



安全理事会

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2020 年 11 月 25 日安全理事会第 2206(2015)号决议所设南苏丹问题专家小组给安全理事会主席的信

依照安全理事会第 2521(2020)号决议延长任期的专家小组成员谨随函转递根据该决议第 18 段提交的中期报告。

报告于 2020 年 11 月 6 日提交给安全理事会第 2206(2015)号决议所设委员会。委员会在 11 月 20 日对报告进行了审议。

专家小组谨请安全理事会成员注意本函及中期报告，并将其作为安理会的文件分发为荷。

南苏丹问题专家小组

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南苏丹问题专家小组根据第 2521(2020)号决议提交的中期报告

摘要

自 2020 年 2 月重振后的民族团结过渡政府成立以来,2018 年 9 月签署的《解决南苏丹共和国冲突重振协议》的执行工作大多停滞不前,因为签署方未能遵守和平协议规定的最后期限,在政治、安全 and 经济条款方面有所倒退。问责措施——包括南苏丹问题混合法庭——尚未实施,南苏丹人民国防军和苏丹人民解放军反对派(苏人解反对派)继续严重侵犯平民人权。

在区域调解的支持下促成第一副总统、苏丹人民解放运动/解放军反对派(苏人解运动/解放军反对派)主席里克·马沙尔·泰尼返回朱巴的政治势头已经减弱,因为萨尔瓦·基尔·马亚尔迪特总统将反对派排除在政府决策进程之外。总统在他的联盟中利用总统事务部长尼亚尔·登格·尼亚尔,抗衡国家安全局国内安全局局长阿科尔·库尔·库克中将在安全方面的主导地位。因此,尼亚尔先生与受制裁个人、流亡将军 Paul Malong Awan Anei 联系,请他重新加入政府。

基尔总统领导的联盟内部的政治安全争端助长了冲突,导致琼莱州和大皮博尔行政区平民死亡和流离失所。政府内部敌对派别从政府库存中向各族裔民兵提供武器。5 月至 8 月,在琼莱州和大皮博尔行政区发生大范围洪灾的时候,有 8 名人道主义工作人员被害,人道主义设施遭到抢劫破坏,数千名平民流离失所。

在瓦拉卜州,在南苏丹人民国防军出于政治动机开展的解除武装运动中,林·图维尼·马博尔·邓中将指挥的部队杀害了 85 名平民,使数千人流离失所。指挥官暂时封锁了旨在援助受伤平民的人道主义援助准入。2020 年全年,专家小组发现,南苏丹人民国防军和国家安全局经常阻止联合国南苏丹特派团及和平监察员进入冲突地区。

南苏丹国防军和苏人解反对派都违反了《停止敌对行动、保护平民和人道主义援助准入协定》。南苏丹国防军和苏人解反对派在中赤道州对一个未签署协议的团体民族拯救阵线(民阵)发动联合进攻,促使民阵分散部队,增加对政府部队的游击袭击。持续不断的冲突削弱了政府和非签署方之间达成长期协议的前景,双方在圣艾智德团体的调解下,于 2020 年 10 月在罗马举行了会议。

政府可用于执行和平协议的收入有所减少。南苏丹每天生产约 165 000 桶石油,但政府只能出售不到 15% 的石油产量,而这是南苏丹的主要收入来源。结果,预计预算赤字超过 7 亿美元,政府越来越多地转向以资源作抵押的贷款和合同。例如,政府根据与 ARC 资源有限公司签订的以石油作抵押的非竞标合同,启动了一个道路建设项目。

南苏丹石油和非石油收入的征收和支出缺乏透明度和监督。在时任临时领导人、国家安全局官员 Erjok Bullen 领导下,2019 年在非石油收入收缴方面的改进工作受到阻碍,他停止公布每月税收报告,并违反了政府关于移交收缴收入的规程。

由于在执行和平协议方面无所作为，各武装团体指挥链分崩离析，一些部队准备重启冲突。自 2 月以来，一些苏人解反对派指挥官带着士兵投诚南苏丹人民国防军，引发了中赤道州和上尼罗州的冲突。

