4A in villages around Dingding, including Kuach and Juach, as well as in Nhialdu and Rubkona.<sup>16</sup>

24. As a result of this widespread recruitment drive, children and young people have avoided transiting between the Bentiu protection of civilians site and Dhorbor, the SPLA-IO headquarters in the area (see annex 1).<sup>17</sup> The Panel corroborated information that young people in these areas moved to the protection of civilians site to avoid being abducted and taken to Moum training centre.<sup>18</sup> Interviewees highlighted that they were afraid to leave the site, which they considered the only secure location in the area.<sup>19</sup>

25. In addition, family members of abducted civilians told the Panel that they felt insecure in their own villages and had considered moving, or returning in some cases, to the protection of civilians site.<sup>20</sup> Several victims and relatives explained to the Panel that SPLA-IO soldiers under the command of Major General Khor had threatened them.<sup>21</sup> Among the people the Panel interviewed, one explained that “if we run away, they will extort cows or goats from our families; we have to stay”,<sup>22</sup> while another noted that “they told us that if our son dared to escape they would come back to take our goats”.<sup>23</sup>

26. On the basis of multiple interviews conducted by the Panel, SSPDF and SPLA-IO have deployed similar methods in their abduction campaigns. In most cases, pickup trucks with armed and unarmed men, some in uniform, arrived at villages during the day, stopped children and young people and forced them into the trucks. The forced recruits were then taken to the SSPDF or SPLA-IO headquarters and later moved to Moum training centre.<sup>24</sup> A victim told the Panel that “I was picked up and thrown into a truck; there were at least 2 children and 10 other adults”. According to the victim, who later escaped, SSPDF took the abductees to the Division 4 barracks in Rubkona.<sup>25</sup> Other incidents occurred at night, when armed and unarmed men, some in uniform, forced young men into vehicles.<sup>26</sup>

<sup>14</sup> Ibid. See confidential annex 1; confidential annexes are only provided to the members of the Committee established pursuant to resolution 2206 (2015) concerning South Sudan.

<sup>15</sup> These forces are officially integrated into SSPDF but still maintain a separate command structure. See S/2019/301 and annex 1 to the present report.

<sup>16</sup> Interviews with civil society, community leaders, victims and relatives, and confidential sources, in the Bentiu protection of civilians site, Dhorbor, Dingding, Leer, Moum training centre and Rubkona market, February 2020.

<sup>17</sup> Panel visit to Unity, February 2020.

<sup>18</sup> Interviews with confidential sources, in a location withheld, February 2020.

<sup>19</sup> Interviews with SSPDF and SPLA-IO officers, civil society, community leaders, victims and relatives, and confidential sources, in the Bentiu protection of civilians site, Dhorbor, Dingding, Leer, Moum training centre and Rubkona market, February 2020.

<sup>20</sup> Ibid.

<sup>21</sup> Interviews with victims and relatives in Rubkona market and the Bentiu protection of civilians site, February 2020.

<sup>22</sup> Interview with a victim’s relative, in Unity, February 2020.

<sup>23</sup> Interview with a victim, in Unity, February 2020.

<sup>24</sup> Interviews with SSPDF and SPLA-IO officers, civil society, community leaders, victims and relatives, and confidential sources, in the Bentiu protection of civilians site, Dhorbor, Dingding, Leer, Moum training centre and Rubkona market, February 2020.

<sup>25</sup> Interviews with a victim, in locations withheld, February 2020.

<sup>26</sup> Interviews with civil society, community leaders, victims and families, and confidential sources, in the Bentiu protection of civilians site, Dhorbor, Dingding, Leer, Moum training centre and Rubkona market, February 2020.

27. SSPDF and SPLA-IO denied the practice of forced recruitment in Unity. SPLA-IO Major General Khor and SSPDF Brigadier General Peter Malith separately denied having abducted civilians. Brigadier General Malith told the Panel that both SSPDF and SPLA-IO were simply “collecting soldiers who were outside the barracks”.<sup>27</sup> The Panel notes that neither Mr. Khor nor Mr. Malith has maintained a roster of soldiers under his command, which has made it difficult to ascertain the size of armed groups and prevented the verification of soldiers who were forcibly recruited. The Panel notes that, given the inadequate methods of identifying the soldiers, in case of doubt, and in line with common article 3 of the Geneva Conventions, the soldiers should be released and treated as civilians.<sup>28</sup>

### **C. Serious human rights violations by the National Security Service and the South Sudan People’s Defence Forces military intelligence**

28. In contrast to the provisions of the revitalized peace agreement, the Government has maintained a closed civic and political space, and the President, Salva Kiir, has exhibited no intention of restraining the unchecked security powers of the National Security Service or the SSPDF military intelligence.<sup>29</sup> In January 2020, Mr. Kiir pardoned and released jailed human rights activist Peter Biar Ajak, businessman Kerbino Wol Agok and 28 other detainees through a presidential decree.<sup>30</sup> However, according to information obtained by the Panel, other political prisoners remain in the custody of the National Security Service and the SSPDF military intelligence, without due legal process and in violation of article 2.1.6 of the agreement, which calls for the release, under the supervision of the International Committee of the Red Cross, of all prisoners of war and detainees.<sup>31</sup>

29. The Panel previously reported (see [S/2019/301](#) and [S/2019/897](#)) that the National Security Service, through its Internal Security Bureau in particular, had acted outside the rule of law and official State structures. The Panel corroborated information that the National Security Service and the SSPDF military intelligence have conducted extrajudicial activities that overtly contravene the revitalized peace agreement and pose a threat to peace and security in South Sudan.<sup>32</sup>

30. The Director General of the Internal Security Bureau, Lieutenant General Akol Koor Kuc, and the head of the SSPDF military intelligence, Major General Rin Tueny Mabor Deng, known as “Janafil”, issued direct orders to suppress dissenting voices outside the legal due process, including through the arbitrary detention, torture and extrajudicial killings of perceived opponents.<sup>33</sup> In particular, the Panel verified that the National Security Service and the SSPDF military intelligence have operated prisons in Juba, where their forces have committed widespread human rights abuses.

<sup>27</sup> Meetings with Major General Khor in Dingding and Brigadier General Malith at Moum training centre, 12 and 13 February 2020, respectively.

<sup>28</sup> See Geneva Convention relative to the Treatment of Prisoners of War, article 3.

<sup>29</sup> Interviews with security sector personnel and confidential sources, in Juba and locations withheld and by telephone, November 2019–February 2020.

<sup>30</sup> Interviews with civil society, NGO personnel and confidential sources, in Juba and by telephone, January 2020. See Sudan Tribune, “S. Sudan’s Kiir pardons activist Peter Biar, 29 other prisoners”, 2 January 2020.

<sup>31</sup> Interviews with civil society, NGO personnel and confidential sources, in Juba, Nairobi and Kampala and by telephone, January–February 2020.

<sup>32</sup> Interviews with SSPDF military intelligence and National Security Service operatives, high-ranking security sector officers, civil society, community leaders and confidential sources, in locations withheld, August 2019–February 2020.

<sup>33</sup> Ibid.

31. As the Panel previously reported (see S/2019/301), the National Security Service has maintained a detention facility located at its headquarters, commonly known as the “Blue house”, for its illegal detention programme. In addition, the Panel verified the existence of other formal and informal detention facilities that the Internal Security Bureau controls across South Sudan.<sup>34</sup>

32. The Panel corroborated the existence of a second Internal Security Bureau detention facility in Juba, known as “Riverside”. The facility is located inside the headquarters of the Division for Operations of the Bureau, commanded by Major General Achiech Kuot Kuot.<sup>35</sup> Major Wol Dhel Thong is the officer in charge of the detention facility.<sup>36</sup> The Panel verified that up to 40 detainees at a time have been detained in the facility. According to information obtained by the Panel, no detainee at Riverside has been charged with a criminal offence and there is no register listing the detainees.<sup>37</sup>

33. According to a variety of sources familiar with the operations at Riverside, detainees have been beaten and tortured and at times compelled to pay a ransom to Internal Security Bureau officials in order to be released.<sup>38</sup> The Panel confirmed that, as a result of the conditions in the facility or as a result of torture, a number of detainees died at Riverside during the reporting period (see annex 2).

34. Separately, under Major General Tueny’s direct orders, officers of the SSPDF military intelligence illegally detained dozens of civilians. The officers detained civilians whom they accused of either supporting civil society groups that criticized the Government or that backed opposition forces, such as NAS, SSUF/A or SPLM/A-IO. According to multiple corroborated testimonies, the military intelligence illegally abducted civilians on the street or hotels in Juba and other locations in South Sudan. In addition, the military intelligence extrajudicially detained SPLA-IO soldiers deployed to Juba and other locations to participate in the transitional security arrangements prescribed under the revitalized peace agreement.<sup>39</sup>

35. The Panel corroborated information that the SSPDF military intelligence has housed most of the detained civilians and SPLA-IO soldiers at a detention facility in the military intelligence’s section of the army barracks in Juba, locally known as “Giada”.<sup>40</sup> The military intelligence does not maintain a list of detainees. It has not pressed charges against the detainees nor brought them before a judge or allowed them access to legal counsel.<sup>41</sup>

<sup>34</sup> The Panel corroborated the existence of a number of detention facilities located in offices of the National Security Service in Juba and other towns and of safe houses for interrogation, detention and torture. Interviews with security sector officers and confidential sources, in locations withheld, August 2019–February 2020.

<sup>35</sup> Riverside is located on the Nile River, between the immigration and police facilities. These facilities also host the Division’s “special operations” force, commanded by Brigadier General Deng Kuac Kuac. This squad is responsible for undercover extrajudicial operations, such as the kidnapping, torture and killing of individuals perceived as a threat to the Internal Security Bureau. These operations are executed under direct orders from the Director General of the Bureau.

<sup>36</sup> Interviews with high-ranking National Security Service officers and confidential sources, in locations withheld and by telephone, August 2019–February 2020.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Interviews with SSPDF military intelligence operatives, high-ranking security sector officers, civil society and confidential sources, in locations withheld, December 2019–February 2020.

<sup>40</sup> “Giada” in Arabic means “military barracks”. Interviews with SSPDF military intelligence operatives, high-ranking security sector officers, civil society and confidential sources, in locations withheld, December 2019–February 2020.

<sup>41</sup> Interviews with SSPDF military intelligence operatives, high-ranking security sector officers, civil society and confidential sources, in locations withheld, December 2019–February 2020.

## D. Recruitment, training and arming of militias

36. During the reporting period, Lieutenant General Kuc and Major General Tueny continued to recruit, train and arm forces, in violation of article 2.1.8 of the revitalized peace agreement and in clear violation of the pre-transitional security arrangements (art. 2.2). The Panel corroborated information that Major General Tueny recruited, trained and armed a militia of over 1,500 youth from cattle camps in the areas of Adior and Wunthou, Lakes. Similarly, Lieutenant General Kuc recruited and trained over 10,000 soldiers in Yithkuel, Warrap, as the Panel described in its interim report of 2019 (S/2019/897) (see also annex 3 to the present report).<sup>42</sup>

37. The Panel corroborated information that Major General Tueny diverted ammunition and weapons, including heavy artillery, from the stocks of the SSPDF military intelligence to a militia under his control in Lakes (Wunthou, Adior and Pagarau areas). After the signing of the revitalized peace agreement in September 2018, Major General Tueny raised the militia, in violation of article 2.1.8 of the agreement, and supplied it with arms and uniforms.<sup>43</sup> According to information obtained by the Panel, Major General Tueny armed the militia in preparation for a possible offensive into areas inhabited by ethnic Nuer communities, perceived as supportive of SPLM/A-IO.<sup>44</sup>

## E. Arms embargo violation by the National Security Service

38. In line with paragraphs 4 to 6 of resolution 2428 (2018), as renewed in resolution 2471 (2019), which set forth the monitoring of the enforcement of the arms embargo established on the entire territory of South Sudan, the Panel has sought to gather, examine and analyse information regarding the supply, sale or transfer of arms and related material into South Sudan, as well as the provision of any forms of military training and assistance covered by the embargo.

39. The Panel found that, in the period from March to June 2019, the Director General of the Internal Security Bureau, Lieutenant General Kuc, violated the embargo on arms by obtaining three deliveries of weapons, mostly AK-47s, and related ammunition from the National Intelligence and Security Service of the Sudan, now known as the General Intelligence Service.<sup>45</sup>

40. The Panel further corroborated information that Green Flag Aviation Co. Ltd.,<sup>46</sup> a Sudanese air transport services company based in Khartoum, delivered the weapons and ammunition to Juba and Wau, Western Bahr el-Ghazal, in an Antonov AN-74, with registration or tail number ST-BDT.<sup>47</sup> According to information obtained by the Panel, the General Intelligence Service controls Green Flag Aviation.<sup>48</sup> Furthermore, on the basis of corroborated evidence, the Panel found that Internal Security Bureau

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Interviews with security sector personnel and confidential sources, in locations withheld, November 2019–February 2020.

<sup>45</sup> Interviews with National Security Service officers, senior government officers and confidential sources, in locations withheld and by telephone, March 2019–February 2020.

<sup>46</sup> The company is also known as Green Flag Airline. See the Green Flag Aviation page on Facebook, available at [www.facebook.com/pages/category/Tour-Agency/Green-Flag-Aviation-201776569880100/](https://www.facebook.com/pages/category/Tour-Agency/Green-Flag-Aviation-201776569880100/).

<sup>47</sup> Photographic evidence on file with the Panel. Interviews with senior National Security Service officers and confidential sources, in locations withheld, August–December 2019.

<sup>48</sup> Interviews with confidential sources, in locations withheld, October–December 2019.

Lieutenant Colonel Jackson Garang Ajou, one of Lieutenant General Kuc's trusted officials, supervised the shipments in Juba.<sup>49</sup>

41. In addition to these shipments, the Panel corroborated information that, under the instructions of Lieutenant General Kuc, Lieutenant Colonel Ajou and Internal Security Bureau Lieutenant Colonel Angelo Kuot Garang Kuot have actively sought to acquire weapons and ammunition. The Panel further verified that Lieutenant Colonel Ajou and Lieutenant Colonel Kuot traveled abroad during the reporting period for this purpose.<sup>50</sup>

## **F. Violations of the cessation of hostilities agreement and international humanitarian and human rights law**

42. Since the signing of the revitalized peace agreement, armed groups have mostly adhered to the cessation of hostilities agreement signed in December 2017, as reiterated in the provision for a permanent ceasefire established under article 2.1 of the peace agreement, which has improved the security situation in many areas of the country and eased problems with humanitarian access.

43. The humanitarian situation in South Sudan has remained precarious, despite the signature of the revitalized peace agreement in September 2018. Over 7 million people in South Sudan depend on humanitarian assistance, nearly 2.3 million South Sudanese live as refugees or asylum seekers and about 1.6 million people remain internally displaced.<sup>51</sup> Most South Sudanese face serious food shortages and have limited or no access to basic services, including safe water, health care or education. While some South Sudanese refugees have returned to their country, many of these returns have been temporary. Most of the internally displaced persons and refugees with whom the Panel spoke still feel unable to return to their homes.<sup>52</sup>

44. Up to January 2020, armed groups, including government security forces, violated the cessation of hostilities agreement, perpetrating acts in contravention of international humanitarian and human rights law in areas of Central and Western Equatoria and Maiwut County in Upper Nile. These security violations, which have slowed since January 2020 following the formation of the new Government and talks between the Government and non-signatories to the revitalized peace agreement, demonstrate the fragility of the ceasefire and the impact on vulnerable civilians.<sup>53</sup>

<sup>49</sup> Photographic evidence on file with the Panel. Interviews with confidential sources, in locations withheld, May–September 2019.

<sup>50</sup> Interviews with National Security Service officers and confidential sources, in locations withheld and by telephone, March 2019–February 2020.

<sup>51</sup> See Office for the Coordination of Humanitarian Affairs, “South Sudan: humanitarian snapshot”, January 2020.

<sup>52</sup> Interviews with internally displaced persons, residents of protection of civilians sites, refugees, civil society, and community leaders, in Bentiu, Juba, Yei, Kampala, Addis Ababa and Nairobi, August 2019–February 2020.

<sup>53</sup> Interviews with commanders of SSPDF, SPLM/A-IO, NAS and the Provisional Military and Political Council, civil society, and community and religious leaders, in Juba, Yei, Kampala, Nairobi, Khartoum and by telephone, August 2019–February 2020.



## **G. Forced displacement, sexual and gender-based violence and attacks against civilians in Central Equatoria**

45. In Central Equatoria, the armed group NAS, led by General Thomas Cirillo Swaka, has maintained a significant security presence and widespread local support.<sup>54</sup> NAS is not a signatory to the revitalized peace agreement, maintaining that the root causes of the conflict in South Sudan have not been addressed. Since July 2019, NAS has been a part of the umbrella non-signatory alliance SSOMA, which includes SSUF/A, led by General Paul Malong Awan Anei (SSi.008), the Real Sudan People's Liberation Movement, led by Pagan Amum, and other minor political groups.<sup>55</sup>

46. Given the continued refusal of NAS to enter into the revitalized peace agreement, SSPDF has launched a concerted offensive against NAS positions in Central and Western Equatoria since January 2019. With limited weaponry and ammunition, for over two years, NAS has generated an ethno-political support base from the local population.<sup>56</sup> NAS has avoided direct conflict with the better equipped SSPDF and has resorted to operating small mobile units outside main roads and urban centres, and has used asymmetric tactics of ambush and raids of SSPDF bases.<sup>57</sup> In Central Equatoria, these mobile units have remained under the loose command of Lieutenant General Kenyi Leburon.<sup>58</sup>

47. On 13 December 2019, NAS overran the SSPDF barracks in Lasu, Central Equatoria. In the aftermath of the attack, SSPDF retook the base and committed serious human rights violations and violations of international humanitarian law in Lasu and surrounding areas. These retaliatory hostilities significantly affected civilians.<sup>59</sup>

48. When SSPDF soldiers recaptured the town of Lasu starting on 16 December 2019, they retaliated against the population by targeting civilians, committing acts of sexual and gender-based violence and looting and burning property, including churches.<sup>60</sup> During the offensive, the soldiers occupied Lasu primary school, and, as at 20 February 2020, the school remained occupied, in violation of articles 2.1.10.7 and 2.2.3.1 of the revitalized peace agreement, requiring all armed groups to vacate civilian structures.<sup>61</sup>

49. In addition, the Panel corroborated information that SSPDF sexually assaulted and raped women, including at least one pregnant woman, in the aftermath of the seizure of Lasu. SSPDF also ordered the population to concentrate in Lasu town. Following this order, SSPDF targeted, detained and executed youth, including children whom the soldiers had found outside of the controlled areas, alleging that

<sup>54</sup> Interviews with civil society, community and religious leaders and civilians, in Juba, Yei, Kampala and Nairobi and by telephone, August 2019–February 2020.

