



Security Council

Distr.: General
25 November 2020

Original: English

Letter dated 25 November 2020 from the Panel of Experts on South Sudan established pursuant to Security Council resolution [2206 \(2015\)](#) addressed to the President of the Security Council

The members of the Panel of Experts extended pursuant to Security Council resolution [2521 \(2020\)](#) have the honour to transmit herewith the interim report, submitted in accordance with paragraph 18 of the resolution.

The report was provided to the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) on 6 November 2020 and was considered by the Committee on 20 November.

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

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

(Signed) Laura **Bernal**
Expert

(Signed) Mark **Ferullo**
Expert

(Signed) Andrei **Kolmakov**
Expert

(Signed) Valerie **Yankey-Wayne**
Expert



Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2521 (2020)

Summary

Since the formation of the Revitalized Transitional Government of National Unity in February 2020, the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed in September 2018, has mostly stalled, as the signatories have failed to adhere to the deadlines set in the peace agreement and have backtracked on aspects of its political, security and economic provisions. Accountability measures, including the Hybrid Court for South Sudan, have not been implemented, while the South Sudan People's Defence Forces (SSPDF) and Sudan People's Liberation Army in Opposition (SPLA-IO) have continued to commit serious human rights violations against civilians.

The political momentum, supported by regional mediation, that facilitated the return to Juba of the First Vice-President, Riek Machar Teny, the chair of the Sudan People's Liberation Movement-Army in Opposition (SPLM/A-IO), has eroded as the President, Salva Kiir Mayardit, has locked the opposition out of the Government's decision-making process. Within his coalition, the President has turned to the Minister of Presidential Affairs, Nhial Deng Nhial, to counter the security primacy of the Director General of the Internal Security Bureau of the National Security Service, Lieutenant General Akol Koor Kuc. Consequently, Mr. Nhial has reached out to a sanctioned individual, exiled General Paul Malong Awan Anei, to rejoin the Government.

Political and security disputes within President Kiir's coalition have contributed to conflicts that have killed and displaced civilians in Jonglei and the Greater Pibor Administrative Area. Rival factions within the Government supplied weapons to various ethnic militias from the Government's stockpile. Between May and August, eight humanitarian staff were killed, humanitarian facilities were looted and destroyed, and thousands of civilians were displaced at a time of widespread flooding in Jonglei and the Greater Pibor Administrative Area.

In Warrap, during the politically motivated disarmament campaign conducted by SSPDF, Lieutenant General Rin Tueny Mabor Deng commanded forces that killed 85 civilians and displaced thousands. The commanders temporarily blocked humanitarian access aimed at bringing aid to wounded civilians. Throughout 2020, the Panel has found that SSPDF and National Security Service have routinely blocked the United Nations Mission in South Sudan and peace monitors from accessing conflict areas.

Both SSPDF and SPLA-IO have violated the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access. A joint SSPDF and SPLA-IO offensive in Central Equatoria against the National Salvation Front (NAS), a non-signatory group, has spurred NAS to disperse its forces and increase its guerrilla-style attacks against government forces. The ongoing conflict has diminished the prospects for a long-term agreement between the government and non-signatory parties, who met in Rome in October 2020 under the mediation of the Community of Sant'Egidio.

The revenue available to the Government for implementing the peace agreement has decreased. While South Sudan has produced about 165,000 barrels per day of oil, the Government can sell less than 15 per cent of its produced oil, South Sudan's primary source of revenue. As a result, the Government, which has predicted a budget deficit of over \$700 million, has increasingly turned to resource-backed loans and

contracts. For instance, the Government started a road construction project based on an uncompetitive tender and oil-backed contract with ARC Resources Corporation Ltd.

South Sudan has lacked transparency and oversight as to how it collects and spends oil and non-oil revenue. Improvements in the collection of non-oil revenue in 2019 were stymied under the then interim leadership of Erjok Bullen, a National Security Service officer, who stopped publishing a monthly report on tax collection and violated Government protocols on the transfer of collected revenues.

Amid the inaction in the implementation of the peace agreement, the chains of command of armed groups have fragmented, and some units have prepared to return to conflict. Since February, some SPLA-IO commanders have defected with their soldiers to SSPDF, which has sparked conflict in Central Equatoria and Upper Nile.

Some SPLA-IO commanders, including sanctioned individual First Lieutenant General Simon Gatwech Dual (SSi.002), dissatisfied with the progress in the peace process, have threatened to break with SPLM/A-IO leadership. SSPDF has increased the deployment of troops to Central and Western Equatoria to renew its offensive against NAS and to uproot forces loyal to Mr. Machar, as SPLA-IO defector Brigadier General Moses Lokujo Gabriel has led a campaign against his former units. Lieutenant General Kuc has also prepared to acquire new weapons and training for forces under his control.

Contents

<i>Chapter</i>	<i>Page</i>
Abbreviations	5
I. Background	6
A. Mandate and travel	6
B. Methodology	6
C. Cooperation with Member States, international organizations and other stakeholders . . .	6
II. Inaction on implementation of the peace agreement	7
A. Incomplete formation of transitional Government	7
B. Expansion of violence and backtracking on security arrangements	8
C. Failure to uphold rights of victims and implement accountability measures	8
D. Risks to civilians from access restrictions on humanitarian aid	9
E. Lack of reforms to financial governance	10
III. Impact of political disputes on conflict and violence against civilians	10
A. South Sudan People's Defence Forces and National Security Service arm militias from government stockpile	11
B. Human rights abuses and killing of humanitarian staff in Jonglei and the Greater Pibor Administrative Area	12
C. Disarmament campaign in Warrap leads to violence against civilians	12
IV. Implications of non-implementation on opposition unity and peace talks	13
A. Military defections from the Sudan People's Liberation Movement-Army in Opposition spark violence	14
B. Limited progress at Rome talks following opposition rift	14
C. Expanded offensive against the National Salvation Front in Central Equatoria	15
D. Control of mining sites in Central and Eastern Equatoria	15
V. Effect of non-implementation on financial governance	16
A. Increase in resource-backed loans	16
B. Lack of transparency and oversight in road construction	17
C. Breaches of financial transparency in non-oil revenue collection	18
D. Illicit taxation of logging by the South Sudan People's Defence Forces in Central Equatoria	19
VI. Conclusion	20
A. Breakdown in the chain of command of armed groups	20
B. South Sudan People's Defence Forces offensive in Central and Western Equatoria	21
C. National Security Service acquisition of new weapons and training	21
Annexes*	22

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

Abbreviations

Afreximbank	Africa Export-Import Bank
AU	African Union
GPAA	Greater Pibor Administrative Area
IGAD	Intergovernmental Authority on Development
NAS	National Salvation Front
NGO	non-governmental organization
PFM	Public Financial Management
SPLA-IO	Sudan People's Liberation Army in Opposition
SPLM	Sudan People's Liberation Movement
SPLM/A-IO	Sudan People's Liberation Movement-Army in Opposition
SPLM-IO	Sudan People's Liberation Movement in Opposition
SSOMA	South Sudan Opposition Movements Alliance
SSPDF	South Sudan People's Defence Forces
UNMISS	United Nations Mission in South Sudan
UPDF	Uganda People's Defence Force

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 Security Council imposed an arms embargo on the territory of South Sudan and added two individuals to the list of designated individuals. On 29 May 2020, with the adoption of its resolution [2521 \(2020\)](#), the Council renewed the sanctions regime until 30 May 2021.

2. By resolution [2521 \(2020\)](#), the Security Council extended the mandate of the Panel of Experts on South Sudan until 1 July 2021 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 15 and 16 of resolution [2521 \(2020\)](#).

3. On 2 July 2020, the Secretary-General, in consultation with the Committee, appointed the five members of the Panel ([S/2020/647](#)).

4. As a consequence of the coronavirus (COVID-19) pandemic, the Panel was not able to travel, with the exception of a mission to Rome, where the Panel observed the third round of the peace talks mediated by the Community of Sant'Egidio.

B. Methodology

5. The present report was prepared on the basis of the Panel's extensive research. The Panel conducted hundreds of interviews to gather a body of credible information, obtained from a wide range of sources. All interviews were undertaken remotely during the reporting period, unless otherwise indicated. The Panel reviewed documentation made available by individuals, commercial entities and confidential sources.

6. The Panel followed the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report of December 2006 ([S/2006/997](#)). The Panel has corroborated the information contained in the present report using multiple independent sources to meet the appropriate evidentiary standard. The Panel's recommendations are presented in bold within the text of the report and also in annex XIX.

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

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

8. While the Panel operates independently of United Nations agencies and institutions, it wishes to express its gratitude to the staff of the United Nations Mission in South Sudan (UNMISS) and of the Secretariat for their support.

9. In paragraph 17 of resolution 2521 (2020), the Security Council emphasized the importance of the Panel consulting with concerned Member States, international, regional and subregional organizations. Given its inability to travel in the midst of the COVID-19 pandemic, the Panel sent multiple requests for remote meetings to the Government of South Sudan and to regional Member States. However, the Panel was only able to meet remotely with permanent missions to the United Nations.

10. The Panel also sent an official letter to the Government of South Sudan to request detailed information. The Government did not respond. Along these lines, the Panel sent six letters to regional Member States and the African Union; however, the Panel did not receive any substantive replies.

11. The Panel did not receive any responses from Member States related to inquiries regarding the asset freeze and travel ban measures pertaining to designated individuals. In order to ensure the strict implementation of the arms embargo, the Security Council has called upon all Member States, in particular States neighbouring South Sudan, to inspect all cargo to South Sudan in their territory pursuant to paragraph 8 of resolution 2521 (2020). The Council has also required any Member State to report to the sanctions committee when it undertakes an inspection, pursuant to paragraph 10 of the resolution. The Panel has requested details of inspections from Member States neighbouring South Sudan and has not received any response. The Committee has similarly not received inspection reports from any regional Member State.

II. Inaction on implementation of the peace agreement

12. Since the start of the transitional period in February 2020, the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan has mostly stalled.¹ As the Panel noted in its final report, in April 2020 (see S/2020/342), high-level compromises and regional mediation led to a political milestone with the formation of the Revitalized Transitional Government of National Unity. Since then, however, tangible steps to implement the agreement have stopped or, in some cases, reversed. The Panel notes the months of inaction with respect to completing the formation of the transitional Government, advancing the joint security arrangements, starting accountability mechanisms, improving humanitarian access and enacting economic reforms.²

A. Incomplete formation of transitional Government

13. The President, Salva Kiir Mayardit, in his Independence Day speech on 8 July 2020, acknowledged that “the peace implementation remains painfully slow and far below your expectations”.³ While Government officials have attributed the stagnation of the peace agreement to the spread of COVID-19, multiple sources within the

¹ Interviews with Government officials, the Sudan People’s Liberation Movement-Army in Opposition (SPLM/A-IO), the South Sudan People’s Defence Forces (SSPDF), the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, the United Nations Mission in South Sudan (UNMISS) and confidential sources.

² Interviews with the reconstituted Joint Monitoring and Evaluation Commission, civil society and foreign diplomats.

³ See South Sudan Broadcasting Corporation, speech by the President of South Sudan, Salva Kiir Mayardit on Independence Day, 8 July 2020. Available at www.facebook.com/watch/?ref=search&v=912014269268324&external_log_id=255b182b-478b-4398-bb0c-a8ccca9bc66a&q=President%20Kiir%20looks%20on%20nationwide%20disarmament.

Government, including ministers and aides close to the President, told the Panel that the lack of implementation is a consequence of political disagreements.

14. As of late October 2020, the Transitional National Legislative Assembly had not been reconstituted despite calls in July 2020 by the Intergovernmental Authority on Development (IGAD) to expedite the parliament's formation (see annex I). As a result, the peace agreement has not been incorporated into the Transitional Constitution. In parallel, the political and civic space has remained restricted.⁴

15. Similarly, the full establishment of state and local governments has remained incomplete. In particular, the governorship of Upper Nile has remained vacant because the President has refused to appoint the candidate selected by the Sudan People's Liberation Movement-Army in Opposition (SPLM/A-IO), General Johnson Olony. As of late October 2020, discussions on the matter had stalled.⁵

B. Expansion of violence and backtrack on security arrangements

16. The formation, training and redeployment of the necessary unified forces, as called for in chapter 2 of the peace agreement, has not progressed (see [S/2020/342](#)). Multiple officials involved in the security arrangements reported that many soldiers have abandoned the cantonment sites and the training centres. Lacking resources, some soldiers have died of hunger and sickness within the sites. In addition, confidential sources within the South Sudan People's Defence Forces (SSPDF) and the Sudan People's Liberation Army in Opposition (SPLA-IO) – which constitute the backbone of the necessary unified forces – have reported that since March, the command and control of the armed forces has gradually broken down.⁶

17. Since the signing of the peace agreement, SSPDF and SPLA-IO have violated the cessation of hostilities agreement signed in December 2017.⁷ During the same period, there has been a sharp increase in violence in Jonglei, Lakes, Unity, Warrap, Western Bahr el-Ghazal, Western, Eastern and Central Equatoria and the Greater Pibor Administrative Area.⁸

C. Failure to uphold rights of victims and implement accountability measures

18. The last visible action to implement accountability measures occurred over three years ago, before the current peace agreement was signed, when in July 2017, the African Union held two consultations with South Sudan's Ministry of Justice and Constitutional Affairs. The consultations led to a draft statute for the Hybrid Court for South Sudan and a draft memorandum of understanding between the African Union and South Sudan. Reportedly, the Council of Ministers of South Sudan approved the two documents in December 2017; however, neither document has been

⁴ Interviews with civil society, journalists and confidential sources.

⁵ Interviews with Government officials, SPLM/A-IO, elders, the Intergovernmental Authority on Development (IGAD), African Union officers and confidential sources.

⁶ Interviews with SSPDF and the Sudan People's Liberation Army in Opposition (SPLA-IO), UNMISS and confidential sources.

⁷ Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access, as cited in Security Council resolution [2418 \(2018\)](#).

⁸ Interviews with SSPDF, SPLA-IO and the National Security Service, National Salvation Front (NAS), civil society and confidential sources.

made public.⁹ The Panel received information from several civil society organizations that the Government has delayed the implementation of provisions of chapter 5, including the Hybrid Court.

19. In July 2020, a military court in Yei County, Central Equatoria tried 40 SSPDF soldiers for human rights violations, which resulted in the conviction of 25 of them in September. However, the Panel notes that the court was formed outside the provisions of chapter 5 on truth and reconciliation, and the procedures did not meet international human rights standards, as the prosecutors failed to investigate the command responsibility for the actions of the soldiers.¹⁰

20. Elsewhere in Jonglei and the Greater Pibor Administrative Area, Warrap and Central Equatoria, SSPDF and SPLA-IO forces have committed serious human rights violations in the absence of any accountability (see paras. 36, 41, 42, 43 and 48). The Panel addressed letters to the Government and to the African Union requesting information on the steps taken to implement chapter 5, including the Hybrid Court. Neither responded to the Panel's requests.