一些苏人解反对派指挥官，包括受制裁个人西蒙·加特韦克·迪尤尔中将 (SSi.002)，对和平进程的进展感到不满，威胁要与苏人解运动/解放军反对派领导层决裂。南苏丹人民国防军增加了在中赤道州和西赤道州的部队部署，以恢复对民阵的进攻，铲除忠于马沙尔先生的部队，而苏人解反对派叛将 **Moses Lokujo Gabriel** 准将则领导了一场针对其前部队的运动。库克中将也准备为他麾下的部队购买新武器，并进行军训。

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* 仅以来件所用语文分发，未经正式编辑。

缩写表

非盟	非洲联盟
伊加特	政府间发展组织
民阵	民族拯救阵线
苏人解反对派	苏丹人民解放军反对派
苏人解运动	苏丹人民解放运动
苏人解运动/解放军反对派	苏丹人民解放运动/解放军反对派
苏人解运动反对派	苏丹人民解放运动反对派
南苏丹特派团	联合国南苏丹特派团
乌国防军	乌干达人民国防军

一. 背景

A. 任务授权和旅行情况

1. 安全理事会第 2206(2015)号决议对助长南苏丹冲突的个人和实体实施制裁制度,并设立了制裁委员会(安全理事会关于南苏丹的第 2206(2015)号决议所设委员会)。委员会于 2015 年 7 月 1 日指认了将对其实施定向制裁的 6 名个人。随着第 2428(2018)号决议的通过,安全理事会对南苏丹领土实行武器禁运,并在被指认人员名单上增加了两人。安理会于 2020 年 5 月 29 日通过第 2521(2020)号决议,把制裁制度延长至 2021 年 5 月 30 日。
2. 安全理事会第 2521(2020)号决议将南苏丹问题专家小组的任务期限延长至 2021 年 7 月 1 日,使其能够提供信息和分析,支持委员会的工作,包括与将指认可能从事第 2521(2020)号决议第 15 和 16 段所述活动的个人和实体有关的工作。
3. 2020 年 7 月 2 日,秘书长经与委员会协商,任命了专家小组的五名成员(S/2020/647)。
4. 由于冠状病毒(COVID-19)大流行,专家小组无法前往罗马以外的地方。专家小组在罗马观察了圣艾智德团体调解的第三轮和平谈判。

B. 方法

5. 本报告是根据专家小组的广泛研究编写的。专家小组进行了数百次访谈,收集各种来源提供的大量可靠信息。在本报告所述期间,所有访谈均远程进行,除非另有说明。专家小组审查了个人、商业实体和机密来源提供的文件。
6. 专家小组遵循安全理事会制裁的一般性问题非正式工作组 2006 年 12 月报告(S/2006/997)所建议的标准。为达到适当的证据标准,专家小组已通过多个独立消息来源证实了本报告中的信息。专家小组建议见报告中黑体字部分,也附在附件十九。
7. 专家小组以尽可能透明的方式开展工作,同时在必要时优先考虑保密和安全。如果披露某个消息来源、某份文件或某个地点可能危及消息人士的人身安全,或专家小组正在开展的调查,则此来源、文件或地点被视为机密。

C. 与会员国、国际组织和其他利益攸关方的合作

8. 专家小组独立于联合国各机构开展工作,但要感谢联合国南苏丹特派团(南苏丹特派团)和秘书处工作人员提供的支持。
9. 安全理事会第 2521(2020)号决议第 17 段强调专家小组与有关会员国、国际、区域和次区域组织协商的重要性。鉴于在 COVID-19 大流行期间无法出行,专家小组多次请求与南苏丹政府和区域会员国举行远程会议。然而,专家小组只能远程会见各常驻联合国代表团。
10. 专家小组还向南苏丹政府发出了一封正式信函,要求提供详细信息。政府没有回应。照此方式,专家小组向区域会员国和非洲联盟发出六封信;然而,专家小组没有收到任何实质性答复。