<sup>55</sup> Interviews with SSOMA leadership, in Nairobi, Rome, Addis Ababa and Kampala and by telephone, August–September 2019.

<sup>56</sup> Interviews with civil society, community and religious leaders and civilians, in Juba, Yei, Kampala and Nairobi and by telephone, August 2019–February 2020.

<sup>57</sup> Interviews with General Thomas Cirillo, NAS senior leadership and field commanders, community leaders and confidential sources, in Rome, Kampala and Nairobi and by telephone, February 2020.

<sup>58</sup> Interviews with NAS commanders and confidential sources, in Yei, Nairobi and Kampala and by telephone, August 2019–February 2020.

<sup>59</sup> Interviews with civil society and confidential sources, in Juba and Kampala, January–February 2020.

<sup>60</sup> The Panel corroborated information that these violations occurred in Kikuyu Boma, Lasu and greater Lasu. Interviews with civil society and confidential sources, in Juba and Kampala, January–February 2020.

<sup>61</sup> Confidential reports on file with the Panel and interviews with confidential sources, in Juba and Kampala, January–February 2020.



the youth were NAS fighters.<sup>62</sup> The Panel further verified that, in violation of article 2.1.10.7.9 of the revitalized peace agreement, SSPDF soldiers targeted humanitarian workers, forcing them to move into SSPDF barracks to care for wounded soldiers and compelling them to transport soldiers in humanitarian vehicles to the SSPDF base.<sup>63</sup>

50. According to information obtained by the Panel, General Malong Agot commanded SSPDF in the Yei area until January 2020, reporting to two sanctioned individuals, the then Ground Force Commander, Lieutenant General Santino Deng Wol (SSi.004), and Chief of General Staff First Lieutenant General Gabriel Jok Riak Makol (SSi.001).<sup>64</sup> During the offensive to retake Lasu, Lieutenant General Jok Riak travelled by helicopter to Yei on 16 and 17 December 2019 to directly command the SSPDF operations.<sup>65</sup> The SSPDF military intelligence, the National Security Service and forces under the control of the former Yei River administration have also been active in the operations.<sup>66</sup>

51. Civilians in Central Equatoria have continued to be targeted because of their perceived ethnopolitical affiliation. The Panel has corroborated a number of extrajudicial killings in Morobo County, which were committed to intimidate civilians who had been accused of supporting NAS.<sup>67</sup>

52. The Panel has corroborated evidence demonstrating that, between December 2019 and January 2020, SSPDF arbitrarily executed three civilians in daylight on their land while harvesting their produce or in the bush as they were returning home.<sup>68</sup> The families of the victims told the Panel that SSPDF soldiers were “keeping a close eye on everybody”, and the mother of one of the victims noted that “they killed him just to show the population what would happen if you support NAS”.<sup>69</sup> Some of the families decided to flee to Uganda because they were afraid that SSPDF would come back to kill them.

53. Since 15 January 2020, SSPDF and NAS have observed a tenuous ceasefire, following talks between a high-profile government delegation and the SSOMA leadership. The Community of Sant’Egidio, a lay catholic organization, guided the discussions in Rome. As at 6 March 2020, the ceasefire still held. However, as the talks continued, the Panel corroborated information that both SSPDF and NAS have reinforced their military positions in preparation for more fighting. Furthermore, the Panel has received original and consistent testimonies from victims and witnesses describing unabated human rights violations against civilians committed by SSPDF since January 2020.<sup>70</sup>

<sup>62</sup> Interviews with confidential sources, in Yei, February 2020.

<sup>63</sup> Confidential report on file with the Panel and interviews with confidential sources, in Juba and Kampala, January 2020.

<sup>64</sup> General Malong Agot was replaced in January 2020 by General Lual Deng. Interviews with senior officers of SSPDF, government officials and confidential sources, in Yei, Juba, Nairobi and Kampala and by telephone, November 2019–February 2020.

<sup>65</sup> Interviews with commanders and fighters of SSPDF and NAS, civil society, community and religious leaders and civilians, in Juba, Yei, Kampala and Nairobi and by telephone, December 2019–February 2020.

<sup>66</sup> Ibid.

<sup>67</sup> Interviews with confidential sources, in locations withheld, January–February 2020.

<sup>68</sup> Ibid.

<sup>69</sup> Interviews with confidential sources in locations withheld, February 2020.

<sup>70</sup> Interviews with commanders and fighters of SSPDF and NAS, civil society, community and religious leaders and civilians, in Juba, Yei, Kampala and Nairobi and by telephone, February 2020.

## H. Serious human rights violations, including sexual and gender-based violence, in Maiwut

54. As described in the 2019 interim report of the Panel (S/2019/897, annex II), since August 2019 the Government has supported a breakaway faction of SPLA-IO in Maiwut County, Upper Nile, led by Major General James Ochan Puot. The intent of the government support was to exploit internal political divergences and subethnic tensions to promote proxy conflicts within SPLM/A-IO and weaken the unity of Mr. Machar's power base.<sup>71</sup>

55. Since the start of the fighting, the Panel has corroborated the extent of the Government's financial and military support to Major General Ochan's group. The head of the SSPDF military intelligence, Major General Tueny, and the Directors General of the Internal Security Bureau and the General Intelligence Bureau – in agreement with President Kiir, Vice-President Deng Gai and Lieutenant General Jok Riak – provided economic support and military assistance to Major General Ochan to attack SPLA-IO positions, in violation of the cessation of hostilities agreement (see annex 4).<sup>72</sup>

56. In preparation for the offensive, Major General Ochan recruited, at times forcibly, and trained a militia of civilians, mostly from his Nuer Gajaak Cie-Waw constituency. This force, commanded by Brigadier General Chuol Yoa Gok, included child soldiers. Ochan's military attacks, from August 2019 to early January 2020, included assaults on the SPLA-IO cantonment site in Turu and on its headquarters in Jikou. These sparked widespread human rights abuses.<sup>73</sup>

57. Since January 2020, limited fighting has been reported. The Government ordered Major General Ochan and the SPLA-IO Infantry Division 5 commander in charge of the area, Major General James Khor Chol, to Juba for talks.<sup>74</sup> On 11 February 2020, the two generals signed an agreement that called for a permanent ceasefire and commitment to the implementation of the revitalized peace agreement.

58. However, as negotiations in Juba were being held in February 2020, the Panel received evidence of retaliations against the civilian population accused of supporting SPLM/A-IO, committed by Major General Ochan's militia. The human rights violations included sexual and gender-based violence, including the maiming of genitals of both men and women and rape, and killings in violation of articles 2.1.10.2 and 2.1.10.5 of the revitalized peace agreement. The Panel heard multiple original and consistent testimonies that Major General Ochan and Brigadier General Chuol Yoa Gok directed the violence.<sup>75</sup>

<sup>71</sup> Interviews with government officials, SSPDF military intelligence personnel, Cie-Waw Nuer community leaders and confidential sources, in Juba and by telephone, November 2019–February 2020.

<sup>72</sup> Ibid.

<sup>73</sup> Interviews with Cie-Waw Nuer community leaders and elders and civil society, and confidential sources, in Juba, Nairobi and Kampala and by telephone, October 2019–February 2020.

<sup>74</sup> Interviews with government representatives, SPLM/A-IO senior commanders and political leaders, Cie-Waw Nuer community leaders and elders and civil society, and confidential sources, in Juba, Nairobi and Kampala and by telephone, January–February 2020.

<sup>75</sup> Interviews with Cie-Waw Nuer community leaders, civil society, NGO personnel and confidential sources, in Juba, Nairobi and Kampala and by telephone, January–February 2020.

## I. Security risks related to the militarization of civilian areas and arms proliferation

59. SSPDF and SPLA-IO have failed to demilitarize civilian areas, as per article 2.2.3.1 of the revitalized peace agreement, and have continued to occupy civilian property, such as schools and hospitals. For instance, in Unity, the Panel corroborated information that the establishment of cantonment sites and training centres led to the further militarization of civilian-inhabited areas. On 7 January 2020, SSPDF and SPLA-IO soldiers occupied a school in Kalyak to host a unified police force.<sup>76</sup>

60. Since the establishment of the SPLA-IO cantonment site in Dingding, the population of the village has almost tripled. The increase is due to the assembly of soldiers, which has put civilians at risk. Dingding is extremely close to Bentiu, a town that, as the Panel has documented, has been a flashpoint for conflict between SSPDF and SPLA-IO (see [S/2015/656](#), [S/2016/70](#) and [S/2017/326](#)). The Panel gathered evidence that the militarization of Dingding from the cantonment of SPLA-IO soldiers has led to higher levels of violence and sexual harassment against women and girls.<sup>77</sup> According to testimonies, these incidents occurred when the women were collecting firewood and water in locations near Dingding.<sup>78</sup>

61. The Panel notes that South Sudan has remained a highly militarized country, in spite of the revitalized peace agreement and the formation of the transitional Government. The Panel interviewed local police officers in Bentiu, Malakal, Rumbek and Torit, who consistently pointed out that civilians had access to a vast proliferation of weapons, which were unregulated, exposing law enforcement officers to risks and having an impact on the peace and stability of South Sudan. Multiple civilians confirmed to the Panel that, because of the high levels of insecurity and the lack of trust in SSPDF, they had acquired weapons, including assault rifles, for protection.<sup>79</sup>

62. The security services of South Sudan are equipped with a wide variety of weapons. While the Panel observed non-elite members of SSPDF with legacy weapons, the arms generally appeared serviceable, with a minimum amount of personal gear, few magazines and no webbing.<sup>80</sup> The elite Presidential Guard (known as the Tiger Division), the commandos and the National Security Service are equipped with better quality arms.<sup>81</sup> These forces were also equipped with armoured personnel carriers in serviceable condition.<sup>82</sup> Meanwhile, the Panel notes that the non-elite members of SSPDF have maintained older and less serviceable armoured personnel

<sup>76</sup> Confidential document on file with the Panel and interviews with the local population and confidential sources, in Bentiu and a location withheld, February 2020.

<sup>77</sup> Interviews with the local population and confidential sources, in Juba, Dingding, Rubkona and a location withheld, February 2020.

<sup>78</sup> Interviews with civil society, in Bentiu, Torit, Rumbek, Malakal and Juba and by telephone, September 2019–February 2020.

<sup>79</sup> Ibid.

<sup>80</sup> Panel's observations and interviews with senior UNMISS military personnel, civil society and NGO personnel, in Bentiu, Torit, Rumbek, Malakal and Juba and by telephone, September 2019–February 2020.

<sup>81</sup> The elite forces appeared extremely well equipped, with the latest weapons acquired in 2013–2014 (mainly 7.62 x 39 mm Israeli Galil ACE assault rifles), new uniforms and high-standard webbing. Panel's observations and interviews with UNMISS military personnel, United Nations police, United Nations agencies and civil society, in Juba and Yei and by telephone, August 2019–February 2020.

<sup>82</sup> Panel's observations and interviews with UNMISS military personnel, United Nations police and United Nations agencies, in Juba, Bentiu, Malakal, Torit and Rumbek and by telephone, September 2019–February 2020.

carriers. In towns, including Bentiu, Bor, Malakal, Torit, Wau, Yambio and Yei, the older armoured personnel carriers, in “troops”,<sup>83</sup> support the SSPDF infantry.<sup>84</sup>

63. SSPDF has maintained additional heavy-armoured, mechanized weapons that the Panel has assessed as operational. This equipment, however, has been held at barracks in violation of article 2.2.3.2 of the revitalized peace agreement, which calls for the collection of heavy weapons.<sup>85</sup> The Panel also observed three Mi-24V attack helicopters at Juba International Airport in February 2020.<sup>86</sup> Satellite imagery confirmed that seven of the eight damaged Mi-24s described in previous reports (see [S/2019/301](#)) and stored at the SSPDF general headquarters, known as “Bilpham”, on the outskirts of Juba, have remained static and appear non-operational (see annex 5).

### III. Finance and natural resources: risks of illicit exploitation and misappropriation of public resources

64. The country’s vast yet mostly unregulated natural resources have been subject to widespread illicit exploitation and trade, which the Panel has identified across the country, in accordance with paragraph 14 (j) of resolution [2428 \(2018\)](#) and as reaffirmed in resolution [2471 \(2019\)](#). In particular, the Panel notes that the fragmented control and management of the country’s natural resources, especially crude oil, gold and timber, and public finances has increased the risk of misappropriation and diversion of public resources. In paragraph 15 of resolution [2428 \(2018\)](#), as renewed in resolution [2471 \(2019\)](#), the Security Council expressed concerns over reports of financial impropriety, which threatened the peace, security and stability of South Sudan.

65. The Panel has consistently identified ways in which the competition for natural and public resources has threatened peace and security (see [S/2015/656](#), [S/2016/70](#), [S/2018/292](#), [S/2018/1049](#) and [S/2019/897](#)). The signatories to the revitalized peace agreement recognized similar risks associated with the management of State funds and natural resources and committed to adhering strictly to the country’s existing laws regulating the petroleum and mining sectors and to implementing a series of economic governance reforms enshrined in the agreement.<sup>87</sup>

66. For instance, under article 1.4.2 of the revitalized peace agreement, the parties pledged to use during the pre-transitional period, which ended on 21 February 2020, the resources of the country wisely and transparently, for the best interests of the people of South Sudan. During the course of its investigations, however, the Panel found that the body overseeing the pre-transitional period, the National Pre-Transitional Committee, failed to transparently manage the funds allocated for

<sup>83</sup> “Troop” military armour nomenclature represents three or four armoured personnel carriers.

Three troops make up a “squadron” and three squadrons make up a “regiment”.

<sup>84</sup> Panel’s observations and interviews with UNMISS military personnel, United Nations police and United Nations agencies, in Juba, Bentiu, Malakal, Torit and Rumbek and by telephone, September 2019–February 2020.

<sup>85</sup> Interviews with the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, in Juba, Bentiu, Malakal, Torit, Rumbek and Bor and by telephone, September 2019–February 2020.

<sup>86</sup> Panel’s observations, in Juba, February 2020.

<sup>87</sup> Under article 4.1.7 of the agreement, the parties pledged to undertake immediate economic and financial management reforms, under article 4.8.1.14.4, they pledged to ensure strict adherence to provisions of the revised Petroleum Act, 2012, and the Mining Act, 2012, and, under article 4.8.1.1, they pledged to implement the provisions of the Petroleum Revenue Management Act, 2012, within three months of the transitional period.

peace implementation, including funds required for pressing security arrangements, as detailed below.

67. The sale of the country's crude oil has remained the primary source of public revenue for the Government. The Panel notes, however, that the measures required under the revitalized peace agreement, the Petroleum Act and the Petroleum Revenue Management Act to ensure transparency in the management of the revenue generated from the sale of oil have not been followed. Without oversight, the country's crude oil, which is likely to generate close to \$1 billion in revenue in 2020, has been a target for the misappropriation and diversion of public funds.<sup>88</sup>

68. The Panel has also documented how gaps in the oversight and management of gold and hardwoods in particular have permitted the illicit extraction and exploitation of the country's natural resources. In Eastern Equatoria, industrial machines are used illegally at unlicensed gold mining sites in the vicinity of Kapoeta town. The local administration in Kapoeta has also issued extraction licenses outside the legal registration channel through the Ministry of Mining. Elsewhere in Eastern Equatoria, SSPDF Division 7 has provided protection to loggers illegally harvesting and transporting timber.

#### **A. Risks of misallocation of public resources designated for the National Pre-Transitional Committee**

69. Article 1.4.8 of the revitalized peace agreement stipulates that there shall be established a fund, to be drawn from government funds and contributions of donors, for the implementation of the activities undertaken during the pre-transitional period. The National Pre-Transitional Committee shall manage the fund transparently and report on it monthly to the President of South Sudan and to the parties. During the course of its investigations, the Panel found that the Committee did not transparently manage the funds allocated for peace implementation.

70. As part of the arrangements for the pre-transitional period, the Bank of South Sudan, the country's central bank, opened two accounts for the purpose of transfers to and withdrawals by the National Pre-Transitional Committee: a local currency account (No. 00269191294239) in South Sudanese pounds and a hard currency account (No. 00269211295177) in United States dollars. Based on the procedures for the management of the accounts, the Committee Secretary, Martin Elia Lomuro, or his "representative" were required to sign special certificates for all payments that confirmed the amount and date of the payments. However, on documents the Panel reviewed, it was not clear who was considered the "representative", which created a possibility that any Committee official had the authority to sign certificates for payments.<sup>89</sup>

71. The Panel verified from multiple sources that one of the Co-Chairs of the National Pre-Transitional Committee, the most senior representative of SPLM/A-IO on the body, Henry Odwar, did not receive any documents regarding the release of

<sup>88</sup> Based on the average price of about \$55 per barrel for Brent crude in February 2020 and the sale of 49,000 barrels per day of the country's Dar and Nile blends, which equals about \$82 million per month or \$984 million per year. See U.S. Energy Information Administration, "South Sudan Open Data". Available at [eia.gov/opendata](https://eia.gov/opendata) (accessed in February 2020).