21. **Taking note of the importance of the request of the Security Council for an update on the status of the Hybrid Court, as expressed in paragraph 42 of its resolution 2514 (2020), the Panel recommends that the Committee call upon the Government and the African Union to confirm whether the memorandum of understanding has been signed and to publish the statute of the Hybrid Court and a detailed plan of action to implement article 5.3 of the peace agreement. At a minimum, a plan of action should include details regarding the location of the Court, procedures to appoint judges and a timeline for implementation.**

D. Risks to civilians from access restrictions on humanitarian aid

22. The humanitarian situation has worsened owing to continued conflict. In September 2020, more civilians needed humanitarian assistance and were food insecure than those requiring such assistance in September 2019, according to data from the Office for the Coordination of Humanitarian Affairs.

23. The Panel notes that according to chapters 2 and 3 of the peace agreement, the signatories agreed to adhere to the cessation of hostilities agreement and create "an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection".¹¹ The Government, since its formation, has not created an enabling environment to ease the delivery of humanitarian assistance. Conflict has hampered the delivery of humanitarian aid in Jonglei, the Greater Pibor Administrative Area and Western, Central and Eastern Equatoria (see annexes II and IV).¹²

⁹ The revitalized peace agreement of 2018 reaffirmed the commitments to the transitional justice framework adopted in the 2015 agreement. African Union, "African Union Commission and the Republic of South Sudan successfully conclude Working Session on the Draft Legal Instruments of the Hybrid Court for South Sudan", press release, 14 August 2017. Available at <https://au.int/en/pressreleases/20170814/african-union-commission-and-republic-south-sudan-successfully-conclude>.

¹⁰ Confidential sources who were present throughout the court proceedings.

¹¹ Chapter 3, article 3.1.1.

¹² Interviews with humanitarian actors. See also Office for the Coordination of Humanitarian Affairs, humanitarian snapshots, September 2019 and September 2020. Available at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss_20191017_humanitarian_snapshot_september.pdf and https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/south_sudan_humanitarian_snapshot_september.pdf.

E. Lack of reforms to financial governance

24. The economic and financial reforms stipulated in chapter 4 of the peace agreement have not been implemented. Amid the economic downturn caused by COVID-19, the transparency initiatives called for in the peace agreement, which the Ministry of Petroleum started in 2019, have stalled (see [S/2019/301](#) and [S/2020/342](#)).

25. As of late October 2020, three months into the 2020/21 fiscal year, the Ministry of Finance and Planning had not released its approved budget book detailing how it planned to allocate resources for peace implementation. Government spending has not been subject to oversight, and opposition-appointed Government ministers told the Panel that in some cases even they have lacked access to their own ministries' budgets.

26. In order to accelerate technical reforms, the Ministry of Finance and Planning and international donors formed the Public Financial Management Oversight Committee. The Committee has outlined emergency reforms designed to quickly improve financial governance, such as by reviewing collateralized oil contracts. However, the reforms, which are outside the framework of the peace agreement, have remained incomplete.¹³

III. Impact of political disputes on conflict and violence against civilians

27. Since February 2020, political fissures among and within the signatories of the peace agreement have sparked new conflicts.¹⁴ Divisions within the two primary signatories – President Kiir's Sudan People's Liberation Movement (SPLM) and First Vice-President Riek Machar Teny's SPLM/A-IO – have threatened the cohesion of the signatories and their commitment to the peace agreement (see [S/2020/342](#)).

28. Competition within Mr. Kiir's SPLM and Dinka ethno-political elites has exacerbated since the formation of the Government. In particular, divisions have formed over the redistribution of government positions enshrined in the peace agreement and the rivalry between the Minister of Presidential Affairs, Nhial Deng Nhial, and the Director General of the Internal Security Bureau of the National Security Service, Lieutenant General Akol Koor Kuc.¹⁵

29. In June, the President appointed Mr. Nhial to the cabinet to counterbalance Lieutenant General Kuc, who has acquired unmatched security and financial resources (see [S/2019/301](#), [S/2019/897](#) and [S/2020/342](#)).¹⁶ In August, the President also removed Lieutenant General Kuc from the Board of Directors of Nile Petroleum Corporation, an influential quasi-governmental body, and appointed Mr. Nhial to head the Board. Lieutenant General Kuc and Mr. Nhial, who are both from Warrap, have also jockeyed for political supremacy at the subethnic level.¹⁷

¹³ Ministry of Finance and Planning documents and interviews with foreign diplomats and civil society.

¹⁴ Interviews with Government officials, SPLM/A-IO, SSPDF and confidential sources.

¹⁵ Interviews with Government officials, elders and confidential sources.

¹⁶ Ibid.

¹⁷ Mr. Nhial is from Tonj South County; Lieutenant General Kuc hails from Tonj North County.

A. South Sudan People's Defence Forces and National Security Service arm militias from government stockpile

30. The political infighting within SPLM has inflamed conflicts outside Juba. From mid-February to early August, a series of coordinated attacks took place in Jonglei and the Greater Pibor Administrative Area. Political and military leaders manipulated the long-standing enmity between the Murle, Gawaar Nuer and Lou Nuer and Dinka Bor communities (see annex II). Lieutenant General Kuc, the presidential adviser on Murle affairs, Akot Lual Arech, and the head of South Sudan People's Defence Forces Military Intelligence, Lieutenant General Rin Tueny Mabor Deng, known as "Janafil", armed General David Yau Yau's Cobra Faction of SSPDF and other Murle militias during fighting in February and March.¹⁸

31. The Panel corroborated through confidential sources and documentation that the Internal Security Bureau and Division 3 of SSPDF supported and participated in Cobra Faction operations against Gawaar Nuer and Lou Nuer villages. As part of the military support, in May, multiple confidential sources in Gumuruk, in the Greater Pibor Administrative Area corroborated that an SSPDF helicopter delivered 27 rocket-propelled grenades, 1,004 AK-47 assault rifles, 126 Kalashnikov general machine guns and ammunition to Murle militias.

32. In addition, in June, Lieutenant General Tueny, through Major General Korok Nhial, provided General Yau Yau's fighters with ammunition, grenade launchers and at least 50 boxes of modernized automatic Kalashnikov rifles from the existing SSPDF stockpiles.¹⁹ The weapons were used in attacks against Dinka Bor communities living in the central and southern parts of Jonglei (see annex II).²⁰

33. Separately, the Panel received reliable information that senior Dinka Bor officers in SSPDF supported Dinka Bor militias with logistical support, weaponry and ammunition from government supplies under the control of SSPDF Division 8. In the months prior to the fighting, sanctioned individual and former SSPDF Chief of Staff, First Lieutenant General Gabriel Jok Riak Makol (SSi.001), and the former Minister of Defence, Kuol Manyang Juuk, had provided weapons and ammunition to Dinka Bor militias.²¹

34. In Jonglei and Upper Nile, the Gawaar Nuer and Lou Nuer militias also received government-supplied arms. In March, the Director General of the General Intelligence Bureau of the National Security Service, Lieutenant General Thomas Duoth Guet, supplied Kalashnikov machine guns and AK-47 rifles and related ammunition to Gawaar Nuer and Lou Nuer militias. In addition, as part of a separate supply of weapons, SPLA-IO provided the same militias in Jonglei and Upper Nile with weaponry and military support.²²

35. As the Panel has previously reported (see S/2019/301 and S/2020/342), weapons have been illicitly diverted from government stockpiles to supply militias and other non-State armed groups. Considering the significant threat to peace and security from Government weapons that are unaccounted for, the Panel recommends that the Security Council request an independent evaluation of the Government's management of its stockpile. In its 2018 and 2020 reports

¹⁸ Interviews with Government officials, SSPDF, the National Security Service, SPLM/A-IO, confidential sources, civil society and regional intelligence.

¹⁹ Interviews with SSPDF military intelligence, militia commanders and confidential sources.

²⁰ Interviews with civil society and confidential sources in Gumuruk.

²¹ Interviews with local officials, SSPDF, civil society, militia commanders, elders and confidential sources.

²² Interviews with SPLA-IO, the National Security Service, civil society, militia commanders and confidential sources.

to the United Nations on the implementation of small arms control, the Government had requested stockpile management assistance (see annex III).

B. Human rights abuses and killing of humanitarian staff in Jonglei and the Greater Pibor Administrative Area

36. During the fighting from mid-February to early August in Jonglei and the Greater Pibor Administrative Area, civilians suffered from direct attacks and conflict-related forced displacement. The Panel verified that Murle, Dinka Bor and Gawaar Nuer and Lou Nuer militias – with the military support of SSPDF, SPLA-IO and the National Security Service – committed serious violations and abuses of human rights and international humanitarian law, including attacks directed against civilians and property, such as homes, markets, humanitarian objects, health facilities, churches and schools (see annex II).²³

37. At least eight local humanitarian staff were killed between May and August in Jonglei and the Greater Pibor Administrative Area.²⁴ The fighting also prompted the evacuation of at least 183 humanitarian staff, which resulted in the shutdown of essential and life-saving services to civilians.²⁵ As of late October, while heavy flooding has slowed humanitarian access to affected areas, insecurity shut down major roads in Jonglei and prevented the delivery of basic services to civilians on the brink of starvation.²⁶

38. Humanitarian facilities and services were targeted, destroyed and looted during the months-long conflict. Between May and July, food and nutrition items were stolen and humanitarian warehouses, health clinics and schools were looted, vandalized and burnt down (see annex II). On at least three occasions, targeted flight restrictions obstructed humanitarian access (see annex II).

39. **Since its establishment in 2015, the Panel has consistently documented that armed groups, including SSPDF, SPLA-IO and the National Security Service, have attacked humanitarian workers, stolen food aid and targeted civilians. Therefore, the Panel recommends that the Government of South Sudan urgently issue orders to all security forces, regardless of affiliation, to adhere strictly to international humanitarian law.**

C. Disarmament campaign in Warrap leads to violence against civilians

40. In July, the President announced a nationwide “full scale disarmament” of civilians and appointed Lieutenant General Tueny to lead the campaign.²⁷ General Tueny started the campaign in June in Tonj East County of Warrap. The county was selected because Mr. Kiir and Lieutenant General Tueny prioritized the disarmament of local militias that Lieutenant General Kuc had supported, according to multiple

²³ Interviews with civil society, witnesses and confidential sources.

²⁴ Ibid.

²⁵ Office for the Coordination of Humanitarian Affairs, quarterly humanitarian access snapshots, July–September 2020. Available at <https://reliefweb.int/report/south-sudan/south-sudan-quarterly-humanitarian-access-snapshot-july-september-2020>.

²⁶ World Food Programme, Situation Report No. 274, August 2020. Available at <https://reliefweb.int/report/south-sudan/wfp-south-sudan-situation-report-274-14-august-2020>.

²⁷ South Sudan Broadcasting Corporation, speech by the President of South Sudan on Independence Day, 8 July 2020. Available at www.facebook.com/watch/?ref=search&v=912014269268324&external_log_id=255b182b-478b-4398-bb0c-a8ccca9bc66a&q=President%20Kiir%20looks%20on%20nationwide%20disarmament.

sources within SSPDF and the cabinet. In order to secure support from local militias, in the months prior to the disarmament campaign, Lieutenant General Kuc had provided military equipment to local tribal chiefs.²⁸

41. As part of the disarmament campaign, the SSPDF task force set up in Romic, the capital of Tonj East County, and established a military government, which led to violence against civilians. The soldiers assigned to the SSPDF task force raped girls, killed cattle and looted food from civilians.²⁹

42. On 8 August, violence expanded when SSPDF forces under the direct command and control of Lieutenant General Tueny and his deputy, Major General Bol Akot Bol of the Juba Traffic Police, deployed the military task force against civilians who had protested the killing of an unarmed civilian by SSPDF in Romic.³⁰ In response, SSPDF soldiers used heavy artillery and tanks on civilians and local militias who had gathered at a nearby cattle camp. As a result of the clashes, 148 people were killed, including 63 SSPDF soldiers and 85 civilians (see annex IV).

43. Following the incident, the disarmament campaign commanders, Lieutenant General Tueny and Major General Bol Akot, prevented humanitarian staff, for approximately two months, from accessing the area to aid the injured civilians and the 5,000 civilians displaced from their homes.³¹ In addition, Internal Security Bureau personnel in Juba stopped the former shadow Sudan People's Liberation Movement in Opposition (SPLM-IO) governor of Warrap, Chaguor Ater Bol, from transporting medical supplies to the area. The commanders also denied requests from UNMISS and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism to access the area.³²

44. During the reporting period, the Panel has evidence that SSPDF and the National Security Service have routinely denied access to conflict areas, including at times to humanitarian organizations. Therefore, the Panel recommends that the Committee impose targeted sanctions on military leaders who have obstructed the activities of international peacekeeping and diplomatic missions, as well as the delivery and distribution of humanitarian aid, pursuant to paragraph 15 (g) of resolution 2521 (2020).

IV. Implications of non-implementation on opposition unity and peace talks

45. As a result of the delayed implementation of the peace agreement, which calls for consensus decision-making among the signatories, SPLM/A-IO has failed to achieve equal standing within the Government. Senior SPLM-IO leaders told the Panel that the First Vice-President, Mr. Machar, has been “de facto under house arrest” and that Mr. Kiir’s SPLM faction has monopolized Government policies. The same sources report that the First Vice-President and opposition ministers have been locked out of the decision-making process and have been handed “ceremonial roles”.³³

²⁸ Interviews with SSPDF, SPLM/A-IO, the National Security Service, community leaders and confidential sources.

²⁹ Ibid.

³⁰ Interviews with eyewitnesses and confidential sources.

³¹ Office for the Coordination of Humanitarian Affairs, humanitarian snapshot, August 2020. Available at <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-august-2020>.

³² Interviews with community leaders, humanitarian actors, monitoring teams and UNMISS.

³³ Interviews with SPLM/A-IO.

A. Military defections from the Sudan People's Liberation Movement-Army in Opposition spark violence

46. Without an active role in the Government, the existing divisions within SPLM/A-IO (see [S/2019/897](#) and [S/2020/342](#)) have widened and driven political and military disunity.³⁴ In reaction to the slow implementation of the peace agreement and the First Vice-President's leadership, some discontented senior SPLA-IO officers have defected with their units to SSPDF (see annex V). As the Panel previously reported (see [S/2019/897](#)), Major General James Ochan Puot's defection to SSPDF from SPLA-IO commander in Maiwut, Upper Nile provoked widespread violence.

47. Given the lack of progress in the security arrangements, senior commanders, including SPLA-IO Chief of Staff and sanctioned individual First Lieutenant General Simon Gatwech Dual (SSi.002), have gradually disengaged from SPLM-IO political leadership.³⁵ In September, General Dual requested an immediate redeployment of SPLA-IO forces "or otherwise, the peace is dead" (see annex VI).