11. 专家小组没有收到会员国关于就被指认人员资产冻结和旅行禁令措施所提问的任何答复。为确保严格执行武器禁运，安全理事会促请所有会员国，特别是南苏丹邻国，根据第 2521(2020)号决议第 8 段，检查境内运往南苏丹的所有货物。安理会还要求任何会员国在根据该决议第 10 段进行检查时向制裁委员会报告。专家小组已要求毗邻南苏丹的会员国提供检查详情，但没有得到任何回复。委员会同样没有收到任何区域会员国的检查报告。

二. 在执行和平协议方面无所作为

12. 自 2020 年 2 月过渡期开始以来，《解决南苏丹共和国冲突重振协议》的执行工作基本上停滞不前。¹ 正如专家小组在 2020 年 4 月的最后报告(见 S/2020/342)中指出的那样，高级别妥协和区域调解导致了一个政治里程碑，即成立了重振后的民族团结过渡政府。然而，自那时以来，执行协议的具体步骤已经停止，或者在某些情况下出现倒退。专家小组注意到，在完成过渡政府的组建、推进联合安全安排、启动问责机制、改善人道主义援助准入和实施经济改革方面，几个月来无所作为。²

A. 过渡政府的组建未完成

13. 萨尔瓦·基尔·马亚尔迪特总统在 2020 年 7 月 8 日独立日的讲话中承认，“和平的实施仍然缓慢得令人痛苦，远远低于预期”。³ 政府官员将和平协议执行的停滞归咎于 COVID-19 的传播，但政府内部多个消息来源，包括与总统关系密切的部长和助手告诉专家小组，执行不力的原因是政治分歧。

14. 尽管政府间发展组织(伊加特)2020 年 7 月呼吁加快组建议会，但截至 2020 年 10 月底，过渡期国民议会尚未重组(见附件一)。因此，和平协议尚未纳入《过渡期宪法》。与此同时，政治和公民空间仍然受到限制。⁴

15. 同样，州和地方政府的全面建立仍未完成。特别是，上尼罗州州长职位一直空缺，因为总统拒绝任命苏丹人民解放运动/解放军反对派(苏人解运动/解放军反对派)选择的候选人 Johnson Olony 将军。截至 2020 年 10 月底，关于此事的讨论已经停顿。⁵

¹ 与政府官员、苏丹人民解放运动/解放军反对派(苏人解运动/解放军反对派)、南苏丹人民国防军、停火和过渡期安全安排监测和核查机制、联合国南苏丹特派团(南苏丹特派团)和机密来源的访谈。

² 与重组后的联合监测和评价委员会、民间社会和外国外交官的访谈。

³ 见南苏丹广播公司，2020 年 7 月 8 日独立日南苏丹总统萨尔瓦·基尔·马亚尔迪特的讲话。可查阅：www.facebook.com/watch/?ref=search&v=912014269268324&external_log_id=255b182b-478b-4398-bb0c-a8ccca9bc66a&q=President%20Kiir%20looks%20on%20nationwide%20disarmament。

⁴ 与民间社会、记者和机密来源的访谈。

⁵ 与政府官员、苏人解运动/解放军反对派、长老、政府间发展组织、非洲联盟官员和机密来源的访谈。

B. 暴力活动扩大、安全安排出现倒退

16. 和平协议第 2 章要求组建、训练和重新部署必要联合部队，该工作未取得进展(见 S/2020/342)。参与安全安排的多名官员报告说，许多士兵已经离弃营地和训练中心。由于缺乏资源，一些士兵在这些地点因饥饿和疾病丧生。此外，构成必要联合部队中坚力量的南苏丹人民国防军和苏丹人民解放军反对派(苏人解反对派)内部的秘密消息人士报告说，自 3 月以来武装部队的指挥和控制逐渐崩溃。⁶

17. 自和平协议签署以来，南苏丹人民国防军和苏人解反对派违反了 2017 年 12 月签署的停止敌对行动协定。⁷ 在同一时期，琼莱州、湖泊州、团结州、瓦拉卜州、西加扎勒河州、西赤道州、东赤道州、中赤道州和大皮博尔行政区的暴力事件急剧增加。⁸