<sup>89</sup> Letter dated 20 November 2019 from the Bank of South Sudan regarding Committee payments to clients according to the established procedures and decision-making process; on file with the Panel.

Committee funds and/or payments from Committee accounts, in violation of the revitalized peace agreement (art. 1.4.8).<sup>90</sup>

72. On the basis of the information obtained in the course of its investigations, the Panel has been able to report on the four tranches provided by the Government to the National Pre-Transitional Committee and further to pre-transitional mechanisms. First, from October 2018 to May 2019, during the first eight months of the pre-transitional period, the Committee received \$10 million.<sup>91</sup> Of this allocation, \$2 million was earmarked for Committee security mechanisms.<sup>92</sup>

73. From May to November 2019, a second tranche, of \$10 million, was made available to the National Pre-Transitional Committee.<sup>93</sup> Of the total amount, \$6.8 million was devoted to the payment of the operations of the pre-transitional period security mechanisms and \$3.2 million was used to hire vehicles and rent hotel rooms for Committee operations.<sup>94</sup>

74. In November 2019, the Bank of South Sudan transferred a third allotment, of \$40 million, to the National Pre-Transitional Committee,<sup>95</sup> among which \$16.5 million was allocated for the pre-transitional period security mechanisms.<sup>96</sup> In particular, the Committee allocated \$5 million to the Joint Transitional Security Committee, \$4 million to the Joint Military Ceasefire Commission, \$3.5 million to the Joint Defence Board, \$1.1 million to the Strategic Defence and Security Review Board and \$2 million to the Disarmament, Demobilization and Reintegration Commission (see annex 6). The Panel has not reviewed any documentation for the remaining \$23.5 million.

75. In the Panel's view, the transfer of \$3.5 million to the Joint Defence Board in the third allocation carried risks of misappropriation or diversion of public funds because the Board did not have a mandate that required substantial funds to complete its pre-transitional tasks. As a technical body, the Board was mandated only to supervise the implementation of military aspects of the revitalized peace agreement. Multiple sources informed the Panel that the Board received a transfer of funds even before the National Pre-Transitional Committee had discussed a budget for its work with the Board.<sup>97</sup>

76. On 6 February 2020, two weeks before the start of the transitional Government, the Government announced the release of a fourth allotment, of \$40 million, to the National Pre-Transitional Committee.<sup>98</sup>

<sup>90</sup> Interviews with SPLM/A-IO and SPLM-FD representatives, NGO personnel and civil society, in Juba and Nairobi and by telephone, January–February 2020.

<sup>91</sup> See Daniel Danis and Charles Wote, "Gov't avails only \$10 million for pre-transitional period – NPTC", Eye Radio, 30 July 2019.

<sup>92</sup> Interviews with Committee members, SPLM/A-IO and SPLM-FD representatives and NGO personnel, in Juba, Rome and Nairobi, January–February 2020.

<sup>93</sup> Reconstituted Joint Monitoring and Evaluation Commission, "Minutes of the eighth meeting of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) held on 1st August 2019 at Palm Africa Hotel, Juba, South Sudan".

<sup>94</sup> Interviews with Committee members, SPLM/A-IO representatives, NGO personnel, in Juba, Rome and Nairobi and by telephone, January–February 2020.

<sup>95</sup> South Sudan News Now, "Kiir's gov't disburses \$40 million to NPTC for urgent implementation of peace deal", 20 November 2019.

<sup>96</sup> Sudan Tribune, "South Sudanese troops remain deployed outside cantonment sites–CTSAMVM", 16 December 2019.

<sup>97</sup> Interviews with SPLM/A-IO and SPLM-FD representatives, civil society and NGO personnel, in Juba and Nairobi and by telephone, January–February 2020.

<sup>98</sup> Sudan Tribune "South Sudan disbursed \$40m for peace implementation: African union", 6 February 2020.

77. The Panel also verified that fees for accommodations have been paid to National Pre-Transitional Committee delegates since December 2018. However, the Committee leadership never decided collectively on the allocation and management of resources for the accommodation of its delegates. The cost to rent hotel rooms for Committee delegates at the Pyramid Continental Hotel, Hotel Panorama Plaza and Palm Africa Hotel in Juba ranged from \$2,500 to \$3,000 per month.<sup>99</sup> In the same context, the Panel reviewed a letter from the Palm Africa Hotel management, dated 30 August 2019, in which Committee delegates were notified of the termination of hotel services because of six months of unpaid bills, indicating that the money transferred to pay for accommodation might not have reached its destination.<sup>100</sup>

78. The Panel notes that the absence of transparent information on the actual release and use of all tranches received by the National Pre-Transitional Committee from the Bank of South Sudan has carried a risk of possible misuse and misappropriation of public funds. The Panel has been unable to verify the destination for most of the pledged Committee allocations. The Panel reached out to the Chair of the Committee to clarify the actual release and use of Committee funds.<sup>101</sup> To date, the Panel has received no substantive reply, only an acknowledgement that it would receive a detailed response by 6 March, which has yet to be received.

## **B. Risks of misappropriation of public funds from the sale of oil**

79. In the second half of 2019, the Government enacted protocols to end its practice of pre-selling allocations of crude oil, which entails taking advance payment for oil to be delivered in the future. The Ministry of Petroleum explained to the Panel that it had cancelled all undelivered, pre-sold cargoes of crude oil and that the Ministry of Finance and Planning had planned to clear the outstanding debt.<sup>102</sup> The Panel cannot confirm the amount of the outstanding debt. As the Panel has previously reported (see [S/2019/897](#)), the practice of pre-selling oil is not transparent, decreases revenue for the Government and is vulnerable to the diversion of public funds. The revitalized peace agreement calls for a review of oil-backed loans within six months of the start of the transitional Government.<sup>103</sup>

80. The Ministry of Petroleum restarted the spot tender marketing system, which, in accordance with article 4.8.1.7 of the revitalized peace agreement, must be open, transparent and competitive. Every month, the Ministry of Petroleum invites dozens of oil-lifting companies to bid via email on the Government's allocation of crude oil.<sup>104</sup> The marketing team, a cross-government group of about 22 experts, evaluates the bids and determines the market price and date of the shipment.<sup>105</sup> Without the pre-sale arrangements in place, the tender system has allowed for open bidding,

<sup>99</sup> Interviews with Committee members, SPLM/A-IO and SPLM-FD representatives and NGO personnel, in Juba, Rome and Nairobi and by telephone, January–February 2020.

<sup>100</sup> Document on file with the Panel.

<sup>101</sup> Document on file with the Panel.

<sup>102</sup> Interviews with representatives of the Ministry of Petroleum, confidential sources and an industry analyst, in Juba and Nairobi, November 2019. See also Radio Tamazuj, “South Sudan suspends crude oil pre-sale contracts”, 30 June 2019.

<sup>103</sup> Article 4.8.1.3 of the agreement stipulates that, within six months of the transition, all loans and contracts collateralized or guaranteed against oil shall be identified, checked and recorded for the purposes of transparency and accountability.

<sup>104</sup> Interviews with representatives of the Ministry of Petroleum, oil sector businesspersons and a confidential source, in Juba, Nairobi and Addis Ababa, September–December 2019.

<sup>105</sup> Interviews with a former member of the marketing team, South Sudanese businesspersons and an industry analyst, in Juba and by telephone, September–November 2019; See also South Sudan, Ministry of Petroleum, “Marketing report, June 2015–May 2016”, September 2019. Document on file with the Panel.



according to documentation from 2019 that the Panel has reviewed.<sup>106</sup> Since the suspension of the pre-sales, the Panel has confirmed that the Government has awarded cargoes of government crude oil to at least four different oil trading companies.<sup>107</sup>

81. While the spot tender system has been in operation, gaps have remained in the system's transparency and competitiveness because the Ministry of Petroleum has failed to publicize the selection of the buyers, the negotiation terms and the figures on the cargoes lifted, as stipulated in the revitalized peace agreement.<sup>108</sup> According to multiple contacts involved in the bidding or decision-making process, in practice only a portion of the awarded cargoes have been determined through the open tender system.<sup>109</sup> Instead, the Office of the President, in coordination with the National Security Service, rather than the marketing team, has selected which company received the oil-lifting contract in about half the cargoes marketed since June 2019.<sup>110</sup>

82. The Panel notes that, without the public release of timely data, the country's oil is at risk of illicit trade and exploitation, and the public funds generated from the sale are at risk of diversion away from the public budget. In 2020, the Government is likely to sell two to three cargoes of crude oil per month to international oil traders, generating approximately \$82 million per month in income.<sup>111</sup>

83. To make up for a slowdown in liquidity with the official suspension of the pre-selling of oil and to fill an anticipated 2019/20 budget deficit, the Government arranged for a loan facility agreement of about \$400 million from the African Export-Import Bank.<sup>112</sup> Finances from this loan facility have paid for salary arrears, portions of the National Pre-Transitional Committee budget and development and infrastructure projects, such as updates to Juba International Airport.<sup>113</sup> This agreement is an oil-backed loan – a form of pre-sale arrangement – that will be financed over the next four years through the sale of crude oil cargoes.<sup>114</sup>

### C. Threat of diversion of public funds from oil production and revenue

84. The former Minister of Petroleum, Daniel Awow Chuang, pledged to promote transparency in the management and financing of the country's oil. He told the South

<sup>106</sup> Confidential documents on file with the Panel.

<sup>107</sup> Interviews with representatives of the Ministry of Petroleum, former Ministry of Petroleum staff, oil industry businesspersons and foreign diplomats, in Juba, Nairobi and Addis Ababa and by telephone, November 2019–January 2020.

<sup>108</sup> The publication of oil-backed contracts is specifically called for under article 4.14.4 of the agreement.

<sup>109</sup> Interviews with oil sector businesspersons, foreign diplomats, former Ministry of Petroleum staff, a think tank analyst and a confidential source, in Juba, Nairobi and Addis Ababa and by telephone, September 2019–February 2020.

<sup>110</sup> Interviews with oil sector businesspersons, former Ministry of Petroleum staff, a policy analyst and a confidential source, in Juba, Nairobi and Addis Ababa and by telephone, September 2019–February 2020.

<sup>111</sup> Based on the average price of about \$55 per barrel for Brent crude in February 2020 and 49,000 barrels per day of the country's Dar and Nile blends, which equals about \$82 million per month. See U.S. Energy Information Administration, "South Sudan Open Data". Available at [eia.gov/opendata](https://www.eia.gov/opendata) (accessed in February 2020).

<sup>112</sup> "Facility agreement for USD 400 million loan finance facility to the Government of the Republic of South Sudan by African Export-Import Bank (Afrexim Bank)", 15 October 2019. Document on file with the Panel; and interviews with economists and confidential sources in Juba and by telephone, December 2019–February 2020.

<sup>113</sup> Confidential document on file with the Panel and interviews with foreign diplomats and a financial expert, by telephone, February 2020.

<sup>114</sup> Interviews with industry analysts and a confidential source, in Washington, D.C., and by telephone, February 2020.



Sudanese press in June 2019 that “when we sell our crude oil, we will allow everybody to know”. In October 2019, the Ministry of Petroleum’s new website was launched, and in February 2020, the Ministry released a report on the country’s oil sector for 2018/19.<sup>115</sup> The Panel notes, however, that the website has not included updated data, as mandated in the country’s transparency laws, which prevents sufficient scrutiny of public resources.<sup>116</sup> The Panel has estimated oil-related figures through a review of unpublished data and on the basis of interviews with confidential sources, despite the stipulation in the Petroleum Revenue Management Act that the Ministry of Petroleum should publish records on petroleum revenue four times a year.<sup>117</sup>

85. The country’s oil production fluctuated around 170,000–180,000 barrels per day in the fourth quarter of 2019.<sup>118</sup> For instance, a series of pipeline breaks in oilfields in Unity and Ruweng administrative area and severe flooding led to the temporary closure of dozens of wells, which contributed to a short-term dip in output.<sup>119</sup> In 2020, production is likely to increase, as the Ministry of Petroleum estimated that about 25 wells in the oilfields at Thar Jath in block 5A south of Bentiu, which had not been operating as a result of the conflict (see S/2015/656), had the capacity to produce about 16,000 barrels per day in 2020.<sup>120</sup>

86. Increased output has improved the country’s 2019/20 discretionary budget, earning additional funds to implement the revitalized peace agreement and finance the country’s \$1.3 billion budget.<sup>121</sup> Despite the rising production of close to 180,000 barrels per day, much of the oil output has been obligated in-kind to oil operating companies for operational costs and profit sharing and to the Sudan in lieu of processing, transport and transit fees.<sup>122</sup> Taking into account these existing financial obligations and the budget predictions of the Ministry of Finance and Planning, the

<sup>115</sup> Interview with a representative of the Ministry of Petroleum in Juba, November 2019. See also Radio Tamazuj, “New oil minister vows transparency in oil deals”, 18 June 2019.

<sup>116</sup> Chapter XVII, article 79.1 of the Petroleum Act states that the Minister shall make available to the public, both on the Ministry website and by any other appropriate means to inform interested persons, all key oil sector production, revenue, and expenditure data, petroleum agreements and licenses.

<sup>117</sup> According to the Petroleum Revenue Management Act, chapter IX, article 31.1, the Ministry shall publish the records of petroleum revenue no more than six weeks after the end of each quarter.

<sup>118</sup> The figures fluctuate on a daily basis but have been around 130,000 barrels per day from blocks 3 and 7 of the Dar blend and up to 45,000 barrels per day from blocks 1, 2 and 4; based on interviews with representatives of the Ministry of Petroleum, oil sector analysts and civil society, in Juba and Nairobi and by telephone, November 2019, and U.S. Energy Information Administration, “South Sudan Open Data”. Available at [eia.gov/opendata](http://eia.gov/opendata) (accessed in February 2020).

<sup>119</sup> Interviews with South Sudanese oil analysts and confidential sources by telephone, January 2020.

<sup>120</sup> Interviews with a Ministry of Petroleum staff member, an industry analyst and a former Ministry of Petroleum staff member, in Juba and by telephone, August 2019–February 2020; and a presentation by Sudd Petroleum Operating Company at the Africa Oil and Power conference in Juba, October 2019.

<sup>121</sup> Salvatore Garang Mabiordit, “Budget speech FY 2019/2020”, Ministry of Finance and Planning, June 2019, available at <http://www.mofep-grss.org/wp-content/uploads/2019/07/Budget-Speech-draft-FY-19-20-Final.pdf>; and Salvatore Garang Mabiordit, “FY 2019/2020 approved budget book”, Ministry of Finance and Planning, December 2019, available at <http://grss-mof.org/documents/1>.

<sup>122</sup> See S/2018/1049 for more background information on the 28,000 barrels per day allocated to the Sudan in lieu of the processing, transport and transit fees. Interviews with UNMISS staff, foreign diplomats, a representative of the International Monetary Fund and confidential sources, in Juba and by telephone, September 2019–February 2020. See also Okech Francis, “China gets a sixth of South Sudan oil output to build highways”, Bloomberg, 5 April 2019; South Sudan, Ministry of Finance and Planning, “National budget brief: South Sudan 2019”, United Nations Children’s Fund, April 2019, available at <http://grss-mof.org/documents/>; and a speech by the president of South Sudan on the occasion of the opening of the second session of the transitional national legislature, 14 May 2019.

Panel calculates that about 49,000 barrels per day of crude oil will be available for the Government to sell in 2020, amounting to about \$980 million over the course of the year.<sup>123</sup>

87. To bolster revenue collection and attract new investment in the country's oil development, the Ministry of Petroleum has planned to auction more than a dozen new oil blocks in March 2020 and to sign exploration and production sharing agreements.<sup>124</sup> The last such agreement, which the Government signed with South Africa in May 2019, created a joint venture, the "Nile orange energy project", to explore block B2 in Jonglei and to construct a refinery.<sup>125</sup> As part of the joint venture, an office was opened in Juba to support the "New horizon project" to build the refinery.<sup>126</sup>

88. As reported in the 2019 interim report of the Panel, the specifics of the agreement between the two State-owned entities – the Strategic Fuel Fund of South Africa and the Nile Petroleum Corporation of South Sudan – has not been released. The Panel has twice requested from South Africa a copy of the agreement, which should be publicly available under the terms of the revitalized peace agreement.<sup>127</sup> Despite having received an acknowledgment of receipt, to date the Panel has not received a substantive reply.<sup>128</sup>

#### **D. Unaccounted for public resources through in-kind assistance to security forces**

89. To protect the country's oilfields, the oil operating consortia in South Sudan – the Dar Petroleum Operating Company, the Greater Pioneer Operating Company and the Sudd Petroleum Operating Company – have provided earmarked security funds to the Ministry of Petroleum. The three oil operating consortia, which operate independently but are partially owned by the Government, have not directly paid the security forces of South Sudan.<sup>129</sup> This is the normal operating procedure, whereby the oil consortia transfer funds to the Government after the Ministry of Petroleum estimates the cost to protect the oilfields.<sup>130</sup> The oil operating consortia then allocate a "security" line item in their operational budgets and pay the Ministry of Finance

<sup>123</sup> Based on the average price of about \$55 per barrel for Brent crude in February 2020 and 49,000 barrels per day of the country's Dar and Nile blends, which equals about \$82 million per month. See U.S. Energy Information Administration, "South Sudan Open Data". Available at [eia.gov/opendata](https://www.eia.gov/opendata) (accessed in February 2020).

<sup>124</sup> Interview with a representative of the Ministry of Petroleum, in Juba, November 2019. See also Denis Dumo, "South Sudan to offer 14 oil blocks for licensing by Q1 2020 – oil minister", Reuters News, 29 October 2019.

<sup>125</sup> Interviews with oil sector businesspersons, UNMISS staff and an industry analyst, in Juba and Nairobi, September–November 2019.

<sup>126</sup> Interviews with foreign diplomats, in Juba, November 2019, and based on public documents accessed through the government tender bulletins and the national treasury website of South Africa.