48. In Central Equatoria, Major General Moses Lokujo Gabriel's defection to SSPDF on 21 September followed months of internal SPLA-IO tensions that have escalated into violence, according to multiple independent sources, including within the command of SPLA-IO (see annex VII). The same sources indicated that on the orders of Major General Lokujo, three SPLA-IO officers – Brigadier General Sammy Logeleng, Brigadier General Clement Samuel and Colonel Wokil Peter – were abducted and killed in May. Since his defection, Major General Lokujo, whom the Panel had previously identified as a beneficiary of illicit logging (see [S/2019/897](#)), has initiated a series of attacks against SPLA-IO forces at their headquarters in Panyume, Morobo County, as well as against civilians in the surrounding area.³⁶

B. Limited progress at Rome talks following opposition rift

49. In October, the lay Catholic Community of Sant'Egidio facilitated the third round of talks in Rome between the Government and the non-signatories of the peace agreement grouped under the umbrella organization South Sudan Opposition Movements Alliance (SSOMA). The talks, the first since the formation of the Government, failed to produce concrete results and mediators planned to reconvene the negotiations in December.

50. In the weeks prior to the Rome talks, SSOMA splintered, as mistrust and significant disagreements grew among the three main movements – the National Salvation Front (NAS) of General Thomas Cirillo, the South Sudan United Front/Army of sanctioned individual General Paul Malong Awan Anei (SSi.008), and the Real Sudan People's Liberation Movement of General Pagan Amum.³⁷ As a consequence, SSOMA split into one faction led by General Cirillo and another led by General Malong and General Amum. At the talks in Rome, which the Panel, IGAD and foreign diplomats observed, the break-up of SSOMA led to two parallel negotiations.

51. SSOMA split in part because of outreach by the President and Mr. Nhial to General Malong. At the request of various Dinka elders and SPLM and SSPDF leaders, Mr. Nhial started discussions with General Malong, the former Chief of Defence Staff of SPLA and a Dinka from Aweil, Northern Bahr el-Ghazal, to return

³⁴ Ibid.

³⁵ Interviews with SPLA-IO.

³⁶ Interviews with SPLA-IO, community leaders and confidential sources.

³⁷ Ibid.

to South Sudan in order to counter Lieutenant General Kuc. As a strong opponent of Lieutenant General Kuc, General Malong told the Panel that he is open to the idea of returning to Juba, but linked his return to the prior removal of Lieutenant General Kuc.³⁸

C. Expanded offensive against the National Salvation Front in Central Equatoria

52. The Panel corroborated the finding that despite the signing of the Rome Declaration on the Peace Process in South Sudan, in January (see [S/2020/342](#)), SSPDF and SPLA-IO have conducted military offensives against NAS since March.³⁹ General Cirillo told the Panel that as a consequence of the joint offensive, NAS had no option but to “leave its bases, disperse its unit(s), continue its operation as a guerrilla force, protect the civilians in areas where it is present and counter-attack whenever possible”.⁴⁰

53. As a consequence, NAS has intensified its military operations against SSPDF targets. On 5 August, NAS claimed responsibility for an attack on an SSPDF camp about 35 kilometres south-west of Juba (see para. 55 and annex VIII). At least nine individuals were killed in the attack, including civilians. On 19 August, a NAS ambush in Pager, 20 kilometres south of Lobonok town, killed six SSPDF bodyguards of Vice-President James Wani Igga. NAS representatives told the Panel that Mr. Igga’s security had advanced “deep into NAS controlled areas”.⁴¹ SSPDF denied this allegation.⁴²

D. Control of mining sites in Central and Eastern Equatoria

54. In Central and Eastern Equatoria, armed groups have controlled access to mines for the prospective revenue generated from gold extraction. The Panel does not have evidence that the exploitation of gold mines has financed conflict by generating sufficient revenue to acquire ammunition or weapons. However, individual units of armed groups have sustained their livelihoods by digging at artisanal sites, taxing artisanal miners or trading gold.⁴³

55. The Panel is not aware of any direct conflict between armed groups to control mines. However, the Panel assesses there is a high risk that the increasingly mechanized sector (see [S/2020/342](#)) will attract exploitation by armed groups that could destabilize local communities. For instance, the attack by NAS on 5 August occurred at the site of Korea Venture Partners Co. Ltd.’s legal small-scale mining operation (see para. 53). At the mining site, which is near the Kisharu stream west of Digalla village along the Yei-Juba road, SSPDF soldiers were present, both guarding the equipment and mining alongside artisanal miners.⁴⁴

56. Given that most of South Sudan’s gold is alluvial (see [S/2019/301](#)) and that mining deposits are scattered across Central and Eastern Equatoria (see annex IX),

³⁸ Interviews with General Malong, Nairobi and Rome, July-October 2020, and confidential sources.

³⁹ Interviews with civil society, NAS, SPLA-IO, SSPDF and confidential sources.

⁴⁰ Interview with General Cirillo, Rome, September 2020.

⁴¹ Interviews with NAS, civil society and confidential sources.

⁴² Sudans Post, “SSPDF threatens ‘deadly force’ against Cirilo’s rebels”, 24 August 2020. Available at <https://www.sudanspost.com/sspdf-threatens-deadly-force-against-cirilos-rebels/>.

⁴³ Interviews with the Ministry of Mining, UNMISS, NAS, SPLM/A-IO, civil society, businesspersons, mining sector employees and confidential sources.

⁴⁴ Ibid.

armed units of NAS, the National Security Service, SSPDF and SPLA-IO have guarded or controlled access to mining sites. Civil society and United Nations contacts have reported to the Panel that armed groups routinely block access to riverbeds and fields where artisanal miners work. For instance, the Government has blocked UNMISS efforts to set up a base in Lobonok, Central Equatoria, an area with artisanal mining, following a period of insecurity in August.⁴⁵

57. The lack of access for local civil society and UNMISS to natural resource areas controlled by armed groups, such as informal gold mines, has prevented timely and detailed reporting on the threats to civilians from the illicit exploitation of natural resources. Therefore, the Panel recommends that the Security Council update the UNMISS mandate to report on areas of insecurity and investigate incidents of violence against civilians connected to the illicit exploitation of and trade in gold, timber and other natural resources.

V. Effect of non-implementation on financial governance

58. The transparency, oversight and financial governance of South Sudan's public and natural resources has not improved since the formation of the Government. For instance, as the Panel previously reported (see [S/2020/342](#)), the Government has not transparently managed funds allocated for peace efforts. In the current fiscal year (July 2020–June 2021), the Government has planned to spend \$68.7 million, less than 6 per cent of its budget, on peace implementation, based on its budget figures.⁴⁶

59. The Government's available revenue has decreased compared with a year ago, and the Ministry of Finance and Planning has projected a budget shortfall of over \$700 million. As of mid-October, the Government was also in arrears on previous fiscal year obligations, including five months late on salary payments, totalling about \$110 million for public sector employees. Given the budget deficit, the Government applied for an emergency loan from the International Monetary Fund. Separately, the Government requested a \$250 million loan from the African Export-Import Bank Pandemic Trade Impact Mitigation Facility, using the same oil-backed terms as a previous financing arrangement (see [S/2020/342](#)).⁴⁷

A. Increase in resource-backed loans

60. Given South Sudan's limited available budget, financial lenders and companies fulfilling government services have increasingly requested resource-backed contracts, where repayment is made in-kind with crude oil or collateralized against it. The oil-backed contracts risk misappropriating public resources because the repayments often occur outside the normal budget and accounting channels, bypass oversight mechanisms, limit budget flexibility by prioritizing certain expenditures and involve third parties.

61. South Sudan's repayment commitments to the African Export-Import Bank and ARC Resources Corporation Ltd. are tied to the sale of oil cargoes. In 2020, the Government owes the African Export-Import Bank five cargoes of the Dar blend, for a \$400 million facility disbursed in 2019 (see annex X).⁴⁸ The President also

⁴⁵ Ibid.

⁴⁶ Documents on file with the Panel.

⁴⁷ The Government has also received an additional bridge loan of \$63 million from the African Export-Import Bank. Interviews with the Ministry of Finance and Planning, the African Export-Import Bank, customs officers, civil society, foreign diplomats and confidential source.

⁴⁸ Confidential documents and interviews with the Ministry of Petroleum, oil businesspersons and confidential sources.

announced that the entirety of the Nile blend – approximately a quarter of South Sudan’s marketable oil – has been allocated for the construction of roads (see annexes XI and XII).

62. While South Sudan produced 165,000 barrels per day for export in September, the Government can sell only about 42,500 barrels per day of the oil to finance its budget, after subtracting the oil obligated to the Government’s commercial partners and the Sudan. Because as many as half of the cargoes of crude oil available to sell in 2020 have been pre-allocated based on resource-backed contracts, the Panel has estimated that the Government’s marketable oil is about 21,300 barrels per day, the equivalent of less than \$30 million per month.⁴⁹

63. Considering the Security Council’s concerns regarding financial impropriety, pursuant to paragraph 16 of resolution 2521 (2020), the Panel recommends that the Committee receive a briefing from the Public Financial Management Oversight Committee of South Sudan on the measures the Government has taken to address financial governance reforms, implement chapter 4 of the peace agreement and review public financial management legislation, such as the Public Financial Management and Accountability Act (2011) and the National Revenue Authority Act (2016).

B. Lack of transparency and oversight in road construction

64. The Ministry of Roads and Bridges has signed resource-backed service contracts for the construction of multiple road projects. In 2019, construction started on the Juba-Terekeka-Rumbek road on the west bank of the Nile River. In 2019–20, the Ministry of Finance and Planning had disbursed at least \$70 million for a segment of the road to Terekeka, about 65 km north of Juba. Rain destroyed part of the road in May, leading the construction to be suspended pending the result of a Government review.⁵⁰

65. In March, ARC Resources started construction of the Juba-Bor-Malakal road on the east bank of the Nile River. The Government awarded the contract for the three-year, \$1.04 billion project based on a single source bid that was not publicized.⁵¹ According to Government officials familiar with the project, ARC Resources also failed to submit a feasibility study on the social and environmental impact of the road. In response to a letter from the Panel, ARC Resources replied that it undertook the formal government tender process. As of late October, less than 20 km of paved road had been completed.

66. Based on the terms of the contract and confidential sources familiar with the project, ARC Resources received upfront financing for the project that has not been reflected in the Ministry of Finance and Planning budget figures. The Panel has reviewed confidential documentation that indicates that ARC Resources received advanced payment of at least \$100 million for the project.

67. The Panel has also reviewed documentation confirming that in February 2020, the Government awarded a separate oil-backed contract, without a competitive tender, for the construction of the Juba-Torit-Nadapal road to Winners Construction Company Ltd.

⁴⁹ The Panel’s calculations are based on interviews, public data on oil production and revenue and unreleased Ministry of Finance and Planning figures.

⁵⁰ Ministry of Finance and Planning documents and interviews with confidential sources, Government officials and civil society.

⁵¹ Interviews with confidential sources, businesspersons and foreign diplomats.

C. Breaches of financial transparency in non-oil revenue collection

68. The transparency of non-oil revenue collection has declined since the former Commissioner General of the National Revenue Authority, Olympio Attipoe of Ghana, was dismissed in August 2019 (see S/2019/897). His interim replacement and the former head of finance for the National Security Service, Erjok Bullen, curtailed the monthly publication of tax revenue data and facilitated broad tax import exemptions.⁵² On 16 September 2020, Mr. Bullen was removed from his position and Patrick Mugoya of the United Republic of Tanzania was appointed as the new Commissioner General in October.

69. In fiscal year 2019/20, the Government collected about \$191 million in non-oil revenue, which equalled about 13.6 per cent of gross revenue collected.⁵³ The Panel identified four breaches of the National Revenue Authority or Government policy that created opportunities for the misappropriation of that non-oil revenue.

Widespread use of duty exemptions

70. During Mr. Bullen's tenure, the revenue collected from customs duties decreased (see annex XIII). Businesspersons and Government officials familiar with revenue collection told the Panel that the widespread use of tax exemptions contributed to the decreased revenue because, for instance, some companies have applied their tax-free privileges on behalf of other companies or individuals not covered in the exemption.

71. In addition, the Ministry of Finance and Planning approved broad waivers on imports for a number of companies, rather than those companies applying for exemptions for specific shipments or products (see annex XIV). In September, the Council of Ministers announced that it planned to stop tax exemptions for the import of non-essential goods.

Lack of public reporting on collection of taxes

72. According to the Public Financial Management and Accountability Act (2011), the Government must make all income and revenue available for public scrutiny and accountability. Following his interim appointment, Mr. Bullen ended the monthly release of data on the collection of taxes and fees. He also relied less on the Authority's commercial bank account to collect taxes, in favour of cash payments to Authority offices. The cash collections limited the quality of the verifiable financial paperwork, which created risks for the diversion of public funds.⁵⁴

73. The publication of monthly collections data resumed in September 2020, following the announcement of the dismissal of Mr. Bullen and of the Minister of Finance and Planning, Salvatore Garang Mabiordit. In August, the Authority collected the equivalent of about \$17.7 million in taxes.⁵⁵

Violations of financial transfer procedures

74. According to Chapter IX, subsection 40(1)(b)(i) of the South Sudan National Revenue Authority Act (2016), only up to 2 per cent of non-oil revenue collections

⁵² Confidential documents and interviews with the African Development Bank and foreign diplomats.

⁵³ Documents on file with the Panel.

⁵⁴ Interviews with former National Revenue Authority official, the Ministry of Finance and Planning, the South Sudan Customs Service and civil society.

⁵⁵ Eye Radio, "NRA ceases announcing monthly collections", 18 October 2019. Available at <https://eyeradio.org/nra-ceases-announcing-monthly-collections/>.

can be transferred to the Authority's operations account to cover its operational costs. The Panel confirmed in confidential interviews and through documentary evidence that three financial transfers to the Authority's operations account were made above the 2 per cent limit.

75. In September and October 2019, Mr. Bullen authorized three separate transfers into the operations account. In September 2019, about \$2.5 million, or 58 per cent of non-oil revenue collected during that month, was transferred to the operations account. In addition, in October 2019, \$1.6 million was transferred (see annex XV). The Panel does not have clarity as to what happened to the funds in the Authority's operations account following the transfers. The Panel sent official letters to the Bank of South Sudan and the Ministry of Finance and Planning to clarify the purposes of the transfers. The Panel received no responses.

Failure to collect natural resource fees and licences

76. Since its establishment in January 2019, the Authority has not collected fees, licences or taxes generated from the natural resource sector. The Panel found that the Authority has not recorded any revenue from the exploitation of or trade in gold.⁵⁶

77. Instead, the Ministry of Mining has collected payments for licences and fees directly, based on information obtained during interviews conducted by the Panel with businesses that hold small-scale mining or exploration licences. The Ministry of Mining's control over revenue collection has led to inconsistencies where, for instance, some licence holders have received licences, without paying fees, and others have withheld yearly rental payments.