C. 未能维护受害者权利、未能执行问责措施

18. 上次执行问责措施的可见行动发生在三年多以前，即非洲联盟与南苏丹司法与宪法事务部于 2017 年 7 月举行了两次磋商，当时目前的和平协议尚未签署。磋商达成了南苏丹问题混合法庭规约草案和非洲联盟与南苏丹之间的谅解备忘录草案。据报道，南苏丹部长委员会于 2017 年 12 月批准了这两份文件；但这两份文件都没有公开。⁹ 专家小组从多个民间社会组织收到信息，称该国政府已推迟执行第 5 章的规定，包括关于混合法庭的规定。

19. 2020 年 7 月，中赤道州耶伊县的一个军事法庭以侵犯人权罪审判了 40 名南苏丹人民国防军士兵，其中 25 人于 9 月被定罪。然而，专家小组注意到，法庭未按第 5 章关于真相与和解的规定设立，程序不符合国际人权标准，因为检察官没有调查士兵行动的指挥责任。¹⁰

20. 在琼莱州和大皮博尔行政区、瓦拉卜州和中赤道州等其他地方，南苏丹人民国防军和苏人解反对派部队犯下了严重侵犯人权的行为而未受到任何追责(见第 36、41、42、43 和 48 段)。专家小组致函该国政府和非洲联盟，要求提供资料，说明为执行第 5 章规定、包括关于混合法庭的规定所采取的措施。双方都没有回应专家小组的要求。

⁶ 与南苏丹人民国防军和苏丹人民解放军反对派(苏人解反对派)、南苏丹特派团以及秘密消息人士的访谈。

⁷ 安全理事会第 2418(2018)号决议提到的《停止敌对行动、保护平民和人道主义援助准入协定》。

⁸ 与南苏丹人民国防军、苏人解反对派和国家安全局、民族拯救阵线(民阵)、民间社会和秘密消息人士的访谈。

⁹ 2018 年重振和平协议重申了对 2015 年协议采纳的过渡期正义框架的承诺。非洲联盟，“非洲联盟委员会和南苏丹共和国圆满结束关于南苏丹问题混合法庭法律文书草案的工作会议”，新闻稿，2017 年 8 月 14 日。可查阅 <https://au.int/en/pressreleases/20170814/african-union-commission-and-republic-south-sudan-successfully-conclude>。

¹⁰ 法庭审理全程在场的秘密消息人士。

21. 专家小组表示注意到安全理事会在第 2514(2020)号决议第 42 段中要求提供混合法庭最新情况的重要性,建议委员会促请该国政府和非洲联盟确认谅解备忘录是否已经签署,并公布混合法庭规约和执行和平协议第 5.3 条的详细行动计划。行动计划至少应包括关于法庭所在地、任命法官的程序和执行工作表的详情。

D. 人道主义援助准入受限给平民带来的风险

22. 由于持续的冲突,人道主义局势恶化。根据人道主义事务协调厅的数据,2020 年 9 月,需要人道主义援助、粮食无保障的平民人数高于 2019 年 9 月需要此种援助的人数。

23. 专家小组注意到,根据和平协议第 2 章和第 3 章,签署方同意遵守停止敌对行动协定,同意为“运送人道主义援助和提供人道主义保护创造有利的政治、行政、行动和立法环境”。¹¹ 该国政府自成立以来,没有为改善人道主义援助的运送创造有利环境。冲突阻碍了琼莱州、大皮博尔行政区、西赤道州、中赤道州和东赤道州的人道主义援助运送(见附件二和四)。¹²

E. 缺乏财务治理改革

24. 和平协议第 4 章规定的经济和财务改革尚未实施。面临 COVID-19 疫情导致的经济衰退,和平协议中呼吁的透明度举措虽然于 2019 年由石油部启动,但现已陷入停滞(见 S/2019/301 和 S/2020/342)。

25. 截至 2020 年 10 月底,2020/21 财年已过去三个月,财政与规划部尚未公布详细说明计划如何为落实和平工作分配资源的核定预算账簿。政府支出尚未受到监督,反对派任命的政府部长告诉专家小组,在某些情况下甚至他们也无法查阅本部委的预算。

26. 为了加快技术改革,财政与规划部和国际捐助方组成了公共财务管理监督委员会。该委员会概述了旨在迅速改善财务治理的紧急改革,例如审查抵押石油合同。然而,这些和平协议框架外的改革仍未完成。¹³