<sup>127</sup> Chapter V, article 13.10 of the Petroleum Act stipulates that the National Petroleum and Gas Corporation shall, in accordance with international standards, make available to the public its audited annual accounts, production share, marketing procedures, sales price, fees paid or received for petroleum activity and transportation, and petroleum agreements and subcontracts.

<sup>128</sup> The Panel wrote to the Government of South Africa on 23 October 2019 and on 27 January 2020.

<sup>129</sup> Interviews with representatives of the Ministry of Petroleum and confidential sources in the oil industry, in Juba and Nairobi and by telephone, September 2019–January 2020.

<sup>130</sup> Interviews with representatives of the Ministry of Petroleum and confidential sources, in Juba, November 2019.

and Planning, which transfers funds to the security services through the normal budget process.<sup>131</sup>

90. A combination of private security services, National Security Service forces and SSPDF soldiers protect the country's oil operations, and the Panel has corroborated information that many of the government security forces have received in-kind support from the oil operating consortia.<sup>132</sup> National Security Service forces and SSPDF oil protection units have accepted in-kind donations of fuel, medical care, food, vehicles and other provisions.<sup>133</sup> This assistance was not accounted for in the 2019/20 budget and has not been publicly disclosed, as required under the Petroleum Revenue Management Act, that states, under chapter IX, article 34.1, that licensees, contractors and subcontractors shall annually disclose information on all payment, monetary or in-kind, made to government agencies in connection with petroleum activities.

91. This direct material assistance to government security forces constitutes a sizeable non-monetary form of local payment to government forces, which makes the donations vulnerable to misappropriation and misuse because they are not included in the country's formal budget process.

## **E. Independent revenue vulnerable to misuse by the National Security Service**

92. To deliver the in-kind donations and other oilfield services, the oil operating consortia have relied on privately contracted businesses, including some companies controlled by the National Security Service.<sup>134</sup> Sudd (Suud) Security Services Co. Ltd. and Sudd Services and Investment Co. Ltd., which are two separate companies controlled by the National Security Service (see [S/2019/301](#)), have provided security at the operations centres and oil wells of the Greater Pioneer Operating Company.<sup>135</sup> In addition, at the headquarters of the Greater Pioneer Operating Company in Juba, Sudd (Suud) Security Services provides security, drivers and some maintenance work.<sup>136</sup> The security manager of the Greater Pioneer Operating Company, Luis Miyar, is a Brigadier General in the Internal Security Bureau.<sup>137</sup>

93. Sudd (Suud) Security Services employees, many of whom are or have been members of the National Security Service, have worked in security and maintenance positions in the oilfields of the Dar Petroleum Operating Company. Additional private companies owned by the National Security Service have received contracts with the Dar Petroleum Operating Company, including National Oil and Gas Co. Ltd.<sup>138</sup>

<sup>131</sup> Confidential document on file with the Panel and interviews with representatives of the Ministry of Petroleum, foreign diplomats and a confidential source, in Juba, September–November 2019.

<sup>132</sup> Interviews with UNMISS staff, a foreign diplomat, oil industry analysts, civil society located in Upper Nile and confidential sources involved in oilfield security, in Juba, Bentiu and Nairobi and by telephone, September 2019–February 2020.

<sup>133</sup> Confidential documents reviewed by the Panel and interviews with representatives of the Ministry of Petroleum, confidential sources, civil society and industry analysts, in Juba and Nairobi and by telephone, September 2019–January 2020.

<sup>134</sup> Interviews with oil industry analysts and confidential sources, in Juba and Nairobi and by telephone, November 2019–February 2020.

<sup>135</sup> Confidential documents on file with the Panel and interviews with a foreign diplomat, a South Sudanese journalist and confidential sources, in Juba and by telephone, November 2019–February 2020.

<sup>136</sup> Interviews with confidential sources involved in oil expenses, in Juba and Nairobi and by telephone, September 2019–January 2020.

<sup>137</sup> Based on two confidential documents reviewed by the Panel.

<sup>138</sup> See [S/2019/301](#) and based on interviews with confidential sources, in Nairobi, November 2019.

According to information obtained from interviews with Panel sources who are familiar with procurement contracts, the Ministry of Petroleum has wide latitude to instruct the oil operating consortia to select which companies, such as companies controlled by the National Security Service, receive oilfield service contracts.<sup>139</sup> The National Security Service also assigns liaison personnel inside oilfield facilities and the offices of the Dar Petroleum Operating Company and the Greater Pioneer Operating Company in Juba.<sup>140</sup>

94. On the basis of past reporting on the ownership of National Security Service companies (see [S/2019/301](#)), the Panel has estimated that the companies controlled by the National Security Service have received at least \$13.6 million in oilfield service contracts through this independent revenue stream.<sup>141</sup> The Panel notes that this has undermined the peace and security of South Sudan because the National Security Service has disengaged itself from the peace implementation process, as cited above and in previous reports of the Panel (see [S/2019/301](#) and [S/2019/897](#)).

## F. Illicit extraction of gold

95. Tens of thousands of South Sudanese artisanal miners pan for alluvial gold in the country's riverbeds and dig shallow pits in search of gold nuggets and sediment throughout Eastern and Central Equatoria, as the Panel previously reported (see [S/2017/979](#) and [S/2019/301](#)).<sup>142</sup> Artisanal mining supports community livelihoods, even though the practice is inherently informal. The Ministry of Mining and the Ministry of Trade lack any data on the country's gold production or trade.<sup>143</sup> This lack of management in the artisanal and small-scale gold sector has made the trade vulnerable to illicit exploitation, which the Transitional National Legislature acknowledged in its review of the country's budget.<sup>144</sup>

96. The extraction and trade of gold have been largely unregulated and untaxed.<sup>145</sup> Previously, the Ministry of Mining issued licenses to mineral dealers to trade gold, but stopped in 2018 because traders failed to file reports detailing their trades. The Ministry has not issued any export licenses in 2019 and 2020, indicating that any gold originating in South Sudan that is sold outside the country is illicit.<sup>146</sup> In some instances, the exploitation of gold has been a source of unaccounted for revenue,

<sup>139</sup> Interviews with a think tank analyst, a foreign diplomat and confidential sources, in Juba and Nairobi and by telephone, September 2019–February 2020.

<sup>140</sup> Interviews with oil sector businesspersons and confidential sources, in Juba and Nairobi and by telephone, September 2019–February 2020.

<sup>141</sup> Calculations based on confidential documents reviewed by the Panel and interviews with confidential sources in Juba and Nairobi and by telephone, September 2019–January 2020.

<sup>142</sup> According to the Mining Act, "artisanal mining" refers to mining operations using traditional or customary ways and means; it does not include the mining of any minerals occurring more than 10 m below the surface or whose recovery requires the use of explosives. Interviews with representatives of the Ministry of Mining, businesspersons involved in the gold trade and a local journalist, in Juba and by telephone, September 2019–February 2020.

<sup>143</sup> Interviews with representatives of the Ministry of Mining and the Bank of South Sudan, an industry analyst, civil society and confidential sources, in Juba and by telephone, September 2019–February 2020; and International Monetary Fund, "Republic of South Sudan: technical assistance report – report on external sector statistics mission", country report No. 20/10, January 2020.

<sup>144</sup> According to chapter IX of the Mining Act, "state authorities," such as local administrations and authorities, have the legal right to regulate artisanal mining; South Sudan, Transitional National Legislature, "Fiscal year 2019/20 budget report in the third reading stage", 21 August 2019; document on file with the Panel.

<sup>145</sup> Interviews with businesspersons involved in the mining sector and confidential sources, in Juba and by telephone, September 2019–January 2020.

<sup>146</sup> Interviews with representatives of the Ministry of Mining and a confidential source, in Juba, November 2019.

including for local administrators in Kapoeta, who have acted as gatekeepers for South Sudanese and international companies engaged in mechanized mining.<sup>147</sup>

## **G. Illegal use of industrial equipment and unlicensed miners in Eastern Equatoria**

97. Around Kapoeta town, the epicentre of the gold industry, heavy machinery has been used to mine for gold.<sup>148</sup> While the use of industrial equipment is legal in Gorom, Central Equatoria (see [S/2019/897](#)), the practice is illegal in Kapoeta because only the Ministry of Mining has the authority to issue licences that allow for the use of machinery in the country's mines. The Ministry has not awarded any small-scale mining licences, which would permit mechanized mining, in Kapoeta.<sup>149</sup>

98. The Panel has confirmed the use of industrial mining equipment at multiple sites along the Singaita river in the vicinity of Luru (also known as Naguro or Ngawuru), south of Kapoeta town in Budi County (see figure below).<sup>150</sup> The Panel notes that the international company with an exploration licence for this concession is not involved in the extraction.

99. According to interviews and evidence the Panel has reviewed, the industrial equipment in use has included mining-specific equipment, including a mobile gold washing plant, a small-scale gold washing trommel and a bucket-type gold mining dredger, and construction equipment, including bulldozers, tractors, excavators and backhoes.<sup>151</sup> The Panel notes that, in comparison to artisanal mining, the use of industrial equipment in mining greatly increases the volume of alluvial gold mined, as well as opportunities to illicitly trade the mineral.

100. In addition to the illegal mechanized mining, the Panel has confirmed that most gold mining has occurred without the Ministry of Mining-issued licences in the Luru area.<sup>152</sup> Instead, the local Kapoeta administration has issued exploration and extraction licences for mining, according to documents viewed by the Panel and interviews with companies and businesspersons involved in the mining sector in South Sudan.<sup>153</sup>

101. The former Governor of Kapoeta, Louis Lobong Lojore, negotiated extraction licences directly with local companies, circumventing the Ministry of Mining. For

<sup>147</sup> Interviews with UNMISS staff, civil society, representatives of SPLM-IO, a journalist in Juba, a foreign diplomat and a confidential source, in Juba, Entebbe, Nairobi and Washington, D.C., and by telephone, September 2019–February 2020.

<sup>148</sup> Interviews with representatives of the Ministry of Mining, South Sudanese gold miners and businesspersons, civil society and a confidential source in Juba and Nairobi and by telephone, November 2019–February 2020.

<sup>149</sup> Chapter II, article 8.1, of the Mining Act states that mineral titles for reconnaissance, exploration, small-scale mining, large-scale mining and retention shall be authorized by the Minister on the advice of the Director General of the Directorate of Mineral Development.

<sup>150</sup> Interviews with a mining businessperson, UNMISS staff and a confidential source, in Entebbe and by telephone, November–December 2019.

<sup>151</sup> Confidential documents and interviews with representatives of the Ministry of Mining, businesspersons involved in the mining sector, civil society, a foreign diplomat and a confidential source, in Juba, Entebbe and Washington, D.C., and by telephone, September 2019–February 2020.

<sup>152</sup> Interviews with representatives of the Ministry of Mining, civil society, businesspersons involved in the mining sector and a confidential source, in Juba and by telephone, November 2019–February 2020.

<sup>153</sup> Interviews with representatives of the Ministry of Mining, businesspersons involved in the mining sector, civil society and confidential sources, in Juba and Entebbe and by telephone, November 2019–February 2020.

instance, the Kapoeta administration issued a one-year operational licence for small-scale mining/prospecting to Afro Mining Company Ltd., authorizing the company to extract gold anywhere in the former Kapoeta State.<sup>154</sup> However, the Ministry of Mining has not awarded a licence to Afro Mining, according to the Ministry's records and public data.<sup>155</sup> In addition, Lily Gold Mining Company, which had applied for a licence with the Ministry of Mining but did not receive it, has mined in Kapoeta without a licence.<sup>156</sup>

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<sup>154</sup> Confidential document on file with the Panel and interviews with civil society, Ministry of Mining staff and confidential sources, in Juba, Entebbe and Nairobi and by telephone, September 2019–February 2020.

<sup>155</sup> Confidential document on file with the Panel; interview with a representative of the Ministry of Mining, in Juba, November 2019; and the South Sudan mining cadastral, available at <http://portals.flexicadastre.com/southsudan/>.

<sup>156</sup> Interviews with representatives of the Ministry of Mining, a South Sudanese businessperson and confidential sources, in Juba and Entebbe and by telephone, November 2019–February 2020.



### Apparent gold mining site in Lauru, South Sudan

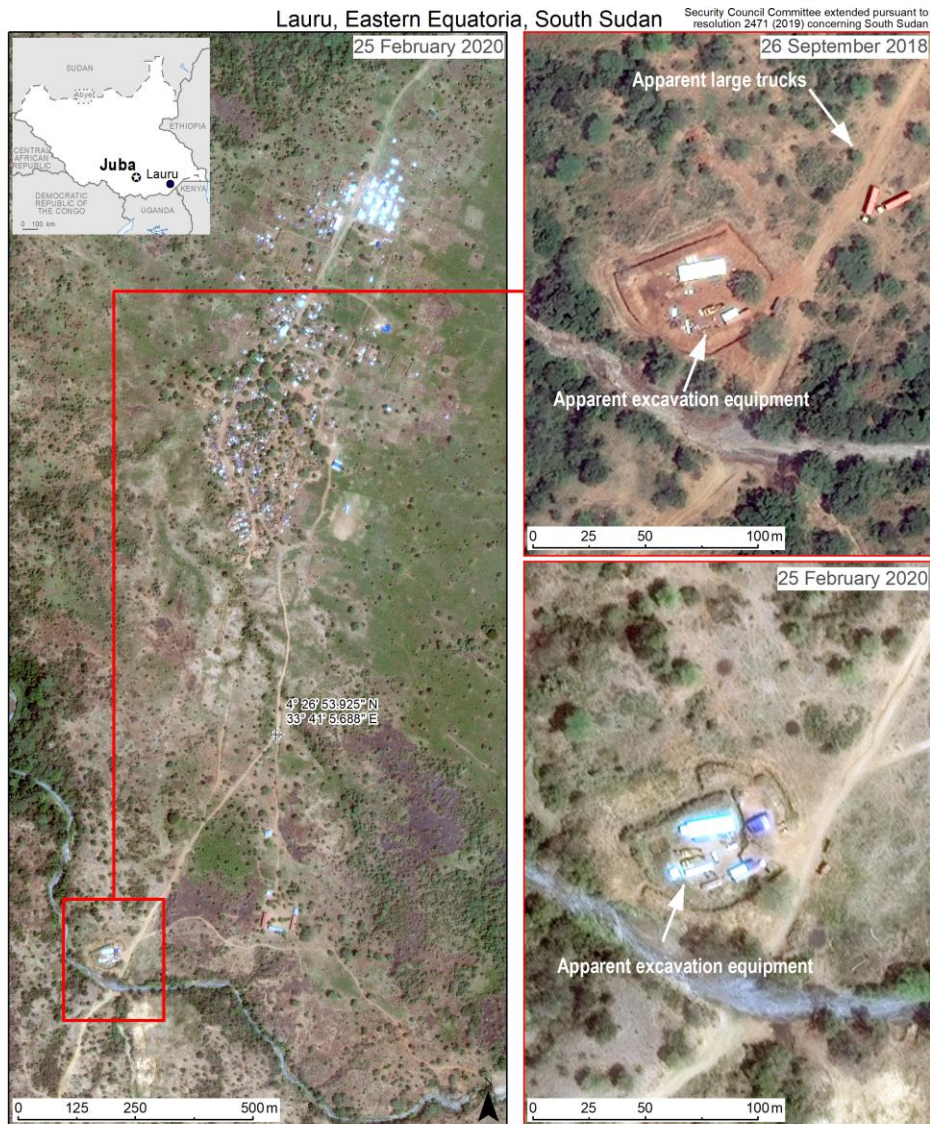


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## H. Illegal exploitation and trade of timber in Eastern Equatoria

102. As the Panel previously reported, the illegal exploitation and trade of timber, in particular of teak, mahogany and afzelia africana, by SSPDF and SPLA-IO in areas under their control is a risk to the peace, security and stability of Central Equatoria and Eastern Equatoria (see [S/2019/301](#) and [S/2019/897](#)).

103. To combat the illegal exploitation of the country’s natural resources, in 2019 the Transitional National Legislature called for a steep increase in tariffs on the timber trade and estimated that a tariff of just \$6.50 for a truckload of timber was too low.<sup>157</sup>

<sup>157</sup> South Sudan, Transitional National Legislature, “Fiscal year 2019/20 budget report in the third reading stage”, 21 August 2019; document on file with the Panel.

According to official trade statistics data from the United Nations International Trade Statistics Database (UN Comtrade) in 2018, the volume of teak exported from South Sudan to Uganda combined a total of just 34 tons. This amount is roughly equal to just two lorries full of timber, indicating that there is a significantly underreported amount of illicit trade being conducted. In addition, the Transitional National Legislature banned the harvesting and export of mahogany.<sup>158</sup>

104. The Panel confirmed that SSPDF Division 7 continued to profit from illegal logging by providing protection at the logging sites of private timber companies and offering military escorts for vehicles transporting logs to the Ugandan border in Eastern Equatoria.<sup>159</sup> The main locations where SSPDF provided security for illegal logging in Eastern Equatoria include Imilai, Obbo, Omura, Kittra, Imoti and Palabek payams and Geria area in Ikotos County.<sup>160</sup>

105. In Eastern Equatoria, SSPDF and local officials have collaborated in the illegal logging trade. Regarding the illicit exploitation of the country's forests, the Panel has tracked information that many of the logging companies have received their licences from the Ministry of Agriculture and Food Security in Juba and also received additional approval from the Minister of Agriculture of former Torit State.<sup>161</sup> With these approvals, the leadership of SSPDF Division 7 have provided armed protection for the logging sites and the transportation of logs. SSPDF officers also have helped companies to negotiate with county commissioners in logging areas.<sup>162</sup>

106. The country's porous border with Uganda has allowed for the illegal trade of timber. The Panel corroborated information that some international and South Sudanese traders and companies benefited from informal relationships with local authorities on the South Sudan side of the border, where officials allowed timber cargo to pass without inspection.<sup>163</sup> For example, in mid-2019, the Ministry of Finance of the former Torit State temporarily closed the offices of the National Revenue Authority in Nimule on several occasions. As a result, National Revenue Authority officers did not tax trucks carrying teak to Uganda.<sup>164</sup> The market price per 1 m<sup>3</sup> of teak on the Ugandan market remained in the range of \$400–\$650 as at January 2020.<sup>165</sup>

107. The country's timber traders have used three main domestic routes to illegally transport timber logs to Uganda: (a) Magwe-Aru junction-Nimule; (b) Torit-Magwe-Kitgum-Nimule; and (c) Magwe-Pawal-Lobone.