78. In September, the Ministry of Mining issued directives for all mineral title holders to restart operations, given the non-payments and violations of mining regulations (see annex XVI). For instance, Gorom Mining has violated mining regulations because the company has used mercury to refine gold and constructed roads outside its concession without prior approval.⁵⁷

D. Illicit taxation of logging by the South Sudan People's Defence Forces in Central Equatoria

79. As the Panel previously reported, illegal logging has been prevalent in Central Equatoria (see S/2019/897). Through the illicit trade in timber, SSPDF and companies have circumvented government regulations. The Panel was told by multiple sources that South Sudanese customs officers have facilitated the transit of illegally cut logs into Uganda. According to the same sources, customs officers do not verify whether the timber receives proper documentation, such as the certificate of origin or export tax receipt.

80. In the areas of eastern Kajo Kaji County under SSPDF control, the Panel corroborated that units under the command of Colonel John Kamilo have taxed timber harvesting companies and traders. The timber companies and traders in Kangapo and Lire payams have made payments to SSPDF to ensure the safe passage of timber through SSPDF-controlled areas. The Panel verified that timber traders paid Colonel Kamilo up to \$800 per shipment to transport logs through areas under his control.⁵⁸

⁵⁶ Confidential documents on file with the Panel and interviews with the Ministry of Mining, the Ministry of Finance and Planning, civil society and businesspersons.

⁵⁷ Interviews with the Ministry of Mining, businesspersons in the sector and confidential sources.

⁵⁸ Interviews with community members, NAS, SPLA-IO and timber traders.

81. Colonel Kamilo has also orchestrated the illicit trade on the border with the districts of Moyo and Yumbe in Uganda. Colonel Kamilo has used his force to control checkpoints and coordinate the shipments of logs with local officials, South Sudanese customs officers and timber harvesting companies.⁵⁹

VI. Conclusion

82. The slow implementation of the peace agreement has wide-ranging implications for the safety of civilians and stability of the country. As the Panel has previously reported ([S/2019/897](#) and [S/2020/342](#)), tangible steps to implement the peace agreement have often required consistent pressure on the signatories from IGAD and the main guarantors of the peace agreement, the Sudan and Uganda. Since the formation of the Government, however, the lack of unity within IGAD has limited the needed high-level engagement on the implementation of the peace agreement.⁶⁰

83. Furthermore, during the reporting period, the Uganda People's Defence Force (UPDF) has continued to enter the territory of South Sudan, including on 27 October when UPDF and SSPDF clashed in Magwe County, Eastern Equatoria (see annex XVII). Uganda has not requested any exemption from the Committee. This constitutes a violation of the arms embargo imposed by the Security Council in paragraph 4 of its resolution [2428 \(2018\)](#), as renewed in paragraph 3 of its resolution [2521 \(2020\)](#).

84. The Panel is of the opinion that focus from the region on the implementation of the peace agreement is required because of the three specific emerging security risks highlighted below.

A. Breakdown in the chain of command of armed groups

85. Multiple senior interlocutors within SPLM leadership, SSPDF, the National Security Service and SPLA-IO told the Panel that, as of late October, political fragmentation had degraded the chain of command within some armed groups. In particular, the weak chain of command within SSPDF and SPLA-IO has posed significant risks for civilians.

86. In particular, the Panel notes the risk of new conflict from a breakdown of SPLM/A-IO unity. Unresolved political issues in eastern Jonglei and Upper Nile, in part because of the long-drawn-out appointment of the governor, pose significant threats. On 17 October, First Lieutenant General Dual warned of the collapse of the peace agreement (see annex XVIII). In addition, on 25 October, the Panel corroborated that Major General Ochan's SSPDF forces shelled an SPLA-IO position in Maiwut County.⁶¹

87. Multiple senior SPLM/A-IO leaders, including Government ministers, told the Panel that some SPLM/A-IO officials have considered regrouping with the non-signatories' forces, given the unresolved issues around the implementation of the peace agreement.

⁵⁹ Interviews with community members, the South Sudan National Police Service, the South Sudan Customs Service and civil society.

⁶⁰ Interviews with regional diplomats and intelligence, IGAD and confidential sources.

⁶¹ Interviews with SPLA-IO, civil society and elders.

B. South Sudan People's Defence Forces offensive in Central and Western Equatoria

88. In September and October, SSPDF and SPLA-IO deployed large contingents of soldiers to Lainya, Lobonok, Morobo and Mundri counties.⁶² According to SSPDF and SPLA-IO commanders, the forces aimed to both dislodge SPLA-IO fighters loyal to Mr. Machar in Panyume and to renew the offensive against NAS. General Cirillo told the Panel that the next round of Rome talks might be in jeopardy if the offensive starts.

C. National Security Service acquisition of new weapons and training

89. While the Government has armed militias from its stockpiles, security forces have also pursued avenues to acquire new weapons and military training.⁶³ The Panel corroborated that Lieutenant General Kuc, whose Internal Security Bureau violated the arms embargo in 2019 (see [S/2020/342](#)), has recruited a new force of around 500 men.⁶⁴ Security personnel and confidential sources told the Panel that the force had received passports in October 2020, with the intention of travelling to a regional country for training, based on an agreement Lieutenant General Kuc had negotiated. The Panel also found that Lieutenant General Kuc had travelled to Uganda and Kenya in an attempt to resupply weapons and ammunition.⁶⁵

90. **A resupply of weapons and ammunition to government security forces or non-State armed groups during a period when the signatories have failed to commit to the implementation of the peace agreement and the cessation of hostilities agreement would further threaten civilians and risk the peace and security of South Sudan. The Panel recommends that the Security Council maintain the arms embargo on South Sudan and take measures to improve the implementation thereof.**

91. **In particular, the Panel recommends that the Security Council amend the language in paragraphs 5 and 6 of its resolution [2428 \(2018\)](#) to authorize the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism to inspect cargoes entering South Sudan that have received an exemption from the Committee and verify the end user.**

92. **The Panel also recommends that the Committee remind Member States neighbouring South Sudan to inspect cargo bound for South Sudan in accordance with paragraph 8 of resolution [2521 \(2020\)](#), and to report on these inspections to the Committee.**

⁶² Interviews with SSPDF and SPLA-IO commanders, civil society and confidential sources.

⁶³ Interviews with SSPDF, the National Security Service, SPLA-IO and NAS commanders, Government officials, civil society and confidential sources.

⁶⁴ Interviews with security personnel and confidential sources.

⁶⁵ Interviews with Government officials, the National Security Service, elders and confidential sources.

Annexes

Contents

Annex I: Excerpt from Communiqué of the 36th Extraordinary Assembly of Intergovernmental Authority on Development (IGAD) Heads of State and Government held online via videoconference	23
Annex II: Human rights abuses committed in Jonglei and Greater Pibor Administrative Area from February to August 2020	26
Annex III: Documentation of stockpile management	31
Annex IV: Violent disarmament campaign in Warrap	34
Annex V: SPLA-IO defections in the reporting period	35
Annex VI: SPLA-IO First Lieutenant General Dual Related to First Vice-President Machar	37
Annex VII: Major General Lokujo's letter of resignation from the SPLA-IO	38
Annex VIII: NAS press release on attack in Gorom payam	41
Annex IX: Locations of artisanal gold mining sites	42
Annex X: Repayment schedule for Afreximbank loan	43
Annex XI: Excerpt from President Kiir's Independence Day speech in 2020	45
Annex XII: Excerpt from President Kiir's speech to the Transitional National Legislature in 2019	46
Annex XIII: Ministry of Finance and Planning 2019-20 non-oil revenue collection	47
Annex XIV: ARC Resources application for customs duty exemption	48
Annex XV: Financial transactions into National Revenue Authority operating account	49
Annex XVI: Ministry of Mining orders	52
Annex XVII: SSPDF press statement on UPDF incursion	54
Annex XVIII: Second letter from SPLA-IO First Lieutenant General Dual related to First Vice-President	55
Annex XIX: Consolidated list of recommendations of the Panel of Experts on South Sudan	56

Annex I: Excerpt from Communiqué of the 36th Extraordinary Assembly of Intergovernmental Authority on Development (IGAD) Heads of State and Government held online via videoconference



**COMMUNIQUE OF THE 36TH EXTRAORDINARY ASSEMBLY OF
IGAD HEADS OF STATE AND GOVERNMENT
HELD ONLINE VIA VIDEOCONFERENCE
14th July 2020**

The 36th Extraordinary Assembly of IGAD Heads of State and Government was held on 14th July 2020 via videoconference, chaired by **H.E. Dr. Abdalla Hamdok**, Prime Minister of the Republic of the Sudan. The Assembly was attended by **H.E. Yoweri Kaguta Museveni**, President of the Republic of Uganda, **H.E. Ismail Omar Guelleh**, President of the Republic of Djibouti; **H.E. Salva Kiir Mayardit**, President of the Republic of South Sudan; **H.E. Mohamed Abdullahi Mohamed**, President of the Federal Republic of Somalia; **H.E. Uhuru Muigai Kenyatta**, President of the Republic of Kenya, and **H.E. Dr. Abiy Ahmed**, Prime Minister of the Federal Democratic Republic of Ethiopia.

Also, in attendance were: representatives of the IGAD Council of Ministers and Committee of Ambassadors, **H.E. Dr. Workneh Gebeyehu Negewo**, Executive Secretary of IGAD; **H.E. Amb. Ismail Wais**, IGAD Special Envoy for South Sudan; **H.E. Amb. Mohamed Ali Guyo**, IGAD Special Envoy for the Red Sea, Gulf of Aden and Somalia; **H.E. Dr. Stephen Kalonzo Musyoka**, Kenya Special Envoy to South Sudan and **H.E. Amb. Lt. Gen. Augustino Njoroge**, Outgoing Interim Chair of RJMEC.

Representatives of IGAD Partners present during the Assembly's proceedings included; **H.E. Smail Chergui**, African Union Commission Commissioner for Peace and Security; **H.E. Parfait Onanga-Anyanga**, Special Envoy of the UN Secretary-General for the Horn of Africa; **H.E. Alexander Rondos**, EU Special Representative for the Horn of Africa;

On South Sudan:

Thanked the leadership of South Sudan for its visible determination to implement the provisions of the R-ARCSS towards the establishment of a peaceful environment in South Sudan and improved protection of civilians;

Appreciated the leadership of IGAD for its unwavering commitment and consistent engagement in the peace-building process of South Sudan;

Grateful to the African Union, TROIKA (US, UK and Norway), European Union, China, IGAD Partners Forum, Japan and friends of Sudan for their continued support to the Peace Process in South Sudan;

Recognized and was **encouraged** by the continued holding of the ceasefire across South Sudan and thereby **commended** the Parties to the Agreement for continuing to abide by the Cessation of Hostilities Agreement;

Appreciated the progress made and milestones reached since the 34th Extraordinary Assembly held on 8th February 2020 in Addis Ababa, Ethiopia, including appointment and inauguration of the Executive arm of the R-TGoNU;

Further encouraged and **recognized** efforts at reducing armed violence as spearheaded by H.E. President Salva Kiir Mayardit including the announcement of the disarmament of civilians and the formation of a National Taskforce to look into enduring inter-communal challenges and pastoralist conflict;

Strongly Commended the Government of South Sudan for establishing an Investigation Committee on atrocities committed against civilians in Yei River State to ensure perpetrators conform to the rule of law and noting that this initiative marks a significant milestone in subjecting the military to constitutional and legislative oversight;

Further Commended the Government for undertaking political and security initiatives to contain armed clashes and intercommunal violence;

Noted the pending matter of responsibility-sharing at the State and Local Governments level, and in the light of this, **called upon** the Parties to swiftly resolve the impasse through an all-inclusive, transparent and collegial process of consultations and dialogue;

Appealed to the President of the Republic to dissolve the current TNLA before **26th July 2020**; and the Parties to reconstitute the TNLA in accordance with the R-ARCSS within seven (7) days of the dissolution of the incumbent TNLA;

Called upon the R-TGoNU to honour commitments made during **the 71st IGAD Council of Ministers Meeting** to take remedial measures to immediately rectify the alterations made to the Constitutional Amendment Bill;

Annex II: Human rights abuses committed in Jonglei and Greater Pibor Administrative Area from February to August 2020

Simultaneously to the formation of the Government in February 2020, there was a surge in ethno-political violence in Jonglei State and Greater Pibor Administrative Area (GPAA), with devastating consequences for civilians, including high numbers of fatalities, abductions, sexual and gender-based violence, movement restrictions, as well as mass displacement of highly vulnerable populations, particularly women and children.⁶⁶

There were four distinct phases of violence:

- In the first (February-March 2020), Dinka and Nuer militias, carried out a large-scale attack in GPAA, Murle territory;
- In the second (May-June 2020), Murle militias carried out a series of attacks in Uror County, Jonglei, a Lou Nuer area;
- In the third (June-July 2020), Dinka and Nuer militias attacked GPAA;
- In the fourth (July-August 2020), Murle militias attacked Bor South, Twic East and Duk Counties, Jonglei, a Dinka territory.⁶⁷

The Panel notes that violence is the primary contributing factor in the current humanitarian crises. Jonglei and GPAA already were the two of the most severely food insecure areas of South Sudan.⁶⁸ Therefore, access to humanitarian aid and the ability to prepare the land for the harvesting season would have been key for the survival of the population. However, the fighting severely disrupted land preparation and obstructed humanitarian access.⁶⁹ As a consequence, the most vulnerable population was left without access to basic services and on the brink of starvation.⁷⁰

Human rights abuses committed during phase one of the violence

Abuses committed by Dinka and Nuer militias in Murle territory

Between 17 February and 13 March 2020 combined Dinka Bor and Lou Nuer ethno-political militias carried out a large-scale attack in GPAA. Joint forces first attacked Manyabol, then Bishbish, and lastly a number of small villages north of Pibor (Lokomarch, Werchum, Nyergeny, Likuongole and Kongor).⁷¹

During the attacks, militias partially destroyed markets, looted civilian property and abducted women and children.⁷² According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) due to violence an estimated 10,000 people—mostly children, women and elderly—were displaced.⁷³ The International Office for Migration (IOM) estimated that over 8,400 IDPs took shelter in the area adjacent to the UNMISS base in Pibor.⁷⁴

Forces belonging to SSPDF Division 8, for political reasons, failed to protect civilians. Several sources told the Panel that SSPDF Division 8 withdrew from Likuongole and refused to stop the Dinka Bor and Lou Nuer militias, as they were moving towards Pibor.⁷⁵

⁶⁶ OCHA reports that roughly 157,000 people were displaced due to the fighting in Jonglei between February and July 2020. See United Nations Office for the Coordination of Humanitarian Affairs (OCHA) humanitarian snapshot February, April, May, June and July. <https://www.humanitarianresponse.info/en/op%C3%A9rations/south-sudan>

⁶⁷ Interviews with civil society, witnesses and confidential sources, May – September 2020.

⁶⁸ Integrated food security Phase Classification, Key Messages, January 2020 available at: <http://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1152135/>

⁶⁹ Interviews with civil society, witnesses and confidential sources, May – September 2020.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Interviews confidential sources, civil society organizations and humanitarian actors, May-August 2020.