三. 政治争端对冲突和针对平民的暴力的影响

27. 自 2020 年 2 月以来,和平协议签署方之间和自己内部的政治裂隙引发了新的冲突。¹⁴ 两个主要签署方——基尔总统领导的苏丹人民解放运动(苏人解运动)

¹¹ 第 3 章,第 3.1.1 条。

¹² 与人道主义行为体的访谈。另见人道主义事务协调厅,人道主义简况,2019 年 9 月和 2020 年 9 月。可查阅 https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss_20191017_humanitarian_snapshot_september.pdf 和 https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/south_sudan_humanitarian_snapshot_september.pdf。

¹³ 财政与规划部的文件以及与外国外交官和民间社会的访谈。

¹⁴ 与政府官员、苏人解运动/解放军反对派、南苏丹人民国防军和秘密消息人士的访谈。

和第一副总统里克·马沙尔·泰尼领导的苏人解运动/解放军反对派内部的分歧威胁到签署方的团结及其对和平协议的承诺(见 S/2020/342)。

28. 自该国政府成立以来,基尔先生的苏人解运动和丁卡族政治精英内部的竞争加剧。特别是,在和平协议规定的政府职位重新分配问题以及总统事务部长尼亚尔·登格·尼亚尔与国家安全局国内安全局局长阿科尔·库尔·库克中将之间的竞争问题上出现了分歧。¹⁵

29. 6月,总统任命尼亚尔先生为内阁成员,以抗衡获得优越安全和财政资源的库克中将(见 S/2019/301、S/2019/897 和 S/2020/342)。¹⁶ 8月,总统还解除了库克中将在有影响力的半政府机构尼罗河石油公司董事会的职务,并任命尼亚尔先生担任董事会主席。库克中将与尼亚尔先生均来自瓦拉卜州,也在族裔分支层面争夺政治上的优势。¹⁷

A. 南苏丹人民国防军和国家安全局动用政府的武器储存武装民兵

30. 苏人解运动的政治内斗激化了朱巴以外的冲突。从2月中旬到8月初,琼莱州和大皮博尔行政区发生了一系列有组织的袭击事件。政治和军事领导人操纵了穆尔勒族、加瓦尔努埃尔族和洛乌努埃尔族及丁卡博尔族之间的长期敌对(见附件二)。在2月和3月的战斗中,库克中将、总统穆尔勒族事务顾问 Akot Lual Arech 和南苏丹人民国防军军事情报负责人林·图维尼·马博尔·邓中将(人称“贾纳菲”)向 David Yau Yau 将军领导的南苏丹人民国防军眼镜蛇派别和其他穆尔勒族民兵提供武装。¹⁸

31. 专家小组通过秘密消息人士和文件证实,国内安全局和南苏丹人民国防军第3师支持并参与了眼镜蛇派别对加瓦尔努埃尔族和洛乌努埃尔族村庄的行动。大皮博尔行政区古穆鲁克的多个秘密消息人士证实,5月,作为军事支持的一部分,一架南苏丹人民国防军直升机向穆尔勒族民兵运送了 27 枚火箭榴弹、1 004 支 AK-47 突击步枪、126 挺卡拉什尼科夫通用机枪和弹药。

32. 此外,6月,图维尼中将通过 Korok Nhial 少将,从南苏丹人民国防军现有武器储存中向 Yau Yau 将军的战士提供了弹药、榴弹发射器和至少 50 箱现代化卡拉什尼科夫自动步枪。¹⁹ 这些武器用于袭击生活在琼莱州中部和南部的丁卡博尔族社区(见附件二)。²⁰