<sup>158</sup> See <https://comtrade.un.org>.

<sup>159</sup> Interviews with an SPLM/A-IO member, community representatives and a teak trader, in Torit and Juba, January–February 2020.

<sup>160</sup> Interviews with a teak trader, a community representative and a local official, in Juba, Torit and Kampala, January 2020.

<sup>161</sup> Interviews with an SPLM/A-IO member, community representatives and a teak trader, in Torit and Juba, January–February 2020.

<sup>162</sup> Interviews with an SPLM/A-IO member and NGO personnel, in Torit and Juba, January–February 2020.

<sup>163</sup> Interviews with a local official, a South Sudan National Police Service officer, community representatives and SPLM/A-IO members, in Torit, January 2020.

<sup>164</sup> Interviews with South Sudan National Police Service staff, SPLM/A-IO representatives, a local official and an NGO personnel, in Torit, January 2020.

<sup>165</sup> Interviews with a teak trader and community leaders, in Juba and Torit, January 2020. See also International Tropical Timber Organization, "Tropical timber market report", vol. 23, No. 2, 16–31 January 2020. Available at [www.itto.int/files/user/mis/MIS\\_16-31\\_Jan2020.pdf](http://www.itto.int/files/user/mis/MIS_16-31_Jan2020.pdf).



## I. Illicit logging: the example of Lucky Friends Trading and Construction Company

108. The Panel verified the illegal logging activities of one company, Lucky Friends Trading and Construction Company Ltd.<sup>166</sup> Since 2018, Lucky Friends has logged concessions in Ketire payam, Geria area, Eastern Equatoria. Members of the Ketire community opposed the logging, but Lucky Friends ignored these concerns and the community has not been compensated for the illegal extraction.<sup>167</sup> In June 2019, the Ketire payam commissioner brought together local officials to hold a public discussion with community members on the subject of compensation for the logging by Lucky Friends. Subsequently, Major General Johnson Juma, the head of administration and finance of SSPDF, whom the Panel cited in its 2019 interim report for his business interests in logging in that area, criticized the commissioner, who was forced out of his position.<sup>168</sup>

109. The Third Brigade of SSPDF Division 7, headquartered in Torit, provided armed protection at the Ugandan border for the transport of logs by Lucky Friends. SSPDF provided two soldiers for each of the trucks, with a payment of about \$900–\$1,000 per truck.<sup>169</sup>

110. In June 2019, the Governor of former Torit State sacked the revenue commissioner because the commissioner had failed to report the financial losses from illegal logging and because he had signed non-transparent contracts with logging companies.<sup>170</sup> The total losses from illegal logging in five counties were estimated to have been more than \$100,000,<sup>171</sup> including \$56,000 from Geria area, Ikotos County, where Lucky Friends has operated.<sup>172</sup> According to interviews conducted by the Panel, the role of Lucky Friends was mentioned in relation to the commissioner's dismissal.<sup>173</sup>

111. The Panel confirmed that Lucky Friends has also operated in Central Equatoria, in particular in the Loka area in Lainya County. To protect these logging sites, Lucky Friends has relied on the Equatoria Non-allied Force, a local Pajulu ethnic militia.<sup>174</sup> The Panel sent a request for information to the Lucky Friends management regarding the above-mentioned payments and other illicit activity.<sup>175</sup> To date, the Panel has received no response.

<sup>166</sup> See confidential annex 2.

<sup>167</sup> Interviews with SPLM/A-IO representatives, community representatives and NGO personnel, in Kampala, Juba and Torit, January 2020.

<sup>168</sup> Interviews with an SPLM/A-IO representative, community representatives and NGO personnel, in Kampala, Juba and Torit, December 2019–February 2020.

<sup>169</sup> Interviews with an SPLM/A-IO representative, community representatives, NGO personnel and a local official, in Torit, January 2020.

<sup>170</sup> Interviews with a local official, a teak trader and NGO personnel, in Juba and Torit, September 2019–January 2020. See also Radio Tamazuj, “Torit revenue authority commissioner sacked after exposing corruption”, 9 June 2019.

<sup>171</sup> Interviews with community members and an SPLM/A-IO representative, in Juba and Torit, September 2019–February 2020. See also Radio Tamazuj, “Torit governor partially reshuffles cabinet”, 26 August 2019.

<sup>172</sup> Ijoo Bosco, “Vote of no confidence issued against minister of agriculture – Torit”, Eye Radio, 7 June 2019.

<sup>173</sup> Interviews with community representatives, an SPLM/A-IO representative and NGO personnel, in Torit and Juba, January–February 2020.

<sup>174</sup> Interviews with NAS, SPLM-FD and SPLM/A-IO representatives and community representatives, in Kampala, Juba and Torit and by telephone, December 2019–February 2020.

<sup>175</sup> Document on file with the Panel.

## **IV. Political updates: prospects for lasting peace and the role of the region**

112. Member States, especially those neighbouring South Sudan, were instrumental in facilitating the formation of the Revitalized Transitional Government of National Unity. The breakthrough political compromise that regional mediators put in motion has provided the opening for Mr. Kiir, Mr. Machar and other key political leaders to start the three-year transitional Government.

113. Nevertheless, while international efforts broke the impasse over the formation of the Revitalized Transitional Government of National Unity, mediators and signatories to the revitalized peace agreement have continued to disregard the implementation of the agreement, as further explained in the 2019 interim report of the Panel. The Panel notes that regional Member States and signatories to the agreement have arranged political deals, mostly out of sight from the public, which have resulted in the selective and incomplete implementation of the agreement. This approach has failed to acknowledge the need for State institutions, economic governance reforms, inclusive citizenship, rule of law and accountability, and therefore presents risks to continued political progress.<sup>176</sup>

### **A. Varied commitment to the implementation of peace and international efforts**

114. Despite signing the revitalized peace agreement in September 2018 under the authority of IGAD, the transitional Government was only formed after extensive delays, 17 months later. On multiple occasions, last-minute political interventions by IGAD took precedence over the agreed-upon framework and timelines in the agreement and relevant addenda. For instance, when, in November 2019, the signatories agreed to a 100-day extension of the pre-transitional period, IGAD promised a review of the status of implementation 50 days after the period's inception.<sup>177</sup> This review did not happen.

115. The uneven international support for the implementation of the pre-transitional tasks has mirrored the region's irregular support for the provisions of the Security Council sanctions extended pursuant to resolution 2471 (2019). The Panel notes, for instance, that despite appeals made in October 2019 by the former Chair of the Committee established pursuant to resolution 2206 (2015) concerning South Sudan during a visit to the region, the respective customs entities of neighbouring States have not filed any inspection reports related to the arms embargo with the Committee, in accordance with paragraph 10 of resolution 2428 (2018), as renewed in resolution 2471 (2019).

### **B. Violation of the arms embargo by the Ugandan army**

116. The influential political role of key guarantors, including Uganda, in supporting peace efforts in South Sudan has contrasted with the Ugandan military's unauthorized presence in the country. Since 2018, the Panel has consistently reported on the presence of the Uganda People's Defence Forces in southern South Sudan (see [S/2018/1049](#), [S/2019/301](#) and [S/2019/897](#)).

<sup>176</sup> Interviews with government, SPLM/A-IO, SSOMA and SSOA senior representatives, civil society, foreign diplomats and regional intelligence personnel, in Juba, Nairobi, Kampala and Rome and by telephone, January–February 2020.

<sup>177</sup> Ibid.

117. During the reporting period, the Panel received multiple corroborated accounts of the presence of the Uganda People's Defence Forces in various areas of Central Equatoria, including in Gulumbi area between Morobo and Kanga. The Panel also verified multiple accounts of the Uganda People's Defence Forces entering at night into South Sudan through unofficial border crossings, such as those at Goboro and Garamba in Central Equatoria.<sup>178</sup>

118. The Panel notes that, since the imposition by the Security Council of the arms embargo on 13 July 2018, Uganda has not applied for any exemption from the Committee established pursuant to resolution [2206 \(2015\)](#) to allow military forces to enter South Sudanese territory, as required under paragraph 5 of resolution [2428 \(2018\)](#) and renewed in resolution [2471 \(2019\)](#).

### C. Political mediation and violation of the arms embargo by the Sudan

119. The Vice-President of the Sovereign Council of the Sudan, Lieutenant General Mohamed Hamdan Dagalo (known as Hemedti), has helped to facilitate the formation of the new Government of South Sudan, accompanying Mr. Machar and guaranteeing his security on multiple visits to Juba in preparation for the government formation. In parallel, Lieutenant General Hemedti has continued Juba-based peace talks with Sudanese armed groups, including the Sudanese Revolutionary Front and SPLM-N Abdelaziz al-Hilu faction.

120. According to multiple sources involved in both mediations, the connection between the implementation of the revitalized peace agreement and peace talks in relation to the Sudan has become inextricable.<sup>179</sup> For instance, Lieutenant General Hemedti has tried to capitalize on his patronage relationship with Mr. Machar to ask for Juba's support in softening the position of the leader of the armed group SPLM-N Abdelaziz al-Hilu faction, Abdelaziz al-Hilu, who is hosted in South Sudan.<sup>180</sup> Multiple SPLM/A-IO sources told the Panel that Mr. Machar's last-minute entry into the Government had been "forced upon him" by the Sudan, Uganda and the international community and that Mr. Machar was "now a prisoner in Juba".<sup>181</sup> This intertwined relationship has carried the risk that the implementation of the agreement hinges upon the Sudan achieving progress in its peace talks.

121. Furthermore, as the Panel detailed in paragraphs 39 and 40 above, the General Intelligence Service of the Sudan has violated the arms embargo imposed in resolution [2428 \(2018\)](#) and renewed in resolution [2471 \(2019\)](#). The Panel informed the Sudanese authorities of its findings. The Sudan responded by noting that "the information about the involvement of Green Flag Aviation in arms smuggling is untrue" and added that "Green Flag Aviation just transported a military uniform to the Republic of South Sudan in the framework of the cooperation between the two countries".<sup>182</sup> The Panel notes that the supply of military uniforms to South Sudan requires the submission to and the approval by the Committee established pursuant to resolution [2206 \(2015\)](#) of

<sup>178</sup> Interviews with civil society, community leaders, international non-governmental organization personnel, SPLA-IO and NAS personnel, regional intelligence personnel and confidential sources, in Juba, Kampala and Nairobi and by telephone, November 2019–February 2020.

<sup>179</sup> Interviews with regional intelligence personnel, SPLM/A-IO and SPLM-N Abdelaziz al-Hilu faction representatives and confidential sources, in Juba and by telephone, October 2019–February 2020.

<sup>180</sup> Interviews with regional intelligence personnel and confidential sources, in Juba and by telephone, January–February 2020.

<sup>181</sup> Interviews with SPLM/A-IO senior representatives, by telephone, February 2020.

<sup>182</sup> Note verbale dated 14 February 2020 from the Permanent Mission of the Sudan to the United Nations in reply to an official communication from the Panel dated 31 January 2020.

an exemption request in advance of such supply, on the basis of paragraph 5 (f) or 5 (g) of resolution 2428 (2018), which has not been received by the Committee.<sup>183</sup>

#### **D. Risks related to the number of states and their boundaries**

122. The change in the number of states from 32 to 10, which was agreed upon and announced outside the framework of the revitalized peace agreement, has raised new political, economic and security risks. The formation of the two new administrative areas of Pibor and Ruweng, in particular, sparked immediate pushback from the opposition because the special status granted to these territories was based on economic and security incentives.<sup>184</sup> Government sources told the Panel that hardliners in Mr. Kiir's camp, as well as former governors of the 32 states and leaders from the Dinka community, opposed Mr. Kiir's final decision to revert to the 10 states.<sup>185</sup>

123. Mr. Kiir's decision to create the Ruweng administrative area separate from the territory of Unity State, as was the case with the boundaries around the original 10 states, has an economic impact for communities. About 80 per cent of the functioning oil wells operated by the Greater Pioneer Operating Company are located in the Ruweng administrative area.<sup>186</sup> Under the Petroleum Revenue Management Act, oil-producing states are entitled to 2 per cent of oil revenue produced within the boundaries of the state.<sup>187</sup> Therefore, on the basis of the 2019/20 budget calculations and oil production projections of South Sudan, the Panel has calculated that the states producing oil in the oilfields operated by the Greater Pioneer Operating Company are entitled to about \$8 million in 2020.<sup>188</sup> The creation of Ruweng requires Unity to now share these funds.

#### **E. Unaddressed structural causes of the conflict**

124. The formation of the transitional Government has strengthened the opportunity for genuine dialogue among the signatories to the revitalized peace agreement, in the logic of the big-tent approach to national politics.

125. Amid this fragile political opening, the Panel notes that most South Sudanese have not yet enjoyed the dividends of peace. The Government's promises of judicial accountability, as outlined in chapter 5 of the revitalized peace agreement, have remained unanswered, and the formation of the hybrid court for South Sudan continues to be delayed. The signatories have also largely not addressed the economic dimensions of the conflict and its connections with the current political dispensation.

<sup>183</sup> The Committee considered a similar exemption request from another Member State in 2019 and approved the request.

<sup>184</sup> Interviews with SPLM/A-IO and SSOA senior representatives, by telephone, February 2020.

<sup>185</sup> Interviews with Revitalized Transitional Government of National Unity representatives, former governors, community leaders and elders, in Juba and Nairobi and by telephone, February 2020.

<sup>186</sup> Interviews with foreign diplomats, a South Sudanese journalist, a think tank analyst and a confidential source, by telephone, January–February 2020.

<sup>187</sup> Chapter VIII, article 29.1, of the Petroleum Revenue Management Act, which is designed to be incorporated into the revitalized peace agreement, states that petroleum producing states shall receive 2 per cent of the net petroleum revenue, while communities in those states shall receive 3 per cent of the net petroleum revenue.

<sup>188</sup> Figures calculated on the basis of Salvatore Garang Mabiordit, "Budget speech FY 2019/2020", Ministry of Finance and Planning, June 2019, available at <http://www.mofep-grss.org/wp-content/uploads/2019/07/Budget-Speech-draft-FY-19-20-Final.pdf>; and Salvatore Garang Mabiordit, "FY 2019/2020 approved budget book", Ministry of Finance and Planning, December 2019, available at <http://grss-mof.org/documents/1>.

Chapter 4 of the agreement outlines detailed steps to improve economic governance in the country, which has suffered from the diversion of public funds and the misappropriation of public resources, over which the Security Council expressed concerns in paragraph 15 of resolution 2428 (2018), as such factors threaten the peace, security and stability of South Sudan.

126. The incomplete, delayed implementation of the pre-transitional tasks has underscored the limited focus on transitional justice, structural governance reforms and financial accountability.<sup>189</sup> The Panel notes that chapters 4 and 5 of the revitalized peace agreement are designed to counter long-running judicial impunity and financial impropriety. In this regard, the agreement provides the framework to address the drivers of the conflict, including the inequitable division of economic resources and poor governance.

127. The initiative by the Community of Sant’Egidio in Rome has been the sole venue for open dialogue among the Government and non-signatories, who are concerned about the root causes of the conflict. However, according to information obtained by the Panel, Mr. Kiir has intended to convince SSOMA leaders to return to Juba and be part of the Revitalized Transitional Government of National Unity in exchange for government positions and other opportunities, including cash payments.<sup>190</sup>

128. The SSOMA leaders rejected “a sheer distribution of political positions among the country’s political elites”.<sup>191</sup> The leaders have resolved that the only way to achieve long-lasting peace is “by addressing the root causes of the conflict in South Sudan”.<sup>192</sup> The Panel notes that, for the first time since the start of the conflict in 2013, the Government has acknowledged this issue by signing the Rome Declaration on the Peace Process in South Sudan (see annex 7).<sup>193</sup>

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

129. Pursuant to resolution 2428 (2018), as renewed in resolution 2471 (2019), the Panel has continued to gather, examine and analyse information regarding the implementation by Member States of asset freeze measures that target the eight designated individuals.

130. The Panel sent letters to Kenya and Uganda, through their permanent missions to the United Nations, regarding the implementation of asset freeze measures and

<sup>189</sup> Interviews with former Revitalized Transitional Government of National Unity representatives, SPLM/A-IO, SSOMA and SSOA leadership, civil society and confidential sources, in Juba, Rome, Nairobi, Kampala, Khartoum and Addis Ababa and by telephone, August 2019–February 2020.

<sup>190</sup> Interviews with General Thomas Cirillo, General Paul Malong, Pagan Amum and General Oyay Deng Ajak, in Rome and Nairobi and by telephone, January–February 2020.

<sup>191</sup> Ibid.

<sup>192</sup> Led by the presidential envoy, Barnaba Marial Benjamin, the government delegation was also composed of the Minister of Cabinet Affairs, Martin Elia Lomuro, the former Governor of Kapoeta, Luis Lobong, and the Director General of the Internal Security Bureau of the National Security Service, Lieutenant General Akol Koor Kuc. Among the SSOMA participants in the discussion were the leader of NAS, General Thomas Cirillo, the leader of the Real Sudan People’s Liberation Movement, Pagan Amum, and the leader of SSUF/A, sanctioned individual General Paul Malong Awan, who had received an exemption from the travel ban and asset freeze to attend the peace talks. Interviews with members of the two delegations, in Rome, January 2020.

<sup>193</sup> Interviews with General Thomas Cirillo, General Paul Malong and Pagan Amum, in Nairobi and by telephone, February 2020.

requests related to the ownership of properties in Nairobi and Kampala.<sup>194</sup> To date, the Panel has received no responses. However, while investigating the assets of eight designated individuals, the Panel corroborated information that Lieutenant General Jok Riak had purchased a house in Kampala through a business proxy who was acting on his behalf.<sup>195</sup> The Panel notes in this regard that the criteria established by the Security Council to impose individual sanctions include acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee (resolution [2428 \(2018\)](#), para. 14 (i)).