⁷³ OCHA, Humanitarian Snapshot, February 2020 available at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss_20200311_humanitarian_snapshot_february.pdf

⁷⁴ IOM, DTM displacement tracker, 12 March 2020.

https://reliefweb.int/sites/reliefweb.int/files/resources/202021203_Event_Tracking_Pibor_UNMISS_AA.pdf

⁷⁵ Interviews with confidential sources, civil society organizations and humanitarian actors, May-August 2020.

Human rights abuses committed during phase two of the violence

Abuses committed by Murle militias against Lou Nuer communities

Starting on 16 May 2020, Murle militias carried out a series of coordinated attacks in Pieri, Golgol, Guanchat, Pamai, Payai and Jokria, Uror County, Jonglei.⁷⁶ According to several sources, the Murle militias targeted communities and villages. The same sources pointed out the attacks were not directed at cattle camps, as had happened in previous years of conflict.

Human rights abuses committed were rampant. An estimated 300 people were killed, including at least 100 civilians.⁷⁷ Most of the casualties were vulnerable civilians, such as the elderly and people living with disabilities because they were unable to flee the violence. In addition, Lou Nuer women and children were abducted.⁷⁸

According to IOM, over 18,000 people were displaced.⁷⁹ Most people who fled from the initial attacks in Pieri and surrounding areas resettled in north Uror County, in the villages of Mwo Tot, Pulchoul, Yuai Town and Rianga villages.⁸⁰ These villages were later targeted again by the Murle militias triggering secondary and tertiary displacement, further increasing vulnerability, limiting access to essential resources and services, and exposing women and children to sexual and gender-based violence.⁸¹

Abuses committed during phase three of the violence

Abuses committed by Dinka Bor and Lou Nuer militias against the Murle population

On 10 June 2020, Dinka Bor militias marched from Bor town (south Jonglei) and Gawaar and Lou Nuer militias from Pieri (north Jonglei) into Pibor, GPAA. Between 11 and 18 June 2020, the militias attacked several villages on their way to Pibor, including Kozchar, Manyobal, Likuongo and Gumuruk.⁸²

Murle populations fled to Pibor town but as the fighting advanced towards the town, many fled southeast to Verthet Payam, GPAA, and those who were physically capable of travelling longer distances fled further south to Labarab and Maruwa Hills, GPAA.⁸³

Between 6 and 9 July 2020, Lou Nuer and Dinka Bor militias intentionally attacked displacement sites in Verthet and Labarab to target civilians who fled from Kozchar, Manyobal, Likuongo and Gumuruk. These attacks triggered secondary and tertiary displacement to farther reaching areas, where the IDPs had less access to humanitarian assistance.⁸⁴ As IDPs began returning to their villages in September, community members from Likuongo, Gumuruk, and Verthet reported that no one who stayed behind survived the attacks.⁸⁵

The Panel verified that the most violent attacks occurred in Likuongo, Gumuruk and Verthet.⁸⁶ Lou Nuer and Dinka Bor militias looted, vandalized and burned down civilian property including houses, markets and tea shops, as well as humanitarian objects (see confidential Annex 2).⁸⁷ According to OCHA, due to violence between 60-70,000 people were displaced.⁸⁸ Humanitarian sources told the Panel it was the largest coordinated attacks in Jonglei since independence.

Human rights abuses during phase four of the violence

Abuses committed by Murle militias in Dinka Bor territories

At the beginning of July 2020, Murle combatants began attacking the communities and cattle camps beginning in Bor South County and moving up through Twic East and Duk Counties, Jonglei.⁸⁹

⁷⁶ Interviews with confidential sources, civil society organizations and humanitarian actors, May-August 2020.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ DTM, IOM, Event tracking Uror County, May 2020 <https://displacement.iom.int/reports/south-sudan-%E2%80%94-event-tracking-uror-county-jonglei-state-may-2020>

⁸⁰ Ibid.

⁸¹ Interviews with confidential sources, civil society organizations and humanitarian actors, May-August 2020.

⁸² Interviews with civil society, witnesses, confidential sources, May – September 2020.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Interviews with confidential sources and witnesses, September 2020.

⁸⁶ Interviews with confidential sources, civil society organizations and humanitarian actors, May-August 2020.

⁸⁷ Interviews with confidential sources, June-August 2020.

⁸⁸ OCHA, Humanitarian snapshot June 2020, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-june-2020>

⁸⁹ Interviews with civil society, witnesses and confidential sources, May-October 2020.

Murle militias destroyed civilian property including markets, abducted children and women, and committed rape and other sexual and gender based violence.⁹⁰ One of the most deadly incidents for civilians occurred on 27 July 2020, when armed Murle militias attacked a church in Makol Chuei, Bor West County, Jonglei, which was hosting recently displaced IDPs from Bor South County. The attack killed 50 people and injured an estimated 72 people.⁹¹ By mid-July, IOM reported that over 13,000 IDPs had temporally sheltered in Bor town.⁹²

Violence targeted humanitarian facilities and hampered the delivery of humanitarian aid

Throughout the above-mentioned period, humanitarian access was obstructed. Due to the high levels of insecurity, humanitarian agencies were unable to reach displaced populations during the conflict. By 31 July 2020, none of the major roads in Jonglei were open or accessible due to the conflict.⁹³

Humanitarian facilities and services were targeted, destroyed and looted. During phase one, two and three of the violence, 635 metric tons of food and nutrition items were stolen across Gumuruk, Verteth, Pieri, and Nyadin villages in GPAA and Jonglei.⁹⁴

Both Gumuruk and Likuongole saw indiscriminate burning of humanitarian assets during phase three of the violence. NGO vehicles and NGO compounds, warehouses holding food and supplies for humanitarian distribution, health clinics and schools were looted, vandalized and burned down (see confidential Annex 2). By July 2020, all local health aid facilities in Gumuruk, Likuongole, Verthet and Pibor Town, GPAA, had suspended their activities.⁹⁵

Targeted flight restrictions also obstructed humanitarian access and aid delivery during the conflict.

- On 16 June 2020, the Jonglei Youth Leadership, supporters of the Nuer and Dinka Bor, released a statement declaring a no-fly-zone over GPAA, accusing officials in Juba of supporting the Murle Cobra Faction with arms and ammunition throughout the conflict (see below).
- At the end of June, the Murle Cobra Faction denied efforts to evacuate wounded Dinka Bor and Nuer combatants out of Pibor town. The Murle Cobra Faction demanded SSDPF deployments to the GPAA in exchange for facilitating the medical evacuation of wounded Nuer and Dinka combatants.⁹⁶
- At the end of July, Government authorities blocked a flight leaving Juba carrying medical and humanitarian supplies to Duk and Twic East Counties, Jonglei, during the series of Murle attacks in the fourth phase of violence.⁹⁷

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² IOM, South Sudan — Event Tracking: Bor South County, Jonglei State, August 2020: <https://displacement.iom.int/reports/south-sudan-%E2%80%94-event-tracking-bor-south-county-jonglei-state-august-2020>

⁹³ Confidential report on file with the Panel.

⁹⁴ WFP, Situation Report, August 2020:

<https://reliefweb.int/sites/reliefweb.int/files/resources/WFP%20South%20Sudan%20Situation%20Report%20%23274-%2014%20August%202020..pdf>

⁹⁵ Interviews with confidential sources, May-October 2020.

⁹⁶ Confidential reports on file with the Panel.

⁹⁷ Interviews with humanitarian staff, witnesses and confidential sources, May-October 2020.

Declaration of prohibition of a no-fly zone over Greater Pibor Administrative Area (GPAA) issued the Jonglei Youth, June 2020

DECLARATION OF IMPOSITION OF A NO-FLIGHT ZONE OVER PIBOR ADMINISTRATIVE AREA (P.A.A)

(Bor, Jonglei, 16 June 2020) - This statement serves to notify all the authorities in South Sudan; and the people of South Sudan in general that we, the Jonglei Youth, will be imposing a No-Flight Zone over the entire airspace of Pibor Administrative Area (P.A.A). We hereby alert both civil and military authorities to avoid traveling over or flying in and out of the Pibor Administrative Area. We advise all concerned parties that any pending plans to travel to the area be postponed indefinitely. The prohibition is effective as of today (the 16th of July 2020) and shall remain in effect until further notice.

The Jonglei Youth Leadership on ground in Pibor are hereby instructed to reinforce this order without further ado. Any plane that violates this order must be brought down! The no-fly restriction applies to all UN reliefs, commercial and military aircrafts flying in and out of the Pibor area.

We took on this decision in light of the ongoing communal clashes between the Youths of Jonglei and the unruly youth of Murle. The Jonglei Youth mobilized themselves in masses to impose law and order across the Greater Jonglei State in lieu of a functional or responsible national government. This decision came after last month's massacre, where rogue youth from the Murle tribe unconventionally attacked the Lou Nuer, subsequently killing dozens of civilians and injuring scores more. The unruly youth pillaged the entire village of Piere and abducted cattle and children while displacing hundreds of unarmed civilians. Like in many other occasion, the government opted to remain both blind and deaf to the affliction of Jonglei.

The massacres were committed by Murle's Cobra faction of Gen. David Yau Yau and Gen. Akot Lual, who have also been concurrently waging a conquest of disturbance across all the Greater Bor counties of Duk, Twic-East and Bor respectively. This violent behavior, which often results in systematic displacement of people and destruction of livelihood, must be brought to an end through one way or another.

It has come to our attention that some interest driven elements have been supplying ammunitions by air to Pibor to tilt the battle in favor of the Murle bandits. In one of the recent battles where our mighty youth witnessed the thrill of victory against the Murle youth, large quantities of automatic and semi-automatic weaponry as well as their ammunitions were seized from the enemy's armory. This begs the question of HOW and WHY such weapons were supplied to a non-state actor? Most of all, WHO supplied these weapons?

We believe that some elements from Juba are implicit in Murle's violent plunder of villages within its vicinity. The concurring attacks carry intent to destabilize the Greater Jonglei State, as to keep them engaged in trivial matters, afar from the National Agenda. We have resolved to cut the supply of weapons to the Murle, through means of air transportation, hence the imposition of the Flight Exclusion Zone.

We further wish to reiterate that our operation represents no harm to the UN, other NGOs, private businesses and the government of the day. We are not concern with the politics of the regime change or whatsoever. In this spirit, we would like to assure authorities in Juba that national and international properties and assets will be exempted from our strategic maneuver.

Violence as the primary contributing factor in the current humanitarian crises

Attacks in February and March 2020 in GPAA disrupted land preparation ahead of cultivation. Mass displacement and subsequent movement restrictions caused by the conflict from May to August 2020 in northern, southern and western Jonglei prevented seasonal planting, weeding and growing.⁹⁸

With exhausted food stocks there was an increase in market reliance between May and August 2020, however, the conflict blocked most major market supply routes. Most markets had been burned down during the attacks, which left people without options for alternative food supply.⁹⁹

The inability of communities to cultivate was further exacerbated by the lack of humanitarian access. Due to insecurity between May and August 2020, no assistance was delivered to conflict-affected areas. Moreover, planned food distribution throughout the lean season (May-August 2020) in GPAA and most of Jonglei did not happen.¹⁰⁰

In this context, IDPs—displaced because of the months of conflict—have been unable to cope with the wave of unexpected heavy rains and flooding that started in June 2020. The rains that have continued, as of October, have affected Bor South, Pibor, Duk and Twic Counties.

⁹⁸ Interviews with confidential sources and humanitarian actors, May-October 2020.

⁹⁹ Ibid.

¹⁰⁰ Confidential documents on file with the Panel and interviews with humanitarian sources, June-August 2020.

Annex III: Documentation of stockpile management

The Government has outlined regulations for its stockpile management in Chapter Two, paragraph 15 of its Firearms Act (2016). In addition, the Government requested assistance in stockpile management in its 2018 and 2020 national reports to the UN Secretary-General on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI), which referred to key challenges to the Government's capacity to adequately manage arms supplies and address the illicit proliferation of arms.

Firearms Act (2016)

15 Stockpile Management

- (1) A mandatory physical stock taking, at least once every year shall be undertaken by all state agencies and local governments that possess firearms.
- (2) A verification process to evaluate correctness of the data shall be established with oversight provided by the relevant institutions.
- (3) Firearms in the possession of civilians shall be registered on the Central Firearms Database.
- (4) The Military and National Security firearms shall be registered within the Military and National Security firearms registries.
- (5) All firearms in possession of a state agency shall be marked by a uniform proofing mark on both the barrel and the frame.

14

Act 1

Firearms

2016

- (6) No firearms in the possession of state agency shall be transferred to a private person.
- (7) Any obsolete and/or surplus firearms in possession of a state agency shall be disposed of by destruction.
- (8) An employee of state agency may possess a firearm of that state agency subject to the conditions prescribed in the Regulations.
- (9) Every government agency shall maintain a register which contains the information as prescribed in the Regulations.

2020 National Report on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI)¹⁰¹

National Report on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI)

South Sudan
English
SUBMITTED

Diversions

[RevCon3 outcome II, A.1(c)20] 5.4. Does your country collect information on incidents of diversion related to national stockpile management? ☒ ☐

5.4.1. Number of incidents of diversion related to stockpile management:

2

5.4.1.1. Details:

The first incident occurred when a weapons meant to given to the police were diverted to the civilians by rogue elements in the police. Those weapons were recovered because they were marked with the unique police serial number. The second incident was also involving the weapons of the National Security which were supposed to go to one of their units. The weapons were intercepted by the rebels and they were diverted to the rebels camp.

International assistance

[PoA II.29: III.6] 5.6. Does your country wish to request assistance in developing standards and procedures on stockpile management? [if no, go to 5.5] ☒ ☐

5.6.1. What kind of assistance do you require?

Technical Training on Physical Security and Stockpile Management (PSSM).

5.6.2. Has your country developed a project proposal for assistance in this regard? ☐ ☒

International assistance

[PoA III.6: 14] 5.7. Does your country wish to request assistance in developing capacity for the destruction of weapons? [if no, go to 6.1] ☒ ☐

¹⁰¹ South Sudan, National Report on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI), 2020: <https://unoda-poa.s3.amazonaws.com/reports/SSD-English-1046-SUBMITTED.pdf>

2018 National Report on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI)¹⁰²

National Report on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI)

South Sudan
English
SUBMITTED

International assistance

PoA II.29: 10. Does your country wish to request assistance in developing standards and procedures on stockpile management?

III.6

10.1 What kind of assistance do you require?



Technical and Financial assistance to: 1. Draft Standard Operating Procedure (SOP) on Physical Security & Stockpile Management. 2. Draft Standard Operating Procedure (SOP) on Marking & Registration. Regarding Stockpile Management the Republic of South Sudan engaged in technical assessments with German support and conducted several Capacity Building workshops with the organized forces. Based on these activities, support is required in the following areas: -

- Build new armories where infrastructure is not existent that include financing for safe storage facilities. - Refurbish existing storage facilities where appropriate. - Financing Basic Infrastructure to improve installation of racks in armories, - Build secure fences to improve internal and external physical security of the facilities. - Technical training of armorers on Physical Security & Stockpile Management.