¹⁵ 与政府官员、长老和秘密消息人士的访谈。

¹⁶ 同上。

¹⁷ 尼哈尔先生来自南通季县;库克中将来自北通季县。

¹⁸ 与政府官员、南苏丹人民国防军、国家安全局、苏人解运动/解放军反对派、秘密消息人士、民间社会和区域情报机构的访谈。

¹⁹ 与南苏丹人民国防军军事情报部门、民兵指挥官和秘密消息人士的访谈。

²⁰ 在古穆鲁克与民间社会和秘密消息人士的访谈。

33. 另外，专家小组获得可靠信息称，南苏丹人民国防军的丁卡博尔族高级军官从南苏丹人民国防军第 8 师控制的政府物资中向丁卡博尔族民兵提供后勤支持、武器和弹药。在战斗之前的几个月，受制裁个人、前南苏丹人民国防军参谋长加布里埃尔·约克·里亚克·马科尔中将(SSi.001)和前国防部长库尔·曼扬·居克向丁卡博尔族民兵提供了武器弹药。²¹

34. 在琼莱州和上尼罗州，加瓦尔努埃尔族和洛乌努埃尔族民兵也收到了政府提供的武器。3 月，国家安全局总情报局局长 Thomas Duoth Guet 中将向加瓦尔努埃尔族和洛乌努埃尔族民兵提供卡拉什尼科夫机枪和 AK-47 步枪及相关弹药。此外，苏人解反对派也单独提供武器，包括向琼莱州和上尼罗州的同一批民兵提供了武器和军事支持。²²

35. 正如专家小组之前所报告的(见 S/2019/301 和 S/2020/342)，武器被非法从政府武器储存中转移，提供给民兵和其他非国家武装团体。考虑到下落不明的政府武器对和平与安全构成重大威胁，专家小组建议安全理事会要求对该国政府对其武器储存的管理情况进行独立评价。该国政府在 2018 年和 2020 年提交给联合国的关于小武器管制执行情况的报告中，请求提供武器储存管理方面的援助(见附件三)。

B. 琼莱州和大皮博尔行政区侵犯人权和杀害人道主义工作人员的情况

36. 在 2 月中旬至 8 月初琼莱州和大皮博尔行政区的战斗中，平民遭受直接袭击，并因冲突而被迫流离失所。专家小组核实，穆尔勒族、丁卡博尔族以及加瓦尔努埃尔族和洛乌努埃尔族民兵在南苏丹人民国防军、苏人解反对派和国家安全局提供的军事支持下，实施了严重侵犯和践踏人权并违反国际人道法的行为，包括袭击平民和财产，如住宅、市场、人道主义物品、保健设施、教堂和学校(见附件二)。²³

37. 5 月至 8 月期间，在琼莱州和大皮博尔行政区至少有 8 名当地人道主义工作人员被杀。²⁴ 战斗还迫使至少 183 名人道主义工作人员撤离，导致向平民提供的拯救生命的基本服务被迫关闭。²⁵ 截至 10 月下旬，在严重洪灾减缓了人道主义援助进入受影响地区速度的同时，不安全状况导致琼莱州的主要道路关闭，无法向濒临饥饿的平民提供基本服务。²⁶

38. 在长达数月的冲突中，人道主义设施和服务成为攻击目标，被摧毁和洗劫。5 月至 7 月期间，食品和营养物品被盗，人道主义仓库、诊所和学校遭到洗劫、

²¹ 与地方官员、南苏丹人民国防军、民间社会、民兵指挥官、长老和秘密消息人士的访谈。

²² 与苏人解反对派、国家安全局、民间社会、民兵指挥官和秘密消息人士的访谈。

²³ 与民间社会、目击者和秘密消息人士的访谈。

²⁴ 同上。

²⁵ 人道主义事务协调厅，季度人道主义援助准入简况，2020 年 7 月至 9 月。可查阅 <https://reliefweb.int/report/south-sudan/south-sudan-quarterly-humanitarian-access-snapshot-july-september-2020>。

²⁶ 世界粮食计划署，2020 年 8 月第 274 号情况报告。可查阅 <https://reliefweb.int/report/south-sudan/wfp-south-sudan-situation-report-274-14-august-2020>。

破坏和烧毁(见附件二)。有针对性的飞行限制阻碍人道主义援助准入的情况至少发生了三次(见附件二)。

39. 专家小组自 2015 年成立以来,不断地记录在案包括南苏丹人民国防军、苏人解反对派和国家安全局在内的武装团体袭击人道主义工作者、盗窃粮食援助并以平民为目标的行为。因此,专家小组建议南苏丹政府紧急向所有安全部队下达命令,不论其从属关系如何,必须严格遵守国际人道法。