131. During the reporting period, the Panel did not confirm any violations of the travel ban other than the two reported in its interim report. However, Germany and Italy, in January, February and March 2020, on four separate occasions, requested the Committee established pursuant to resolution [2206 \(2015\)](#) to provide General Paul Malong with travel ban and asset freeze exemptions to allow him to participate in the peace talks mediated by the Community of Sant'Egidio. The Committee granted each of the exemptions.

## VI. Recommendations

132. The Panel recommends:

(a) That, to ensure that the signatories and non-signatories to the peace agreement maintain a commitment to the cessation of hostilities agreement and to resolve differences within the framework of the revitalized peace agreement, the Security Council maintain the arms embargo established on the entire territory of South Sudan, under paragraphs 4 to 6 of resolution [2428 \(2018\)](#) and as renewed in resolution [2471 \(2019\)](#). The Panel assesses that the integration of government forces and other armed groups into the necessary unified forces is a fragile process that would be at risk if arms were permitted to enter the territory of South Sudan;

(b) That, to follow through on the objectives of the Security Council to allow for a process to notify or request exemptions for the delivery of equipment prohibited under the arms embargo, the Council consider amending 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 established pursuant to resolution [2206 \(2015\)](#), pursuant to paragraph 5 (f) of resolution [2428 \(2018\)](#) and as reaffirmed in resolution [2471 \(2019\)](#);

(c) That, to ensure compliance with international human rights law and international humanitarian law instruments, as well as article 2.1.10 of the revitalized peace agreement, the Committee address a letter to South Sudan urging it to: (a) abstain from using warfare tactics that are in contravention of international human rights and international humanitarian law; (b) stop any forced recruitment of children or adults and immediately identify and release any child or adult who has been forcibly recruited; and (c) immediately carry out prompt, independent, impartial and thorough investigations into allegations of sexual, gender-based and other forms of

<sup>194</sup> Documents on file with the Panel.

<sup>195</sup> See confidential annex 3. The physical address of the property is: Kyadondo estate 249, plot 1215. Interviews and correspondence with a member of a South Sudanese NGO, an SPLA-IO mid-ranking political official, an SPLA-IO political coordinator in Uganda, an investigative journalist in Kampala, an active SPLA-IO member in Nairobi, a member of the South Sudanese diaspora in the United States, an SPLA-IO political official and a member of SPLM-FD, in Kampala and Juba, October 2019–January 2020. See also The Sentry, “War crimes shouldn’t pay: stopping the looting and destruction in South Sudan”, September 2016.

violence, establishing command responsibility in areas under the control of government or opposition forces;

(d) That, to take all steps necessary to address the risks associated with financial impropriety and the diversion of public resources, which are serious concerns of the Security Council as described in paragraph 15 of resolution [2428 \(2018\)](#), the Committee address letters to the Permanent Missions of China, India and Malaysia to the United Nations, as Member States with a financial stake in the country's oil production, and international companies active in the production or sale of the country's crude oil. Given that the National Security Service, which the Panel reported as having been responsible for gross human rights violations (see paras. 28 to 35 above and [S/2019/897](#)), has controlled businesses that receive contracts from international oil companies, the letter should outline the best practices for conducting business in South Sudan as recommended in the Guiding Principles on Business and Human Rights of the United Nations, which set the global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity;<sup>196</sup>

(e) That, to ensure that the transitional Government does not follow the financial practices of the National Pre-transitional Committee and to immediately take steps to prevent the misappropriation of public resources, which pose a risk to the peace, security and stability of South Sudan, the Committee encourage Member States that seek to provide financial or in-kind assistance to the transitional Government to recall the financial guidelines set out in the United Nations Convention against Corruption.<sup>197</sup> Furthermore, chapter 4 of the revitalized peace agreement calls for the transparent and accountable management of public revenue, including in article 4.14.8, which states that all revenues, expenditure, deficits and debts of the Revitalized Transitional Government of National Unity shall be accounted for and the information shall be made accessible to the public, which are requirements that guard against the potential for the misuse and misappropriation of public funds;

(f) That, to take all steps necessary to ensure the practical implementation of asset freeze measures, the Committee address letters to the Permanent Missions of Ethiopia, Kenya, the Sudan and Uganda to the United Nations to submit to their government agencies, including but not limited to central banks, national revenue agencies, financial monitoring bodies and ministries of land and housing, the list of the eight designated South Sudanese individuals on the Committee's sanctions list. The Panel recommends that the Committee request letters of reply from the above-mentioned Member States that address what steps the Member States have taken to implement asset freeze measures and seize the assets of the designated individuals and those acting on their behalf.

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<sup>196</sup> For more information on the Guiding Principles, see [A/HRC/17/31](#).

<sup>197</sup> See, in particular, article 62 of the Convention.



## VII. Annexes

Annex 1: Map showing the route between Bentiu Protection of Civilians Site (PoC) and Dhorbor (SPLA-IO HQ)<sup>1</sup>



<sup>1</sup> GIS original map, amended by the Panel to reflect places that were not shown.



## Annex 2: Riverside facility operated by NSS

1. The Panel corroborated the existence of an ISB extrajudicial detention and torture site in Juba, known as ‘Riverside.’<sup>2</sup> This is located inside the headquarters of the ISB’s Division for Operations, commanded by Major General Achiech Kuot Kuot. The detention facility, Riverside, is run by ISB Major Wol Dhel Thong.<sup>3</sup>
2. The Riverside detention facility is divided into two. In the lower section of Riverside, a large space known as the ‘verandah’ holds most of the detainees in communal cells. In this section, most detainees have been NSS officers that have been held for varied amounts of time for disciplinary purposes or for disobeying orders. These officers were detained on direct orders from their commanders.<sup>4</sup> In the ‘verandah,’ ISB officers have also detained civilians under the allegation of their support for opposition forces.<sup>5</sup> Based on a variety of sources familiar with the operations in Riverside, these detainees have been beaten and tortured, then compelled to pay a ransom to ISB officials in order to be released.<sup>6</sup> The Panel corroborated that Riverside detention facilities’ commander, Major Thong has coordinated all these detentions and requests for ransoms.<sup>7</sup>
3. In the upper section of Riverside there are four isolation rooms, which are known as ‘shells’ and mostly has contained civilians accused of having political affiliation with the opposition.<sup>8</sup> The Panel corroborated that detention in the isolation rooms at Riverside has occurred under direct orders from Lt. Gen. Akol Koor Kuc.<sup>9</sup> In the shells, living conditions have been extremely degraded. The cells are extremely small, preventing detainees from laying down. The detainees have rarely been allowed to leave their cells. While food has been provided twice a day and consists of rice (or posho) and beans, the detainees have had no access to any potable water, and have used river water through a pipe in the toilet for drinking.<sup>10</sup> The prisoners, most of whom have been detained in the shells for long periods of up to one year,<sup>11</sup> have not been entitled to any medical attention, nor have the detainees had any access to legal representation or family visits.<sup>12</sup>
4. The Panel confirmed that detainees died in ‘Riverside’, during the reporting period either as a result of the conditions in the facility or from torture. The torture in Riverside has included beatings with objects as well as a practice of tying the legs and arms of detainees and hanging them upside down.<sup>13</sup> ISB officials transported deceased detainees to SSPDF barracks in Juba known as ‘Giada,’ which includes a cemetery of mass burials of those who died in detention of either the NSS or SSPDF MI.<sup>14</sup>

<sup>2</sup> ‘Riverside’ is located on the Nile river between the Immigration and Police facilities.

<sup>3</sup> These facilities also host the “Special Operations” force within the Division for Operations, commanded by Brigadier General Deng Kuac Kuac. This squad is responsible for undercover extrajudicial operations, such as threatening, kidnapping, tortures and killings, against individuals perceived as a threat to political establishment and the ISB. The Panel corroborated that these operations are executed under direct orders from the Director General of the ISB. Interviews; NSS high-ranking officers, confidential sources; locations withheld, by phone; August 2019-February 2020.

<sup>4</sup> Ibid.

<sup>5</sup> Interviews with South Sudan’s security sector officers, confidential sources, in locations withheld; August 2019-February 2020.

<sup>6</sup> Ibid.

<sup>7</sup> Interviews with NSS high-ranking officers, confidential sources, in locations withheld, by phone; August 2019-February 2020.

<sup>8</sup> Ibid.

<sup>9</sup> The Panel interviewed multiple confidential sources who had seen these written orders. Ibid.

<sup>10</sup> Interviews with NSS officers, confidential sources, in locations withheld, by phone; August 2019-February 2020.

<sup>11</sup> Ibid.

<sup>12</sup> Detention officers only allow prisoners to go to medical facilities on their own money when they vigorously protest or go on hunger strikes. Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Interviews with South Sudan’s security sector officers, confidential sources, in locations withheld; August 2019-February 2020.

### Annex 3: Abuses and actions contrary to the R-ARCSS by the SSPDF MI

1. On 15 February 2019, President Salva Kiir Mayardit appointed Major-General Rin Tueny Mabor Deng, known as ‘Janafil,’ to head the SSPDF Military Intelligence (MI).<sup>15</sup> Since the inception of his mandate, the Panel corroborated that Maj. Gen. Tueny has directed activities that overtly contravene the R-ARCSS and pose a threat to peace and security in South Sudan.
2. Under Tueny’s direct orders, SSPDF MI officers have abducted and detained dozens of civilians, outside the legal judicial process, who the SSPDF MI has accused of either supporting civil society groups that criticized the government or for allegedly backing opposition forces.<sup>16</sup> According to multiple corroborated testimonies, the MI has abducted civilians on the street and in hotels in Juba and other locations in South Sudan, for allegedly supporting the National Salvation Front (NAS), SSUF or the SPLM/A-IO.<sup>17</sup> In addition, the MI has facilitated the extrajudicial detentions of active members of the SPLA-IO deployed to Juba and other locations to participate in the transitional security arrangements prescribed by the R-ARCSS.<sup>18</sup>
3. The Panel corroborated that the MI has detained most of these civilians and SPLA-IO personnel at a detention facility in the MI’s section of the SSPDF barracks in Juba, locally known as ‘Giada.’<sup>19</sup>
4. The Panel corroborated that MI personnel, acting on direct orders from Maj. Gen. Tueny, have beaten and tortured the Giada detainees in order to force them to pay significant bribes for their release. The MI even has compelled some detainees to sign away titles related to land possessions in Juba and other locations to Maj. Gen. Tueny.<sup>20</sup> The Panel also corroborated the poor conditions in Giada facilities. There are no toilet facilities, detainees have been forced to defecate in paper and plastic bags, and there has been extremely limited access to food, which prisoners have had to cook for themselves despite not having firewood.<sup>21</sup>
5. The Panel further verified that the MI tortured to death or executed some detainees who refused to pay for their release. For instance, some detainees were shoved, while still alive, in drums filled with stones, and then thrown into the river to die.<sup>22</sup>
6. The Panel corroborated that Aroch Majok is among those kidnapped and detained extrajudicially in Giada. Majok is a civilian who the MI kidnapped with the aim of convincing him to give away a plot of land to Maj. Gen. Tueny. The MI also detained Bec George Anyak, a former State Minister of Finance and Public Service in Eastern Lakes, who was extrajudicially detained in Giada after an attempt to kidnap and kill him in the Panorama hotel on 29 July 2019. Other detainees include a nephew of the former Minister of Defence, Kuol Manyang Juuk, as well as Kuol Abu Alab, Stephen Wani and Buk Akon.<sup>23</sup>
7. The Panel also corroborated that Maj. Gen. Tueny, who hails from Yirol and was the governor of Eastern Lakes state from December 2015 to February 2017, violated article 2.1.8 of the R-ARCSS. After the signing of the peace agreement in 2018, Tueny recruited, trained and armed a militia of over 1500 youth

<sup>15</sup> See Eye Radio, Kiir names new MI chief, 15 February 2019: <https://eyeradio.org/kiir-names-new-mi-chief/>

<sup>16</sup> Interviews with SSPDF MI operatives, security sector high-ranking officers, civil society, community leaders, confidential sources, in locations withheld; December 2019-February 2020.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> ‘Giada’ in Arabic means ‘military barracks’. Interviews with SSPDF MI personnel, security sector high-ranking officers, civil society, community leaders, confidential sources, in locations withheld; December 2019-February 2020.

<sup>20</sup> Ibid.

<sup>21</sup> Interviews with SSPDF MI personnel, confidential sources, in locations withheld; August 2019-February 2020.

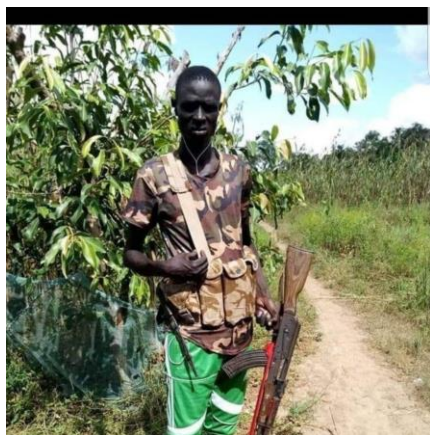
<sup>22</sup> The Panel has on its file a list of confirmed individuals executed in Giada facilities by MI personnel under orders from Maj. Gen. Tueny. Interviews with SSPDF MI personnel, security sector officers, civil society, community leaders, confidential sources, in locations withheld; August 2019-February 2020.

<sup>23</sup> Interviews with SSPDF MI personnel, confidential sources, in location withheld; December 2019-February 2020.

who had lived in the cattle camps in Aidor and Wunthou areas of Lakes.<sup>24</sup> The MI provided the militia with arms and uniforms on direct orders of Maj. Gen. Tueny.<sup>25</sup>

8. Furthermore, in December 2019 and January 2020, Maj. Gen. Tueny managed to divert MI stocks of ammunition and weapons, including heavy artillery and RPGs,<sup>26</sup> to militias under his control in former Southern Liech state (Panyiar), and Eastern Lakes (Wunthou, Adior and Pagarau).<sup>27</sup> Multiple corroborated witnesses told the Panel that Tueny stockpiled the weaponry in preparation for a possible offensive into areas inhabited by Nuers in former Southern Liech state, and considered favourable to the SPLM/A-IO.<sup>28</sup> In January 2020, Maj. Gen. Tueny also sent one of his sons, Ater Tueny Mabor Deng, with instructors to the training camps mentioned above.<sup>29</sup> This action was in contravention of article 2.2.3.2 of the R-ARCSS and the broader transitional security arrangements.
9. In early February 2020, then Eastern Lakes Governor Lieutenant General Mangar Buong Aluenge and Maj. Gen. Tueny agreed to set up a new round of recruitment in former Eastern Lakes State.<sup>30</sup> The two also agreed to bring new weapons and ammunitions into the area. As of February 20, the Panel verified that a military training ground had been established in Adior and the plans to distribute weapons and ammunitions continued.<sup>31</sup> These actions are in contravention of article 2.1.8 of the R-ARCSS.

### **Maj. Gen. Tueny-controlled militiaman in Wunthou, February 2020**



<sup>24</sup> Interviews with SSPDF MI personnel, security sector high-ranking officers, civil society, community leaders, confidential sources, in locations withheld; August 2019-February 2020.

<sup>25</sup> Ibid.

<sup>26</sup> The Panel corroborated that at least two 12mm anti-aircraft machines, nine PMKs, and three RPGs were moved from Juba into Eastern Lakes State's locations at that time. Interviews with SSPDF MI personnel, confidential sources, in locations withheld; August 2019-February 2020.

<sup>27</sup> See photo.

<sup>28</sup> Ibid.

<sup>29</sup> Interviews with confidential sources, in locations withheld; August 2019-February 2020.

<sup>30</sup> Interviews with government officials, community leaders, confidential sources, in locations withheld; February 2020.

<sup>31</sup> Ibid.

**Maj. Gen. Tueny's militia moving guns to Eastern Lakes**



**Ater Tueny Mabor Deng travelling to Yirol on a chartered plane with military instructors, January 2020**



Ater Tueny Mabor Deng is the first individual on the right side of the picture.

**Maj. Gen. Tueny's freshly recruited forces transfer to training camps, Eastern Lakes, February 2020**



#### Annex 4: Violations of the ceasefire in Maiwut county

1. As the Panel reported in its 2019 interim report (see [S/2019/897](#), Annex B), the government exploited political divergences and sub-ethnic tensions to provoke proxy conflicts within the SPLM/A-IO and to weaken the unity of Machar's powerbase.<sup>32</sup> In the former Maiwut state (also known as Adar state), government leaders, including Vice President Taban Deng Gai, and NSS and MI senior officers influenced Major General James Ochan Puot's defection, in September 2019, from the SPLA-IO to the government.<sup>33</sup> Subsequently, Ochan formed a Provisional Military and Political Council (PMPC) that took control of Maiwut town and the surrounding areas.<sup>34</sup>
2. The Panel has further corroborated the government's support for Maj. Gen. Ochan. The government provided Ochan with about \$2 million cash.<sup>35</sup> In addition, the SSPDF Military Intelligence (MI) chief, Maj. Gen. Tueny, and the then Governor of former Maiwut state, Bol Ruach Rom, supplied Ochan with weaponry and ammunition from SSPDF bases in Pagak and Nasir, in violation of the Cessation of Hostilities Agreement (CoHA) signed in December 2017 and of article 2.1.10.4 of the R-ARCSS.<sup>36</sup>
3. With the aim of mounting an offensive against SPLM/A-IO positions in Turu and Jikou to take over their bases, Maj. Gen. Ochan recruited and trained Cie-Waw ethnic militias, violating article 2.1.8 of the R-ARCSS.<sup>37</sup> Maj. Gen. Ochan built a training camp in Maiwut town to train around 1,000 armed men, including child soldiers, in violation of article 2.1.10.3 of the R-ARCSS, under the command of Brigadier General Chuol Yoa Gok.<sup>38</sup> Ochan recruited another force of at least 800 militiamen in villages outside Maiwut town, along the river banks of a river locally known as 'Jockier.' To build the militia, Ochan forcibly recruited young men and children by exerting pressure on community chiefs, asking them to either contribute men to his force or donate cows or goats.<sup>39</sup>
4. On 6 August 2019, Ochan's militia attacked and overran Turu, the SPLA-IO established cantonment site.<sup>40</sup> In December 2019, Ochan's militia attacked and tried to overrun the SPLM/A-IO headquarters in Jikou. The SPLA-IO repulsed Ochan's forces.<sup>41</sup> Both attacks violated the December 2017 CoHA and article 2.1.10.7.2 of the R-ARCSS. As a consequence of the fighting and the displacement of thousands of people, including into Ethiopia, the Ethiopian National Defense Force (ENDF) and the security forces from Ethiopia's Gambella region strengthened defensive positions on the border.<sup>42</sup>
5. On 5 January 2020, fighting resumed in Wech Gatluak Rik, a location under the control of the SPLA-IO. The Panel corroborated that Ochan's militia attacked SPLA-IO units transporting food, which led to casualties on both sides, in violation of the December 2017 CoHA and article 2.1.10.7.2 of the R-ARCSS.<sup>43</sup>

<sup>32</sup> Interviews with SSPDF MI personnel, SPLM/A-IO senior commanders and political leaders, SPLM/A-IO Taban Deng Gai faction senior representatives, Cie-Waw Nuer community leaders, elders and civil society, confidential sources, in Juba, Nairobi, Kampala, Addis Ababa and by telephone; August 2019-February 2020.