¹⁰² South Sudan, National Report on the implementation of the Programme of Action on small arms and light weapons (PoA) and the International Tracing Instrument (ITI), 2018: <https://unoda-poa.s3.amazonaws.com/reports/SSD-English-871-SUBMITTED.pdf>

Annex IV: Violent disarmament campaign in Warrap

In late July 2020, Lieutenant General Rin Tueny Mabor Deng established a command post in Romic, the county capital of Tonj East County, to start the disarmament campaign. Historically, Tonj East has been a neglected Dinka area, with most of its population and tribal chiefs supporting the Sudan People's Liberation Movement/Army in Opposition. In addition, the Panel corroborated that Lieutenant General Akol Kur Kuc had agreed with local chiefs, through the mediation of his father-in-law, General Mathiang Magordit Akuchwel (South Sudan National Police Service) to rearm local cattle keeping militias, known in Dinka as "Gelweng".¹⁰³

Multiple sources in Romic told the Panel that the disarmament taskforce established a "military government"—led by Colonel Philip Piol Ayuel—to replace the local administration and judiciary. By the first week of August, tensions between the taskforce and cattle keepers had grown.¹⁰⁴

On 8 August 2020, in the market in Romic, violence erupted after soldiers killed an unarmed civilian after they protested the detention of a youth. Violence spiralled during impromptu protests when the local Dinka cattle keeping militias approached the military taskforce headquarters seeking revenge. The Panel collected multiple corroborated testimonies confirming that, in the course of the subsequent fight, the SSPDF units in Romic, commanded by Captain Majok Bona Bol and Major Deng Apac, deployed heavy artillery and tanks to shoot into civilian-inhabited cattle camps.¹⁰⁵ As a result of the fight, at least 148 people were killed including 63 soldiers (including Captain Bona Bol and Major Apac), and 85 civilian and hundreds of soldiers, militia and civilians injured.¹⁰⁶

¹⁰³ Interviews with SSPDF commanders, elders, civil society, eyewitnesses and confidential sources, August-October 2020.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid. See Radio Tamazuj, Death toll from Tonj East fighting rises to 148, 13 August 2020: <https://radiotamazuj.org/en/news/article/death-toll-from-tonj-east-fighting-rises-to-148>

Annex V: SPLA-IO defections in the reporting period

In the aftermath of the formation of the new cabinet, on 17 March 2020, three senior SPLA-IO generals, including its Deputy Chief of General Staff for Administration and Finance and sanctioned individual Lieutenant General James Koang Chuol (SSi.003)—previously sacked by First Vice-President Machar from his position of co-Chair of the Joint Defence Board (JDB)—announced their defection to the SSPDF.¹⁰⁷ In a statement, the defectors indicated that “the SPLM/A-IO has lost direction, vision and command of the forces that it is turned into family affairs without consultation with Military Command Council in the movement is case in point” (see below).

Lieutenant General Koang told South Sudanese media that “I am no longer a supporter of Dr. Riek Machar. We have resigned from his leadership because the officers are being neglected. Also, the recent formation of the government was not done properly”.¹⁰⁸ Lieutenant General Koang also accused the First Vice-President of nepotism after his wife, Angelina Teny, was appointed as Minister of Defence and Veterans Affairs in the Government.¹⁰⁹

Also in March, General James Nando Mark, the SPLA-IO division commander in Western Equatoria, defected to the SSPDF, citing similar reasons.¹¹⁰ On 14 September 2020, General Barnaba Malish, the SPLA-IO Sector 6 deputy commander (Western Equatoria), defected to the SSPDF together with 165 soldiers. He cited the lack of security reforms and nepotism within the SPLM/A-IO as the reasons for his defection.¹¹¹ On 21 September 2020, the Panel also received a copy of a handwritten letter, written by Major General Moses Lokujo Gabriel, SPLA-IO Commander of Division 2B (Central Equatoria), where Major General Lokujo defected to the SSPDF for similar reasons (see Annex 7).

¹⁰⁷ Interviews with SPLA-IO senior leadership and confidential sources, March 2020.

¹⁰⁸ Radio Tamazuj, SPLA-IO’s deputy chief of staff defects to Kiir, 17 March 2020: <https://radiotamazuj.org/en/news/article/spla-io-s-deputy-chief-of-staff-defects-to-kiir>

¹⁰⁹ Ibid.

¹¹⁰ Interviews with SPLA-IO commanders, September 2020.

¹¹¹ Radio Tamazuj, Senior SPLA-IO commander in Western Equatoria joins Kiir, 14 September 2020: <https://radiotamazuj.org/en/news/article/senior-spla-io-commander-in-western-equatoria-joins-kiir>

Lieutenant General James Koang Chuol resignation from SPLA-IO

Date 17/3/2020

Letter of Resignation

We are hereby announcing our resignation from the **SPLA/M (IO)** with effect from 17/3/2020. We have also decided to resign from our respective assignments. The reasons are many but important among them is the way the movement is being run and managed. The **SPLA/M (IO)** has lost direction, vision and command of the forces that it is turned into a family Affairs or business enterprise. The recent appointment of Minister of Defense and Veterans Affairs without consultation with Military Command Council in the movement is case in point.

Therefore, in the interest of full implementation of the **Sept 2018 Peace Agreement** and in the spirit of ensuring stability and peace to our beloved country of South Sudan, we have decided to join hands, declare our support and allegiance to the president of the Republic of South Sudan **General Salva Kiir Mayardit**. We shall be committed and work as part of the Sudan People's Liberation Movement (**SPLM**) and South Sudan People's Defense Forces (**SSPDF**) to effectively ensure that our abandoned forces that are left behind in the bushes without food, shelter and medicines are promptly reorganized and reintegrated in the shortest possible time with their brothers and sisters in the **SSPDF**.

We strongly urge our field commanders and their forces to remain calm and ensure that the permanent ceasefire holds in greater Upper Nile, Bhar el ghazal and Equatoria in their current positions. We also urge them to immediately report themselves to various Cantonment sites and training centers for smooth and timely implementation of the remaining critical tasks of the security arrangements.

Signed:

1. **LT. Gen. James Koang Chol**, Former Deputy Chief of General Staff for Administration and Finance and former Co-chair of Joint Defense Board (JDB).
2. **Maj Gen. Gatkhor Gatluak Koryom**, former Co-chair of Joint Military Ceasefire Commission (JMCC)
3. **Maj Gen. Wang Chany Thian**, former Deputy Director General for National Security Service (NSS), former member of (JDB) Technical team.
4. **Maj Gen. Joseph Yata Erasto**, Former Commander of Division 2 B, and former member of (JDB)

CC: File

Annex VI: SPLA-IO First Lieutenant General Dual Related to First Vice-President Machar

Sudan People's Liberation Army in Opposition SPLA-I-O



The office of chief of General staff

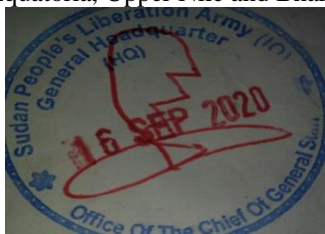
Formal letter to South Sudan Peace guarantors, TROIKA, AU, IGAD.

Subject: Request for Dr.Machar to SPLA (IO) GHQs for briefing:

The Military High command's Leadership (MHCL) of SPLA (IO) has learned that the ongoing Peace agreement in Juba has lots of complications and inherited some sorts of procrastinations which debilitating the implementation of the agreement, especially the security arrangements which is the most paradigm that should have been solved in the first month prior to the agreement.

However, I have have written an appeal to South Sudan Peace guarantors,Troika, AU and IGAD to accept our request as a movement that, the Chairman and Commander in Chief (C-in-C), First Vice President of the Republic of South Sudan, Dr.Riek Machar Teny Dhurgon, should be given a chance in order to meet and briefs the SPLA (IO) Military Leadership (ML) about the status of the peace in the GHQs.

It's clear that know Dr. Machar, went to Juba in February, for confidence building and pushing the agreement to work without hindrances but as a result, the regime in Juba is playing tricks to mislead both African peace actors, IGAD, AU and the wider international community. Undoubtedly the current peace deal in South Sudan is deteriorating and slowly moving towards passimise ending while peace guarantors are crossing legs and watching without action.The SPLA (IO) forces comprised of forty one (41,000) troops are ready now to move at anytime and must be deployed in the three (3) towns, Equatoria, Upper Nile and Bhar el Gazal regions as per the agreement, or otherwise, the peace is dead.

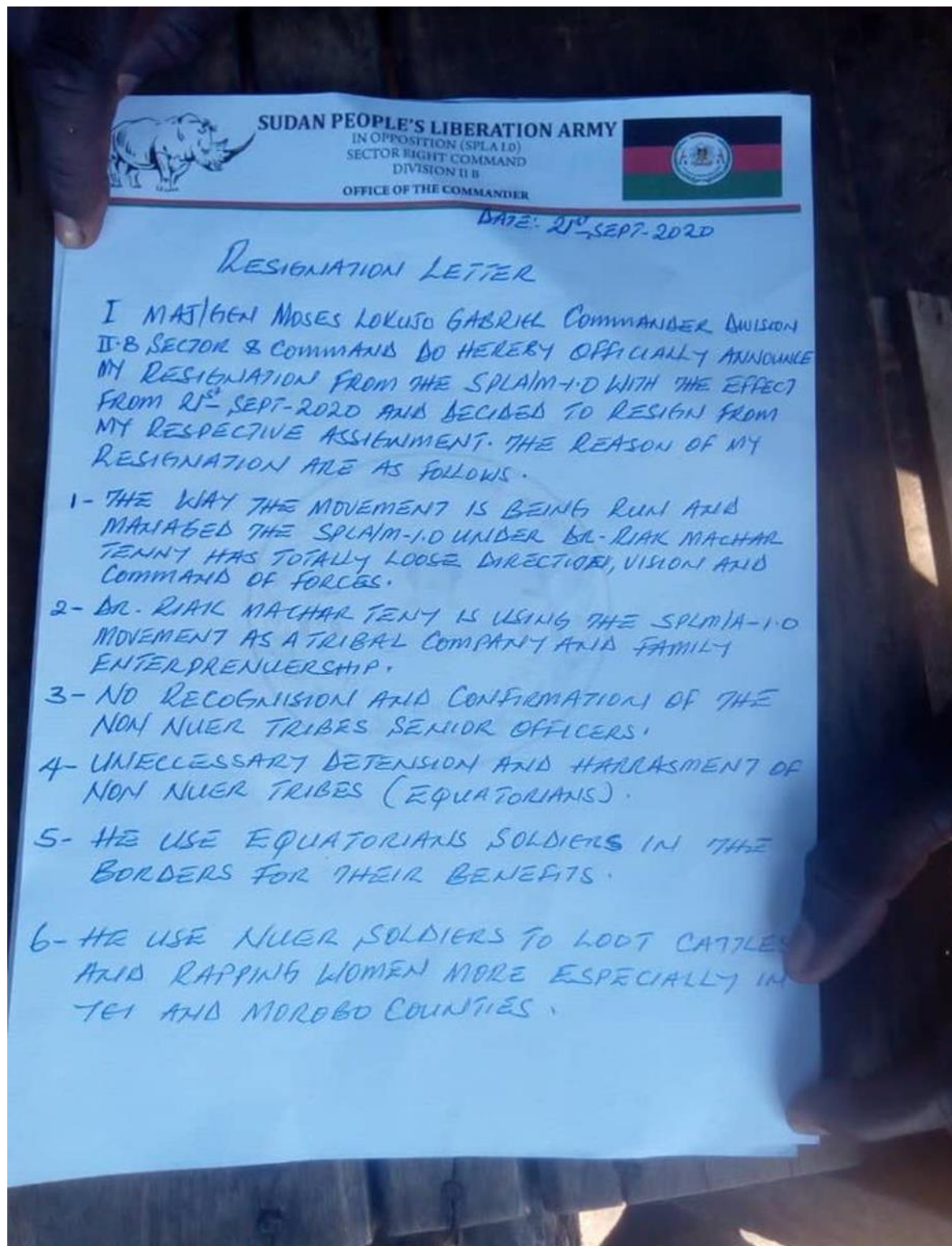


Regards

SPLA (IO) Chief of General Staff, First Lieutenant General Simon Gatwech Dual, GHQs, South.

Cc == SPLM /A-IO chairman and Commander in-Chief & first vice president of the Republic South Sudan. Dr Riek Machar Teny Dhurgon.

Annex VII: Major General Lokujo's letter of resignation from the SPLA-IO



NO POLITICAL SPACE IS ALLOWED TO THE NON NUER TRIBES.

→ THEREFORE, IN THE INTEREST OF FULL IMPLEMENTATION OF THE SEPTEMBER 16 PEACE AGREEMENT IN THE SPIRIT OF ENSURING STABILITY AND PEACE TO OUR BELOVED COUNTRY OF SOUTH SUDAN, WE HAVE DECIDED TO JOIN HANDS AND DECLARE OUR SUPPORT AND ALLEGIANCE TO THE PRESIDENT OF THE REPUBLIC OF SOUTH SUDAN GEN. SALVA KIIR MAYARDIT WITH ALL DIVISION II'S STRUCTURE OF FORCES WITH THE ACCURATE PARADE OF ONE THOUSAND NINE HUNDRED NINETY NINE 1999 EXCLUDING THOSE WHO ARE IN TRAINING CENTRES IN JUBA, RAJAB, LOLOGO, ROMBUK AND NUNI RESPECTIVELY.

→ WE SHALL BE COMMITTED AND WORK AS PART OF THE SUDAN PEOPLES LIBERATION MOVEMENT (SPLM) AND SOUTH SUDAN PEOPLES DEFENSE FORCES (SSPDF) TO EFFECTUALLY ENSURE THAT OUR ABUNDANT FORCES THAT ARE LEFT BEHIND IN THE BUSHES WITHOUT FOOD, SHELTER AND MEDICINES ARE PROMPTLY RECOGNISED AND INTEGRATED IN THE SHORTEST POSSIBLE TIME WITH THEIR BROTHERS AND SISTERS IN THE SOUTH SUDAN.

... ⁽²⁾ ... IS ALLOWED TO THE
PEOPLES DEFENSE FORCES ⁽³⁾ (SSPDF) AND
ORGANISED FORCES ACCORDINGLY. I STRONGLY
URGES OUR FIELD COMMANDERS AND THEIR
FORCES TO REMAIN CALM AND ENSURE THAT
PERMANENT CEASEFIRE HOLDS IN GREATER TEI,
CENTRAL EQUATORIA, GREATER EQUATORIA AND
SOUTH SUDAN AT LARGE.

MAY GOD BLESS SOUTH SUDAN

SIGN



MAJ/GEN. MOSES LOKUSO GABRIEL
COMMANDER DIVISION II.8
GREATER TEI RWER AREA.