C. 瓦拉卜的解除武装运动导致针对平民的暴力事件

40. 7 月,总统宣布在全国范围内“全面解除平民武装”,并任命图尼中将领导这一运动。²⁷ 图尼将军 6 月在瓦拉卜州通季东县发起这场运动。据南苏丹人民国防军和内阁内部多位消息人士透露,之所以选择这个县,是因为基尔先生和图尼中将把解除库克中将支持的当地民兵的武装作为首要任务。在解除武装运动之前的几个月里,库克中将为确保获得当地民兵的支持,向当地部落首领提供了军事装备。²⁸

41. 作为解除武装运动的一部分,在通季东县首府罗米奇成立南苏丹人民国防军特遣部队并建立了军政府,这导致针对平民的暴力事件。派往南苏丹人民国防军特遣部队的士兵强奸女童,杀牛,掠夺平民的食物。²⁹

42. 8 月 8 日,图尼中将及副手朱巴交警局 Bol Akot Bol 少将直接指挥和控制的南苏丹人民国防军部队部署军事特遣部队,对付就南苏丹人民国防军在罗米奇杀害一名手无寸铁平民举行抗议的平民,暴力活动由此进一步扩大。³⁰ 针对抗议活动,南苏丹人民国防军士兵使用重炮和坦克攻击了聚集在附近牛场的平民和当地民兵。冲突造成 148 人死亡,包括 63 名南苏丹人民国防军士兵和 85 名平民(见附件四)。

43. 事件发生后,在大约两个月的时间里,解除武装运动指挥官图尼中将和 Bol Akot 少将阻止人道主义工作人员进入该地区帮助受伤的平民和 5 000 名流离失所的平民。³¹ 此外,朱巴国内安全局人员还阻止属于苏丹人民解放运动反对派(苏人解运动反对派)的前瓦拉卜州影子州长 Chaguor Ater Bol 向该地区运送医疗用

²⁷ 南苏丹广播公司,南苏丹总统 2020 年 7 月 8 日独立日讲话。可查阅 www.facebook.com/watch/?ref=search&v=912014269268324&external_log_id=255b182b-478b-4398-bb0c-a8cca9bc66a&q=President%20Kiir%20looks%20on%20nationwide%20disarmament。

²⁸ 对南苏丹人民国防军、苏人解运动/解放军反对派、国家安全局、社区领导人和保密消息来源的采访。

²⁹ 同上。

³⁰ 对目击者和保密消息来源的采访。

³¹ 人道主义事务协调厅,人道主义简况,2020 年 8 月。可查阅 <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-august-2020>。

品。指挥官们还拒绝了南苏丹特派团以及停火和过渡期安全安排监测和核查机制提出的进入该地区的请求。³²

44. 在本报告所述期间，专家小组有证据表明，南苏丹人民国防军和国家安全局经常拒绝允许人员进入冲突地区，有时还拒绝人道主义组织进入。因此，专家小组建议委员会根据第 2521(2020)号决议第 15(g)段，对阻碍国际维和和外交特派团活动以及人道主义援助的运送和分发的军事领导人实施定向制裁。

四. 不执行协议对反对派团结及和谈的影响

45. 和平协议要求签署方协商一致进行决策，而由于迟迟不执行和平协议，苏人解运动/解放军反对派未能在政府内部取得平等地位。苏人解运动反对派高级领导人告诉专家小组，第一副总统马沙尔先生“事实上已被软禁”，基尔先生的苏人解运动派别一手控制了政府政策。同一消息来源报告说，第一副总统和反对派部长被排除在决策过程之外，只扮演“仪式性的角色”。³³

A. 苏丹人民解放运动-解放军反对派的哗变引发暴力事件

46. 由于在政府中无法发挥积极作用，苏人解运动/解放军反对派内部原有的分歧(见 S/2019/897 和 S/2020/342)扩大并推动了政治和军事上的不团结。³⁴ 针对和平协议执行缓慢的情况和第一副总统的领导权，一些感到不满的苏人解反对派高级军官已率部倒戈南苏丹人民国防军(见附件五)。正如专家小组先前报告所述(见 S/2019/897)，上尼罗州迈乌特的苏人解反对派指挥官 James Ochan Puot 少将叛投南苏丹人民国防军，引发了广泛的暴力事件。