<sup>33</sup> Ibid.

<sup>34</sup> See Provisional Military and Political Council (PMPC) declaration. Ibid.

<sup>35</sup> Interviews with Cie-Waw Nuer community leaders, elders and civil society, confidential sources, in Juba, Nairobi, Kampala, and by telephone; December 2019-February 2020.

<sup>36</sup> Interviews with SSPDF MI personnel, Cie-Waw Nuer community leaders, elders and civil society, confidential sources, in Juba, Nairobi, Kampala, and by telephone; December 2019-February 2020.

<sup>37</sup> Interviews with Cie-Waw Nuer community leaders, elders and civil society, confidential sources, in Juba, Nairobi, Kampala, and by telephone; October 2019-February 2020.

<sup>38</sup> Ibid. See photos.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

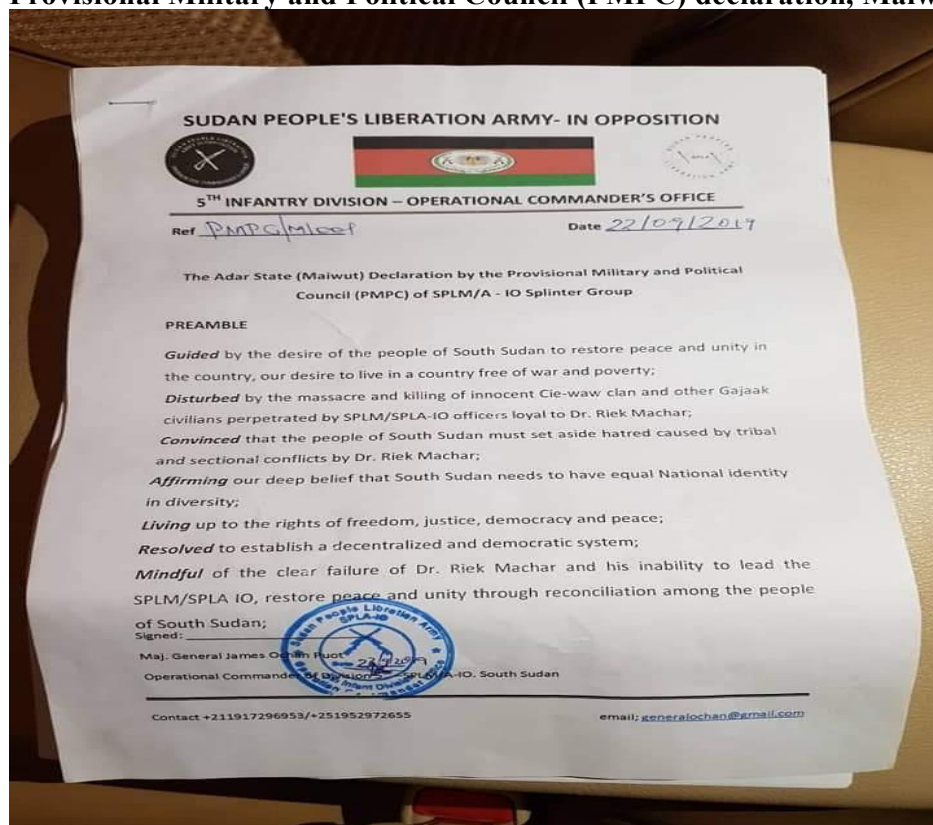
<sup>42</sup> Interviews with SPLM/A-IO senior commanders and political leaders, Cie-Waw Nuer community leaders, elders and civil society, regional intelligence personnel, confidential sources, in Juba, Nairobi, Kampala, and by telephone; December 2019-February 2020.

<sup>43</sup> Interviews with SPLM/A-IO senior commanders and political leaders, Cie-Waw Nuer community leaders, elders and civil society, regional intelligence personnel, confidential sources, in Juba, Nairobi, Kampala, and by telephone; January-February 2020.



6. Since February 2020, only sporadic fighting has been reported. The government ordered both Ochan and Major General James Khor Chol, SPLA-IO Infantry Division 5 commander in charge of former Maiwut state, to Juba for talks aimed at signing a cessation of the hostilities.<sup>44</sup> During the negotiations, retaliations against the civilian population, mostly those accused of supporting the SPLM/A-IO, continued. The Panel corroborated reports of killings of civilians, sexual and gender-based violence (SGBV), including rapes and maiming of genitals on both men and women and looting, in violation of article 2.1.10.2 and 2.1.10.5 of the R-ARCSS. The PMPC armed militia mostly perpetrated the violence, acting under direct orders of Maj. Gen. James Ochan Puot and Chuol Yoa Gok.<sup>45</sup>
7. On 11 February 2020, the PMPC and the SPLM/A-IO signed an agreement for a permanent ceasefire and a return to the implementation of the R-ARCSS.<sup>46</sup> Despite the ceasefire declaration, the Panel notes how neither Ochan's militia has been disarmed, nor has there been any cantonment and screening of forces in the former Maiwut state. In particular, the Turu cantonment site for the SPLA-IO was destroyed by Ochan's forces.<sup>47</sup> Without the disarming and demobilization of forces, the Panel notes the high risk of a resumption of the conflict and violence against the population.<sup>48</sup> On 19 February 2020, the Panel received information of the killing of two civilians near Jikou by Ochan's militia, in an episode of retaliation against perceived pro-SPLM/A-IO supporters.<sup>49</sup>

### Provisional Military and Political Council (PMPC) declaration, Maiwut, 22 September 2019



<sup>44</sup> Interviews with government representatives, SPLM/A-IO senior commanders and political leaders, Cie-Waw Nuer community leaders, elders and civil society, confidential sources, in Juba, Nairobi, Kampala, and by telephone; January-February 2020.

<sup>45</sup> Interviews with Cie-Waw Nuer community leaders, elders and civil society, NGOs personnel, confidential sources, in Juba, Nairobi, Kampala, and by telephone; January-February 2020.

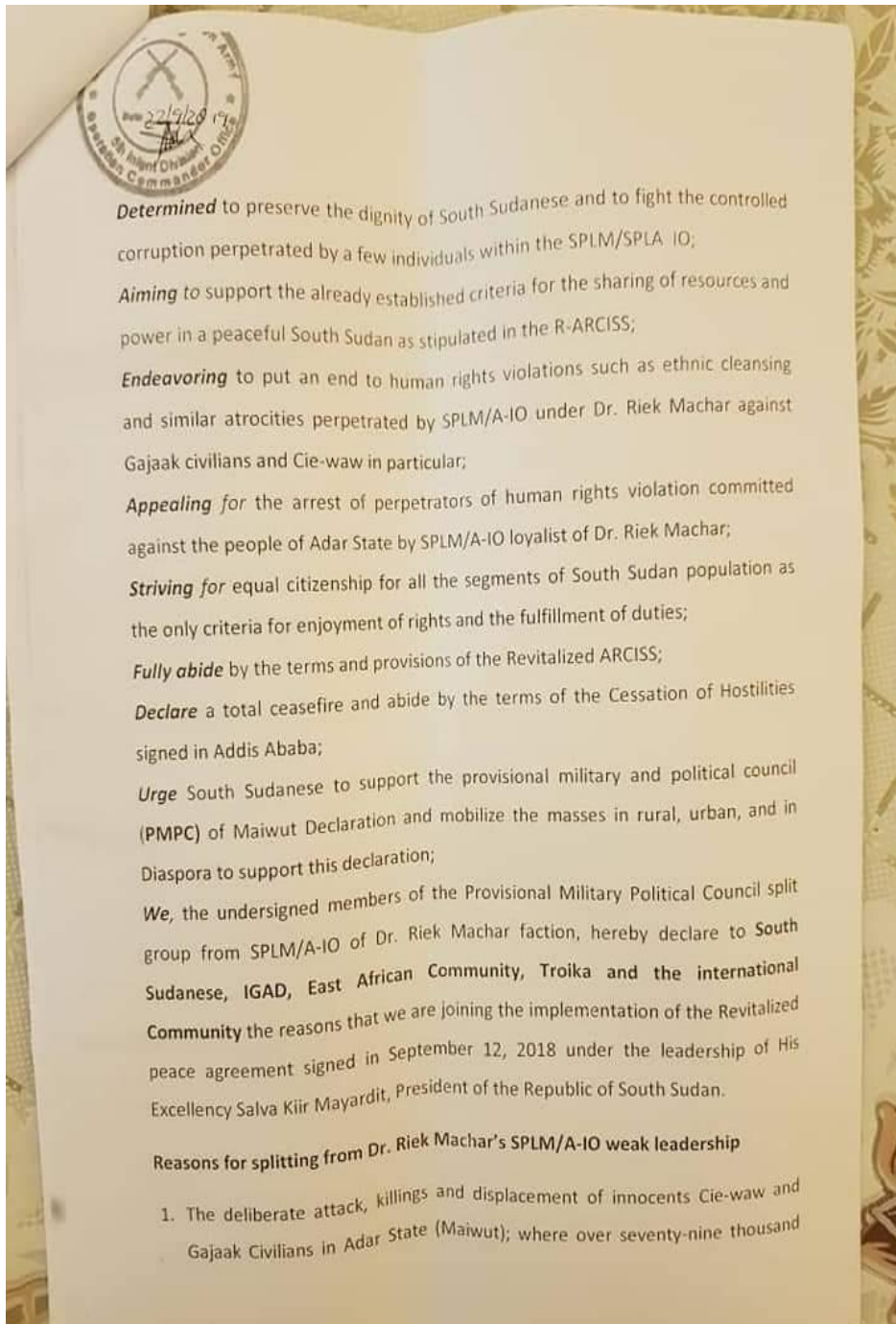
<sup>46</sup> See Resolution of the Peace and Reconciliation Conference on Maiwut State.

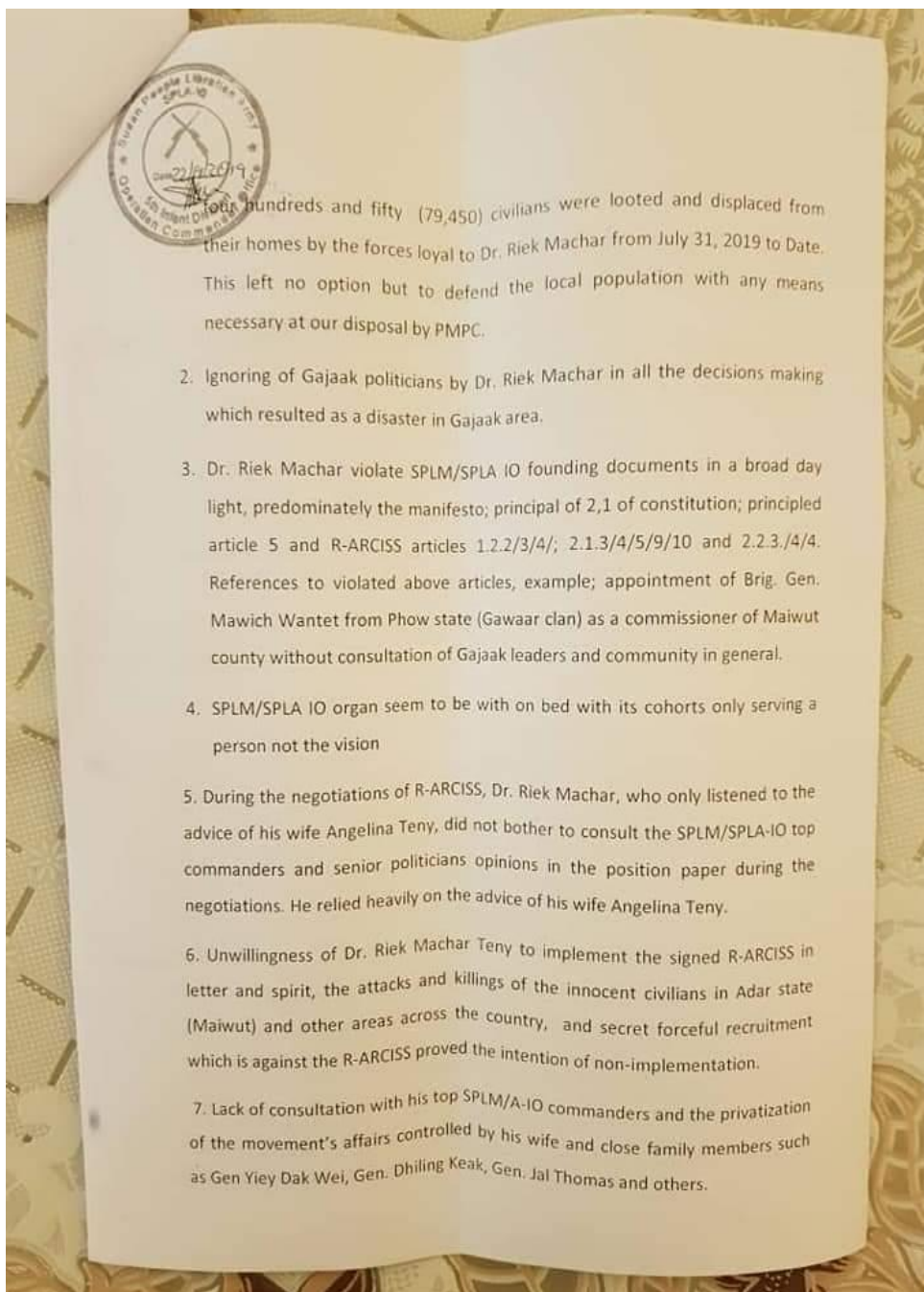
<sup>47</sup> Interviews with SPLM/A-IO senior commanders and political leaders, community leaders, elders and civil society, confidential sources, in Juba, Nairobi, Kampala, and by telephone; December 2019-February 2020.

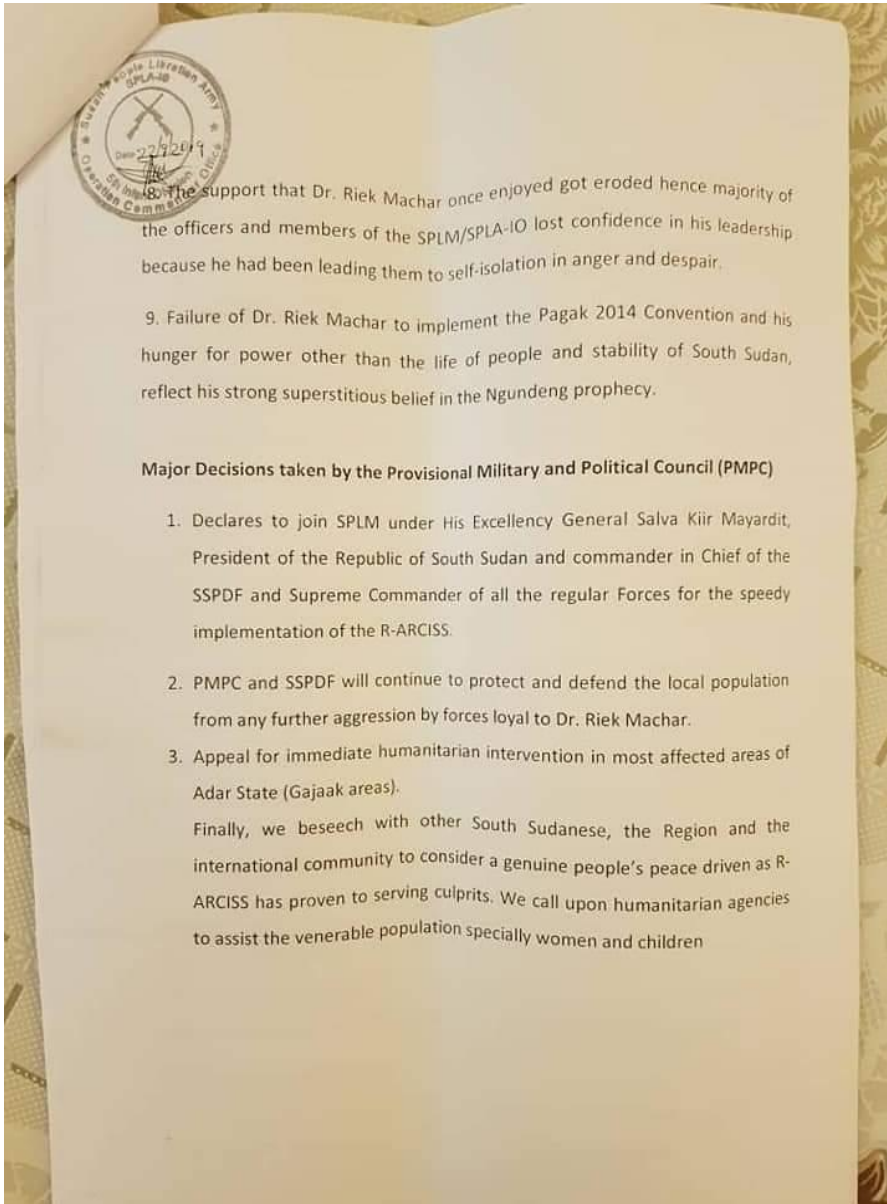
<sup>48</sup> Ibid.