Annex VIII: NAS press release on attack in Gorom payam



OFFICE OF THE SPOKESMAN
NAS-HQs
 Email: samuelsuba@yahoo.co.uk

Ref: NAS/OSM/22

Date: 06th August, 2020

FOR IMMEDIATE PRESS RELEASE

The Leadership of National Salvation Front (NAS) informs its members, supporters, the people of South Sudan and members of International Community about the latest development on the South Sudan People's Defense Forces (SSPDF) aggression on NAS positions.

On Wednesday 5th August 2020, the gallant NAS forces aborted SSPDF planned aggression by conducting a successful counter attack operation on SSPDF forward tactical operation base of Tiger Division in Gorom Payam, a suburb of the capital Juba and fifteen miles (15) from center of the capital. The base is being used by SSPDF for coordinating operations and its on-going military offensive against NAS positions in Equatoria, especially to command its present attack on NAS positions in Mundri, Western Equatoria State.

In this operation eleven (11) enemy soldiers were killed in action, more than seven (7) others injured, nine (9) AKM/47 weapons, assorted quantity of ammunition and other equipment were captured in good condition. Meanwhile, only three (3) NAS soldiers suffered gun wounds. Our gallant revolutionary surgical force withdrew successfully to its base.

In Lobonok County, South of Juba, the SSPDF carried out attacks on innocent civilians looting and burning down several houses of civilians whom they accused of sympathizing with NAS.

In Bazi, Morobo County, a small force of SSPDF looted cattle, goats and plundered villages of civilians taking refuge along the borders with Democratic Republic of Congo (DRC).

NAS reiterates its commitment to the Cessions of Hostilities Agreement (CoHA) signed on 21st December 2017 in Addis Ababa Ethiopia, and to the Rome Declaration signed on 20th January 2020 in Rome Italy. NAS however, reserves the right to self-defense.

Suba Samuel Manase
NAS Spokesman



Annex IX: Locations of artisanal gold mining sites

In the course of its investigations, the Panel has received information on the primary locations of artisanal mining sites in Central and Eastern Equatoria.¹¹² As the Panel previously reported (see S/2019/897, S/2019/301 and S/2020/342) artisanal mining is legal and customary practice but Government security and non-state armed groups have guarded or controlled access to mining sites.¹¹³

Central Equatoria: In counties south and southwest of Juba, SSPDF, SPLM-A/IO and NAS units have maintained presence in areas with artisanal mines:

1. In Juba County, mines are concentrated in the foothills east of Lobonok and Karpeto towns, areas with NAS and SSPDF presence;
2. In Juba County, artisanal miners are active around Wonduruba, along the Luri River and the areas of Togolo and Woke, north of Wonduruba, areas with NAS and SSPDF presence;
3. In Lainya County, seasonal mines operate on both sides of the Juba-Yei road around Loka West, areas with NAS and SSPDF presence;
4. In Yei and Lainya Counties, mines are focused along the Yei river north and south of Yei town, areas with NAS and SSPDF presence;
5. In Morobo County, gold deposits are prevalent around Wudabi, west of Morobo town near the border with the Democratic Republic of the Congo, an area with NAS and SSPDF presence;
6. In Morobo County, some mining occurs near Panuyme, east of Morobo town, an area with SPLA-IO and SSPDF presence.

Eastern Equatoria: In the counties around Kapoeta town, artisanal mining takes place in areas with National Security Service and SSPDF presence:


1. In Budi County, some of the most active mines are centred in Lauru, southwest into the Didinga Hills and Chukudum and Kuluru towns, areas with National Security Service presence;
2. In Kapoeta South County, artisanal miners operate around Namurnyang, areas with local militias and National Security Service presence;
3. In Kapoeta East County, mines are concentrated south of Kapoeta town in Napotpot and east of Kapoeta town in Anaknak, with local, SSPDF and National Security Service presence.

¹¹² Interviews with the Ministry of Mining, industry experts, businesspersons, foreign diplomats, journalists, UNMISS staff, civil society and confidential sources, January-October 2020.

¹¹³ The Mining Act (2012) defines artisanal mining to as mining operations that: use traditional or customary ways and means; do not include any minerals occurring more than 10 metres below the surface, whose recovery requires the use of explosives or that overlies Mineral Resources.

Annex X: Repayment schedule for Afreximbank loan

Republic of South Sudan (RSS)



MINISTRY OF FINANCE & PLANNING (MOFP)
Minister

Ref: MoF&P/MO/J/10/2019 October 10th, 2019

Hon. Minister,
Ministry of Petroleum,
RSS/ Juba

Subject: Irrevocable Allocation of Twenty Five [25] Crude Oil Cargoes – Loading between: 2019 – 2023 (Afreximbank USD\$ 400 Million Term Loan Facility).

Reference is made to the "Term Sheet" dated 2nd of May 2019 duly executed between the Ministry of Finance & Planning and M/s Afreximbank, vide which your company has been appointed as designated off-taker of crude oil cargoes allocated for repayment of the USD\$ 400M term loan facility.

The proceeds derived from the sale of the crude oil allocated will be assigned to M/s Afreximbank towards repayment of the USD \$ 400 Million Term Loan Facility that is being availed to the Ministry of Finance and Planning. I am, hereby pleased to irrevocably allocate the following Twenty Five [25] crude oil cargoes to Trinity Energy Limited as the appointed and authorised crude oil off taker to the **Afreximbank – USD \$ 400 Million Term Loan Facility** for lifting between **2019 – 2023** as per the following schedule:

Year 1 – December 2019 – 2020

- 1) **Cargo 1 [December 2019]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 2) **Cargo 2 [December 2019]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 3) **Cargo 3 [January 2020]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 4) **Cargo 4 [March 2020]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 5) **Cargo 5 [June 2020]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 6) **Cargo 6 [September 2020]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 7) **Cargo 7 [November 2020]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;

Year 2- 2021

- 8) **Cargo 8 [January 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 9) **Cargo 9 [March 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 10) **Cargo 10 [May 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 11) **Cargo 11 [June 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 12) **Cargo 12 [September 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 13) **Cargo 13 [November 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 14) **Cargo 14 [December 2021]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;

Page 1 | 2

P. O.Box 80, South Sudan - Juba

Year 3 - 2022

- 1) **Cargo 15 [January 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 2) **Cargo 16 [March 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 3) **Cargo 17 [May 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 4) **Cargo 18 [June 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 5) **Cargo 19 [September 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 6) **Cargo 20 [November 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 7) **Cargo 21 [December 2022]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;

Year 4 - 2023

- 1) **Cargo 22 [January 2023]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 2) **Cargo 23 [March 2023]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 3) **Cargo 24 [May 2023]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;
- 4) **Cargo 25 [July 2023]**– 600,000 [Six Hundred Thousand] Barrels +- 5% of Dar Blend crude oil;

The confirmed laycan dates and award pricing for each crude oil cargo listed in the above cargo lifting schedule shall be passed directly to Trinity Energy Limited by the Ministry of Petroleum ("MoP") and will be summarised in the form of an official award letter for each of the respective crude oil cargo liftings.

Trinity Energy Limited is expected to pay the full cargo award value for each of the respective cargoes lifted to M/s Afreximbank toward settlement of the USD\$ 400M Term Loan Facility. It is hereby further acknowledged that the crude oil cargoes listed in the above cargo lifting schedule will be given priority for end month loading where applicable.

Please, accept the assurances of my highest consideration and best regards.


Hon Salvatore Garang Mabiordit,
 Minister,
 Ministry of Finance and Planning
 Republic of South Sudan, Juba


Cc:

- Hon Deputy Minister- Ministry of Finance & Planning,
- 1st Undersecretary- Ministry of Finance and Planning
- Undersecretary for Planning- Ministry of Finance & Planning
- Legal Department- Ministry of Finance and Planning
- File

Annex XI: Excerpt from President Kiir's Independence Day speech in 2020



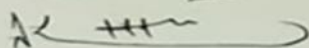
Turning to infrastructure, I am pleased to inform you that the entire Nile Blend oil output has been dedicated exclusively to the funding of infrastructure projects. Construction on segments of the two key highways, namely

National Road 1 and 2 is already underway, thanks to oil revenue from the Nile Blend. We shall retain this arrangement for as long as necessary so that we build roads linking production with consumption centres. This will stimulate and diversify the domestic economy, thus reducing our sole reliance on oil.

Fellow compatriots,

As I end my remarks, I am appealing to you all on this important day in our history to embrace the message of peace individually and collectively. Let us all work tirelessly irrespective of our political leanings to restore trust among ourselves and to mend the social fabric that was torn apart by war we are now putting behind us. Let us all desist from unnecessary propaganda and instead work together as South Sudanese to put our country permanently on the path of peace.

May the almighty God bless all of you and our country South Sudan.



Salva Kiir Mayardit
 President, Republic of South Sudan
 Juba, South Sudan

Annex XII: Excerpt from President Kiir's speech to the Transitional National Legislature in 2019



**REPUBLIC OF SOUTH SUDAN
The President**

**SPEECH OF H.E. THE PRESIDENT OF
THE REPUBLIC ON THE OCCASION OF
THE OPENING OF THE SECOND SESSION OF
THE TRANSITIONAL NATIONAL LEGISLATURE**

MAY 14TH, 2019

With peace in our sight, I see road construction as a critical measure needed in order to spur development and economic growth in our country. Economic development is a function of the movement of people, goods and services; and these require good roads. Towards this end, the government has signed a contract with Shandong High-Speed Company and other Chinese construction companies to build major highways connecting the three regions of South Sudan with Juba.

As it is reported, the government has approved a plan to fund the construction of these highways from our crude oil. The Ministry of Petroleum is instructed to deposit 30,000 barrels of crude oil daily into an account established for this purpose. It is against the funds accruing from these barrels of crude that road construction can be financed.

These plans have been approved by the Council of Ministers and I have created a China Desk in my office so I can directly supervise this important project. We are starting with the Juba-Rumbek highway, and then we can start the Nadapal-Torit-Juba-Bor highway to Upper Nile. The third road is the Kaya-Yei and Western Equatoria to Raja Road. These roads are they trunk roads that will spur economic growth and give birth to new industries in our country.

Annex XIII: Ministry of Finance and Planning 2019-20 non-oil revenue collection

Taxes	2019/2020 Approved Budget	Q1 Outturns	Q 2 Outturns	Q3 Outturns	Q4 Outturns	YTD Outturns	% of annual budget executed
PIT	15,312	3,537	4,848	4,829	3,276	16,490	108%
Sales Tax	3,266	874	1,014	974	1,062	3,924	120%
Excise	3,582	990	1,714	1,640	1,462	5,806	162%
Business Profit Tax	2,180	560	972	1,330	975	3,837	176%
Customs Duty	2,676	331	491	497	483	1,802	67%
Other Non tax (Fees & Licenses)	2,836	2	1	1	0	4	0%
Non-Oil Revenue Taxes	0		0	0	0	0	0%
Total Tax Revenue	29,852	6,294	9,040	9,271	7,258	31,863	107%

Annex XIV: ARC Resources application for customs duty exemption


Republic of South Sudan (RSS)
NATIONAL REVENUE AUTHORITY (NRA)
 Office of Commissioner General
 Exemptions

TO: ARC RESOURCE CORPORATION LIMITED

September 19, 2019

Subject: Application for Exemption No: 0024/09

The application for exemption from Customs Duties and Taxes for the goods listed below has been approved.

Please note that certain goods such as equipment, vehicles and other machinery imported under exemption remain under customs control until such time that they are re-exported or otherwise disposed of. In all such cases, it is important that the permission **National Revenue Authority (NRA)** is sought before the disposal or transfer of any asset takes place. Whilst in the Republic of South Sudan, these goods may be the subject of inspection by Officials of the National Revenue Authority Customs Division **NRA-CD** at any time to ensure that they have not been disposed of without permission and that they are being used for the purpose for which they were originally exempted.

Category of Goods	Description of goods	Value		Estimated taxes / duties
		Currency / Amount		Currency / Amount
2,4,5,6,7 & 8	MEDICAL ITEMS, FUEL, CONTRUCTION MATERIALS, AGRICULTURAL PRODUCT, PETROLEUM PRODUCT, AND LUBRICANTS AS IN THE QUOTATION LIST	USD	491,395,000	
Total Value:		USD	491,395,000	

Expected import date : _____

Please ensure that this letter is attached to the original application form at all times.

Signed: 

Hon. Erjok Bullen Geu,
Ag. Commissioner General

Dated: 18/09/2019

Official Stamp:

 19 SEP 2019

Annex XV: Financial transactions into National Revenue Authority operating account

The Panel received documentary confirmation on the Authority's collected non-oil revenues authorized into three financial transfers to the Authority's Operations Account that were above the two percent limit:¹¹⁴

- \$1,654,475.00 non-oil revenue collected in September 2019; \$1,386,701.98 were authorized for transfer on 11 October 2019 into the Authority's Operations Account number 00269212211857 (Bank of South Sudan);
- SSP 454,272,512.00 non-oil revenue collected in September 2019; SSP 191,928,819.90 were authorized for transfer on 11 October 2019 into the Authority's Operations Account number 00269122219214 (Bank of South Sudan);¹¹⁵
- \$2,479,792.40 non-oil revenue collected in October 2019; \$1,582,742.00 were authorized for transfer on 8 November 2019 into the Authority's Operations Account number 00269212218157 (Bank of South Sudan).

All transfers were authorized by then Acting Commissioner General of the Authority Erjok Bullen Geu (see below).

Authorisation of Transfer of National Revenue Authority collected funds, 11 October 2019

Subject: Authorization of Transfer of Revenue to the Central Bank.

The Office of the Commissioner General presents its compliments and would like to authorize the transfer of the revenues received into the National Revenue Authority Block Account Number: **0200000172935 USD** on behalf of the Government for the month of September 2019 to the Bank of South Sudan on or before 14 October 2019.

Revenue Analysis Table

Currency	Total Revenue Collected	Net to NRA Operations Account	0.8% Bank Charges	Total Remittance to Central Bank
USD	\$1,654,475.00	\$1,386,701.98	\$13,235.80	\$254,537.22

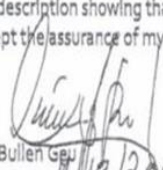
Please, deduct 0.8% bank charges per the table above.
Remit **USD 1,386,701.98** into the National Revenue Authority Operations Account as Follow:


1- Bank Name: Bank of South Sudan, Account Name: National Revenue Authority, Account Number: 00269212218157, Currency: USD.

Kindly transfer the remaining total amount of **USD 254,537.22** into the government bank account detailed as follow:

1- Bank Name: Stanbic Bank – Nairobi, Kenya, Account Name: Bank of South Sudan Account No.: 01000000296613 Currency: USD

Kindly furnish me with the transfer report within three days from the date of transfer and very transfer must have description showing that money has been transferred from NRA Block Account.
Please accept the assurance of my highest consideration.