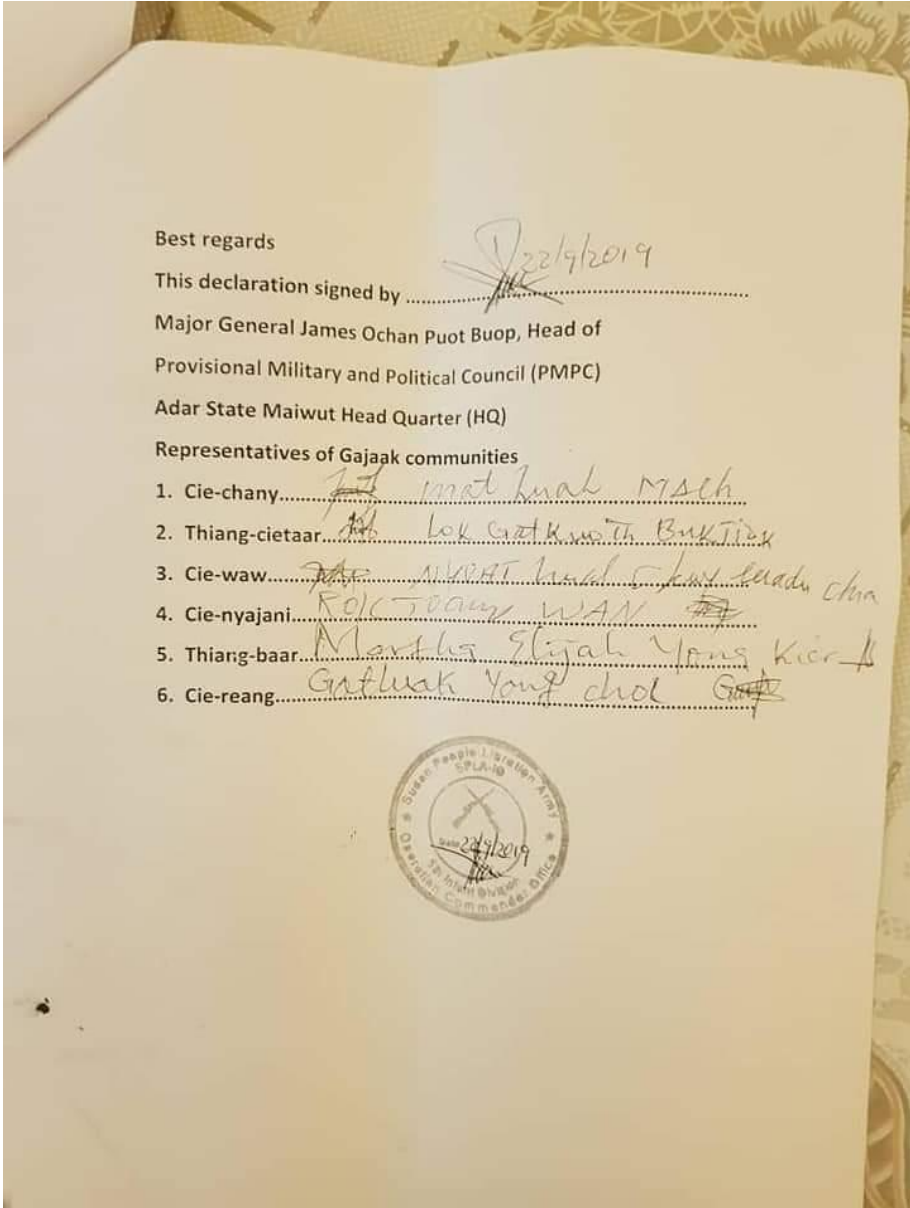
<sup>49</sup> Interviews with community leaders, elders and civil society, confidential sources, in Nairobi and by telephone; February 2020.











**Maj. Gen. Ochan's militia training centre in Maiwut town**





**Resolution of the Peace and Reconciliation Conference on Maiwut, Juba, 11 February 2020**

February 11, 2020

**RESOLUTIONS OF THE PEACE AND RECONCILIATION CONFERENCE BETWEEN  
THE GOVERNMENT ALLIED FORCES UNDER THE COMMAND OF MAJ. GEN.  
JAMES OCHAN PUOT IN MAIWUT AND THE SPLM/A (IO) FORCES OF THE 5<sup>TH</sup>  
INFANTRY DIVISION IN ADAR STATE BETWEEN FEBRUARY 4 AND 11, 2020 AT  
THE PREMISES OF THE NATIONAL PRE-TRANSITIONAL COMMITTEE (NPTC) IN  
JUBA, SOUTH SUDAN**

**Preamble**

We, the Delegations of the Sudan People's Liberation Movement/Army-In Opposition [SPLM/A (IO)] (Jiokow), Adar State and the Provisional Military and Political Council (Maiwut), meeting before the Peace and Reconciliation Committee for the Resolution of the Crisis in Maiwut (PRCRCM), and facilitated by the Joint Defence Board (JDB), at the premises of the National Pre-Transitional Committee (NPTC) between 4<sup>th</sup> and 11<sup>th</sup> February 2020:

**Aware** of the need for the unity of the people of Adar/Maiwut State in particular and the people of South Sudan in general;

**Recognizing** the efforts and commitment of President of the Republic of South Sudan, Salva Kiir Mayardit and Dr. Riek Machar Teny-Dhurgon, Chairman and Commander-in-Chief of the SPLM/A (IO) to promote peaceful co-existence of our people throughout the country;

**Cognizant** of the suffering of the people of Adar/Maiwut State as a result of the current violent conflict since July 31, 2019;

**Appreciating** the contribution by the people of Adar/Maiwut State in the liberation struggles, beginning with the Anya-Nya I, Anya-Nya II and the SPLM/A, leading to the National Independence on July 9, 2011;

**Considering** the importance of addressing our differences through peaceful means;

**Convinced** that unity of the people of Adar/Maiwut State is indispensable and paramount to the success of the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

**Conscious** of our duty to create a peaceful atmosphere in which our people can enjoy peace like all other South Sudanese throughout the country;

**Considering** the importance of promoting peace and harmony among the people of Adar/Maiwut State; and

**Convinced** that any practice of dividing our people on the basis of clan-ism and hatred for the purpose of acquiring a political status is unacceptable, and that political issues should be resolved without first pitting communities against one another,

Hereby Resolved the following:


1. By signing these resolutions, we, the Parties, declare a permanent ceasefire to be immediately observed throughout Adar/Maiwut State.
2. The Parties are committed to immediately stop fighting to allow reorganization, screening, training and reunification of forces to take place with immediate effect;
3. The Parties are committed to a peaceful resolution of the conflict and reconciliation throughout Adar/Maiwut State;
4. Mobilization for fighting and attacks by either side must stop.
5. Both sides must turn their focus to the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan.
6. There must be a free movement of civil population in and out of both the SPLM/A (IO) and Government controlled areas without escort by either party;
7. There shall be equitable or usual customary sharing of common natural resources by the people of Adar/Maiwut State.
8. South Sudan Relief and Rehabilitation Commission (SRRC) shall assess the need for emergency relief throughout Adar/Maiwut State and provide food and non-food items, and rehabilitate the displaced communities.
9. There shall be reconciliation conferences of the people of Adar/Maiwut State, beginning from Juba, Adar/Maiwut State and to any other place where they may be residing.
10. There shall be established a committee to disseminate these resolutions, monitor and verify allegations reported from either side;
11. Each party shall refrain from responding to violations, and shall instead report to the leadership every violation.
12. R-JMEC and CTSAMVM shall support the peaceful resolution of the conflict in Adar/Maiwut State by facilitating reconciliation conferences.
13. Issues to do with damages during the conflict shall be discussed by the Gaat-Jaak community reconciliation conferences.




In witness to the above resolutions and having understood their content, we, the signatories below, to these Resolutions, hereby agree to bind ourselves to the above Resolutions and shall abide by them.


Signed at the National Pre-Transitional Committee, this Eleventh Day of February 2020.

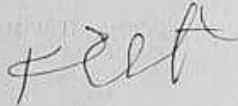
PARTIES:

  
1. Col. Koang Ruot Ruot Luach  
Deputy Governor of Adar State  
(Head of the Jikow Delegation)

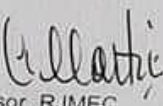
  
2. Maj. Gen. James Ochan Puot  
Leader of the PMPC  
(Head of the Maiwut Delegation)

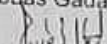
THE COMMITTEE:

  
1. Lt. Gen. Rin Tueny Mabor  
Chair

  
2. Lt. Gen. Koang Gatuoth Kerjok  
Co-chair

WITNESSES:

  
1. Colin Martin  
Security Advisor, RJMEC

  
2. Col. Yasir Abbas Gadalla  
CTSAMVM

### Annex 5: Satellite imagery showing seven of the eight damaged Mi-24s stored at the SSPDF general headquarters, known as Bilpham

North of Juba International Airport, South Sudan

Security Council Committee extended pursuant to resolution 2471 (2019) concerning South Sudan



Image Source  
GeoEye-1, 2020-02-15 08:40:31 UTC, (C) COPYRIGHT 2020 DigitalGlobe, Inc.

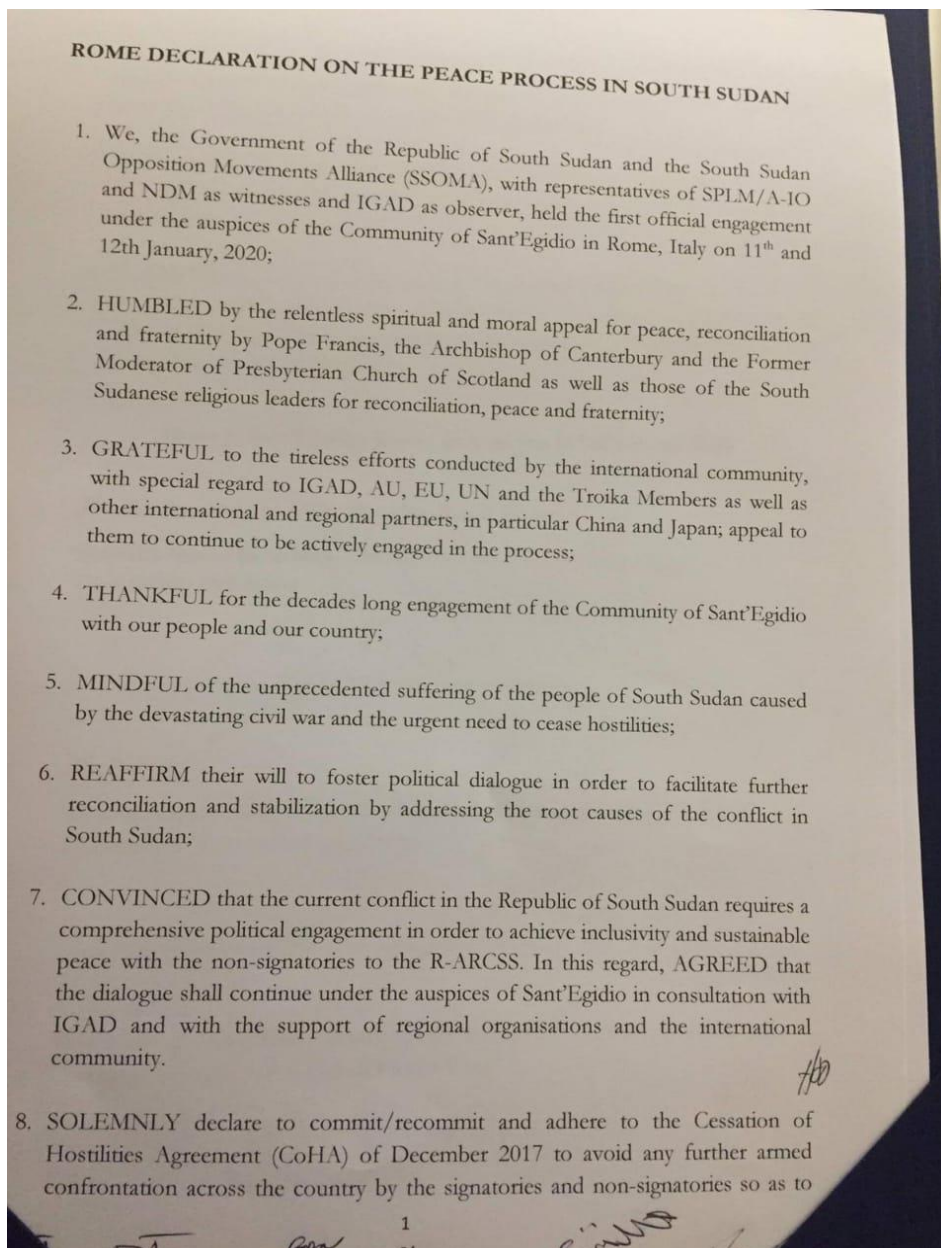
UNITED NATIONS Map No.4606.2 (March 2020)

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations  
Office of Information and Communications Technology  
Geospatial Information Section

## Annex 6: Third allotment of additional \$40 million transferred to the NPTC

Breakdown of US\$40 million released for Peace Implementation in the 100-Day Extension of the R-ARCSS		
	Allocation (US\$)	Allocation (%)
Funds reportedly released by government (US\$) for R-ARCSS implementation	40,000,000.00	100.00
Total amount directly allocated to security mechanisms (US\$)	16,582,050.00	41.46
Amount retained by the National Pre-Transitional Committee	23,417,950.00	58.54
Implementation Mechanism	Allocation (US\$)	Allocation (%)
Joint Defense Board (JDB)	3,500,000.00	8.75
Joint Military Ceasefire Commission (JMCC)	4,000,000.00	10.00
Joint Transitional Security Committee (JTSC)	5,000,000.00	12.50
Disarmament, Demobilization and Reintegration Commission (DDRC)	2,000,000.00	5.00
Strategic Defense and Security Review Board (SDSRB)	1,100,000.00	2.75
Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) Board	131,250.00	3.75
CTSAMVM Technical Committee (CTC)	275,000.00	0.69
National Constitutional Amendment Committee (NCAC)	315,800.00	0.79
Reconstituted Joint Monitoring and Evaluation Commission (RJMEC)	260,000.00	0.65
National Pre-Transitional Committee (NPTC)	23,417,950.00	58.54
<b>Total</b>	<b>40,000,000.00</b>	<b>100.00</b>
Source: Juba Eye, [Online] <a href="https://www.facebook.com/watch/?v=2801382009882723">https://www.facebook.com/watch/?v=2801382009882723</a> , [Accessed: December 15, 2019]		
Summary by: The Organization for Responsive Governance		

**Annex 7: Rome Declaration on the Peace Process in South Sudan, Rome, Italy, 12 January 2020**





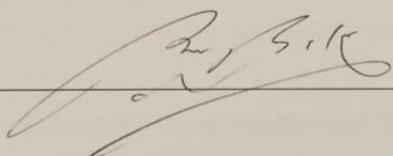
create a conducive environment for dialogue to resolve the conflict. This shall come into effect on the 15<sup>th</sup> of January 2020 00:00 hours.

- 9. In this regard, we request the Community of Sant'Egidio to convene a meeting with IGAD, as soon as possible, to discuss issues related to monitoring and verification;
- 10. RE-AFFIRM readiness to allow continued and uninterrupted humanitarian access to local and international organisations, including non-governmental organisations, to alleviate the suffering of the population, as consequence of years of conflict and natural disasters.

Done in Sant'Egidio, Rome, Italy on the 12<sup>th</sup> of January 2020

*For the Government of the Republic South Sudan*

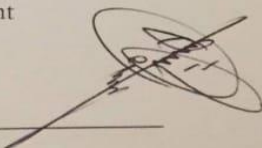
**Barnaba Marial Benjamin** – Presidential Advisor and Envoy – Head of Government Delegation



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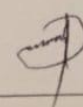
*For SSOMA*

**Thomas Cirillo Swaka**, Member of the leadership Council of SSOMA and Chairman of National Salvation Front



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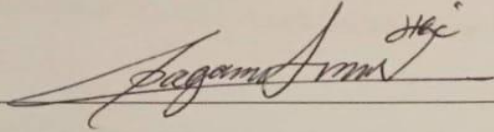
**Paul Malong Awan Anei**, Member of the leadership Council of SSOMA and Chairman of South Sudan United Front/Army



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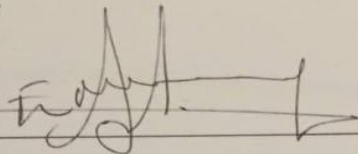


**Pa'gan Amum Okiech**, Member of the leadership Council of SSOMA and Inter  
Chairman of Real-SPLM




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**Amanuel Yoanes Yor Akol Ajawin**, Interim Secretary General of SSOMA and  
Chairman of NDM-PF



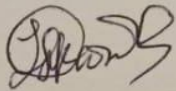
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**David Tut Kuyi**, Member of SSOMA, Member of UDRM/A



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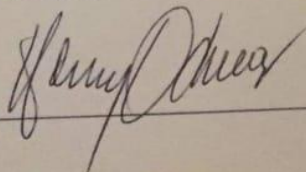
**Vakindi Unvu**, Member of SSOMA and Chairman of SSNMC



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**Witness**

**Henry Dilah Odwar**, SPLM-IO Deputy Chairman



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