Hon. Erjok Bullen Geu
Acting Commissioner General
National Revenue Authority



¹¹⁴ Interviews with former officials of the Authority, Bank of South Sudan and Ministry of Finance and Planning, August-October 2020.

¹¹⁵ The total combined transfers in September from the separate collections of USD and SSP equaled about \$2.5 million, as reported in paragraph 75 of the text.

Authorisation of Transfer of National Revenue Authority collected funds, 11 October 2019

Nile Commercial Bank
Juba – South Sudan

Subject: Authorization of Transfer of Revenue to the Central Bank.

The Office of the Acting Commissioner General presents its compliments and would like to authorize the transfer of the revenues received on behalf of the Government for the month of September 2019 to the Bank of South Sudan on or before 14 October 2019.

Revenue Analysis Table

Currency	Total Revenue Collected	Net To NRA Operations Account	0.8% Bank Charges	Total Remittance to Central Bank
SSP	454,272,512.0	191,928,819.90	3,634,180.1	258,709,512.040

Please, deduct the 0.8% bank charges per the table above.

Remit SSP 191,928,819.90 into the National Revenue Authority Operations Account as follow:

- 1- Bank Name: Bank of South Sudan, Account Name: National Revenue Authority, Account Number: 00269122219214, Currency: SSP.

Kindly transfer the total remaining amount of SSP 258,709,512.040 into the government bank account detailed as follow:

- 1- Bank Name: Bank of South Sudan, Account Name: Ministry of Finance and planning – Block A/C. Account No.: 00269112001002, Currency: SSP.

Kindly furnish me with the transfer report within three days from the date of transfer and very transfer must have description showing that money has been transferred from NRA Block Account.

Please accept the assurance of my highest consideration.

Hon. Erjok Büttén Gau
Acting Commissioner General



Authorisation of Transfer of National Revenue Authority collected funds, 8 November 2019

Subject: Authorization of Transfer of Revenue to the Central Bank.

The Office of the Commissioner General presents its compliments and would like to authorize the transfer of the revenues received into the National Revenue Authority Block Account Number: **0200000172935 USD** on behalf of the Government for the month of October 2019 to the Bank of South Sudan on or before 8th November 2019.

Revenue Analysis Table

Currency	Total Revenue Collected	Net to NRA Operations Account	0.8% Bank Charges	Total Remittance to Central Bank
USD	\$2,429,792.40	\$1,582,742.18	\$19,438.34	\$779,016.03

Please, deduct 0.8% bank charges per the table above.

Remit **USD 1,582,742.18** into the National Revenue Authority Operations Account as Follow:

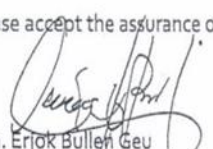
- 1- **Bank Name:** Bank of South Sudan, **Account Name:** National Revenue Authority, **Account Number:** 00269212218157, **Currency:** USD.

Kindly transfer the remaining total amount of **USD 779,016.03** into the government bank account detailed as follow:

- 1- **Bank Name:** Stanbic Bank – Nairobi, Kenya, **Account Name:** Bank of South Sudan **Account No.:** 0100000296613 **Currency:** USD

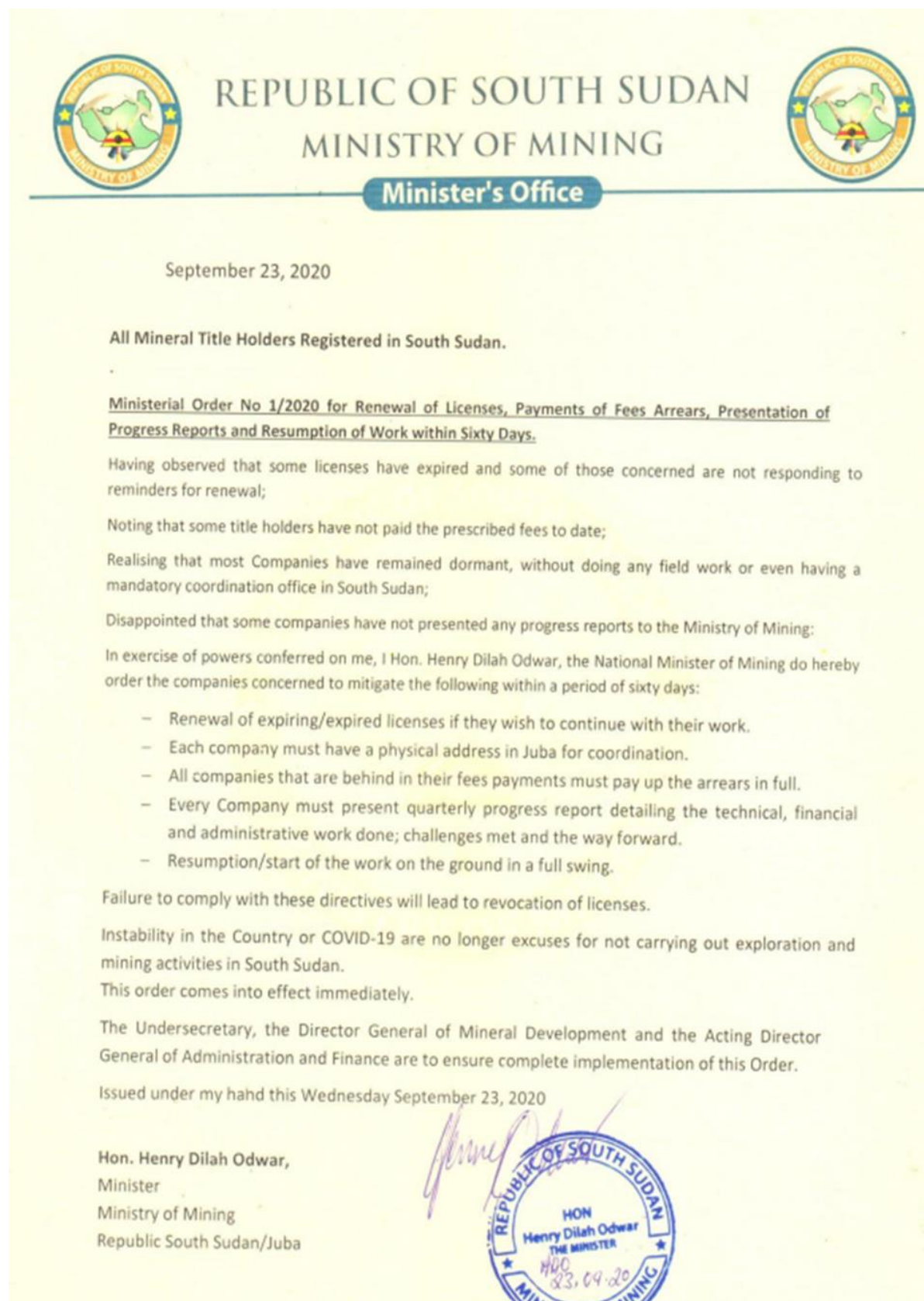
Kindly furnish me with the transfer report within three days from the date of transfer and very transfer must have description showing that money has been transferred from NRA Block Account.

Please accept the assurance of my highest consideration.


Hon. Erjok Bullen Geu
Acting Commissioner General
National Revenue Authority



Annex XVI: Ministry of Mining orders





REPUBLIC OF SOUTH SUDAN MINISTRY OF MINING



September 22, 2020

Undersecretary's Office

Date:

Ref:

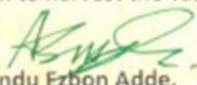
To: All Exploration and Mining Companies Registered in South Sudan

Subject: Warning to All Mineral Title Holders in Republic of South Sudan.

Much that we welcome Development Partners in forms mineral and mining investors, we kindly request that all mineral title holders in our Country comply with the relevant laws of the land, otherwise the Hon. Minister may find it inevitable to revoke the licences of the culprits.

- Licences must be renewed in time and a half of the concession is to be given back to the community if the title holder wants to continue with work.
- A full progress report is to be submitted to the Ministry of Mining annually.
- The prescribed fees is to be promptly paid, otherwise interest may be charged on the arrears.
- Any Company may surrender a part or all of its concession at any time it desires but must pay all the arrears of the surface rental fees before it walks away. If not it can be sued in a court of law.
- So far nearly all exploration companies are dormant without even physical addresses in South Sudan. All companies are given a maximum of three months to re-activate their field work; failure to do so implies a lost of interest, therefore, the Hon. Minister may revoke the licences concerned.
- A company wishing to resume its work must first clear the arrears, if any, and inform the Ministry of the exact time of field work resumption for any assistance that the Ministry can render it to enable its work.

Let us all pull together and smoothly march to harvest the vast mineral wealth within our grasp.





Dr. Andu Ezbon Adde,
Undersecretary
Ministry of Mining
Republic of South Sudan



Cc

- Hon. Minister of Mining
- DG Geological Survey
- Ag. D/G Mineral Development
- File

Annex XVII: SSPDF press statement on UPDF incursion

SOUTH SUDAN PEOPLE'S DEFENSE FORCES
DIRECTORATE OF MEDIA & PRESS

Press Statement

OFFICE OF SSPDF SPOKESMAN

October 29th, 2020

SSPDF Repulsed UPDF's Incursion

On October 27th, 2020, at about 1PM, a mechanized Unit of Ugandan People's Defense Forces made a major incursion into our territory. UPDF armed with heavy artillery pieces and light military trucks mounted with 12.7mm machine guns launched cross border attack on own Defensive Border outpost at Pogee in Magwi County, Eastern Equatoria State. SSPDF Squad sized force heroically fought to protect territorial integrity of our beloved Country. However, that small force was outnumbered, outgunned and was temporarily forced to retreat. A hasty counterattack code named "Operation Restore Territorial Integrity of the Republic of South Sudan" was launched to flush out mechanized Units of UPDF. As things stand, SSPDF had regained full control of Pogee, reinforced and strengthened own defensive postures along the borders with Uganda.


The brief clash resulted in own two dedicated Servicemen getting killed in action while a third was captured. Reliable intelligence reports indicated UPDF had lost two servicemen as well. UPDF is currently in custody of remains of fallen comrades along with their personal assault rifles. Bilpam had established contacts with UPDF leadership on unprovoked incursion and the later had in turn promised to handover remains of fallen soldiers along with their guns as well as the serviceman taken as PoW. Handingover ceremony is expected to take place in the next few days.

SSPDF its reiterates commitment to maintenance of cordial relations with UPDF but was saddened by chameleonic behaviors of that army from supposedly sisterly country.

Regards,

L/R

Maj. Gen. "psc" (Eth) Lul Ruai Koang,
Director of Media & Press and SSPDF Spokesman,
SSPDF GHQs-Bilpam.



Annex XVIII: Second letter from SPLA-IO First Lieutenant General Dual related to First Vice-President

Sudan People's Liberation Army in Opposition SPLA-I-O***The office of chief of General staff***

Date: 17/10/2020

Serves as a reminder to the peace partners TROIKA, AU and IGAD.

Subject: reminding letter to South Sudan peace guarantors, TROIKA, AU, and IGAD.

The military leadership of (SPLA-IO) would remind again the South Sudan guarantors in light of the letter wrote by the (SPLA-IO) Chief of General Staff 1st LT Gen. SIMON GATWECH DUAL, on 16/Sept/2020, AD requested the release of the Chairman & Commander in Chief (SPLM/SPLA-IO) and the First vice President of the Republic of South Sudan Dr Riek Machar Teny Dhurgon, to visit the (SPLA-IO) GHQs in order to briefs the Army for the latest deployments pertaining the implementation of the peace agreement in Juba. Moreover, it seems as if, the peace guarantors have gotten the lost legs on replying to the messages wrote to them by the leadership. Therefore, the leadership would remind your excellent offices that the regime is not in the good mood to retains or safeguards the current situation as Gen SALVA KIIR still denying all positive aspects contributing to peace agreement as he has recently denied the graduation of the forces in the training centers which of course, taken a long period of time lasted for (13) months and it shown Incapability or a mean to procrastinate the process until our forces would exhausted their energy and possibly may Evacuate the training centers, as they think nothing would works and we received also that, the regime has planed to start a proxy operations in Eastern Upper Nile region and this would immediately marks the final collapse of the already progile peace agreement. This is to remind both guarantors and the wider international community including the people of South Sudan that this time, the SPLM/A (IO) has been working hard to allow peace prevails in the country but as a matter of fact, if the regime would still extends its policy of regaining our territories during the peace time, the leadership of the great movement would not accept such intentional billegerrences and we must defend our territories and barracks if we are attacked, and I think in this regard, nobody would blame us anymore incase of any extension aggression by the regime.

SIGN BY

FIRST LIEUTENANT GENERAL SIMON GATWECH DUAL,
SPLA-IO CHIEF OF GENERAL STAFF, GHQs/ SOUTHSUDAN

Cc. DR RIEK MACHAR TENY DHURGON CHAIRMAN & C IN C SPLM/A AND FIRST VICE
PRESIDENT OF THE REPUBLIC OF SOUTH SUDAN.

EMAIL ADRESS: munp5348@gmail.com/williamgatjiath1976@gmail.com.



Annex XIX: Consolidated list of recommendations of the Panel of Experts on South Sudan

- 1) The Panel recommends the Committee call on the Government and the AU to confirm whether the memorandum of understanding has been signed and to publish the Hybrid Court's statute and a detailed plan of action to implement article 5.3 of the peace agreement. At a minimum, a plan of action should include details on the location of the Court, procedures to appoint judges and a timeline for implementation.
- 2) The Panel recommends the Security Council request an independent evaluation of the Government's management of its stockpile.
- 3) The Panel recommends the Government of South Sudan urgently issue orders to all security forces, regardless of affiliation, to adhere strictly to international humanitarian law.
- 4) The Panel recommends that the Committee impose targeted sanctions on military leaders who have obstructed activities of international peacekeeping and diplomatic missions, as well as the delivery and distribution of humanitarian aid, pursuant to paragraph 15(g) of resolution 2521 (2020).
- 5) The Panel recommends that the Security Council update the UNMISS mandate to report on areas of insecurity and investigate incidents of violence against civilians connected to the illicit exploitation and trade of gold, timber and other natural resources.
- 6) The Panel recommends that the Committee receive a briefing from South Sudan's PFM Committee on the measures the Government has taken to address financial governance reforms, implement Chapter 4 of the peace agreement, and review PFM legislation, such as the Public Financial Management and Accountability Act (2011) and National Revenue Authority Act (2016).
- 7) The Panel recommends the Security Council maintain the arms embargo on South Sudan and take measures to improve its implementation.
- 8) The Panel recommends the Security Council amend the language in paragraphs 5 and 6 of resolution 2428 (2018) to authorize the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism to inspect cargoes entering South Sudan that have received an exemption from the Committee and verify the end user.
- 9) The Panel recommends the Committee remind Member States neighbouring South Sudan to inspect cargo bound for South Sudan in accordance with paragraph 8 of resolution 2521 (2020), and to report these inspections to the Committee.