47. 鉴于安全安排缺乏进展，包括苏人解反对派参谋长也是被制裁个人西蒙·加特韦克·迪尤尔中将(SSi.002)在内的高级指挥官们，已逐渐脱离苏人解运动反对派的政治领导层。³⁵ 9月，Dual 将军要求立即重新部署苏人解反对派部队，“否则，和平就完了”(见附件六)。

48. 在中赤道州，Moses Lokujo Gabriel 少将 9月21日叛投南苏丹人民国防军。据多个独立消息来源称，此前数月，苏人解反对派内部，包括在苏人解反对派指挥系统内部，紧张局势升级为暴力(见附件七)。同一消息来源表示，在 Lokujo 少将的命令下，三名苏人解反对派军官——Sammy Logeleng 准将、Clement Samuel 准将和 Wokil Peter 上校——于 5月被绑架并遭杀害。Lokujo 少将曾被专家小组认定为非法伐木活动的受益者(见 S/2019/897)。他叛变后，对苏人解反对派部队摩罗博县潘纽姆指挥部以及周围地区的平民发动了一系列攻击。³⁶

³² 对社区领导人、人道主义行为体、监测组和南苏丹特派团的采访。

³³ 对苏人解运动/解放军反对派的采访。

³⁴ 同上。

³⁵ 对苏人解反对派的采访。

³⁶ 对苏人解反对派、社区领导人和保密消息来源的采访。

B. 反对派分裂后的罗马谈判进展有限

49. 10 月，世俗天主教圣艾智德团体推动政府与归入伞式组织南苏丹反对派运动联盟的非和平协议签署方在罗马举行了第三轮会谈。这是自政府成立以来的第一次会谈，但没有达成具体结果，调解人计划在 12 月重启谈判。

50. 在罗马会谈前几周，由于三个主要运动(即 Thomas Cirillo 将军领导的民族拯救阵线、受制裁个人 Paul Malong Awan Anei(SSi.008)将军领导的南苏丹联合阵线/军队、Pagan Amum 将军领导的真正苏丹人民解放运动)之间产生不信任和严重分歧，南苏丹反对派运动联盟四分五裂。³⁷ 结果，该联盟分成了 Cirillo 将军领导的一派和 Malong 将军、Amum 将军领导的另一派。由于南苏丹反对派运动联盟的分裂，在罗马会谈中，平行举行了两场谈判。专家小组、伊加特和外国外交官作为观察员出席了会谈。

51. 造成南苏丹反对派运动联盟分裂的部分原因是总统和尼亚尔先生与 Malong 将军的接触。应各丁卡族长老及苏人解运动和南苏丹人民国防军领导人的要求，尼亚尔先生开始与前苏人解国防参谋长 Malong 将军讨论，请他返回南苏丹对抗库克中将。Malong 将军是来自北加扎勒河州乌韦勒的丁卡人，是库克中将的强烈反对者。他告诉专家小组，他对返回朱巴持开放态度，但条件是先免去库克中将的职务。³⁸

C. 中赤道州针对民族拯救阵线的攻势扩大

52. 专家小组证实，尽管在 1 月份签署了《关于南苏丹和平进程的罗马宣言》(见 S/2020/342)，但南苏丹人民国防军和苏人解反对派自 3 月以来一直在对民族拯救阵线发动军事攻势。³⁹ Cirillo 将军告诉专家小组，面对联合攻击，民族拯救阵线别无选择，只能“撤离基地，遣散部队，继续作为游击队行动，在驻扎地区保护平民，并尽可能进行反击”。⁴⁰

53. 因此，民族拯救阵线加强了对南苏丹人民国防军目标的军事行动。8 月 5 日，民族拯救阵线声称对朱巴西南约 35 公里处南苏丹人民国防军营地受到袭击一事负责(见第 55 段和附件八)。至少有 9 人在袭击中丧生，其中包括平民。8 月 19 日，民族拯救阵线在 Lobonok 镇以南 20 公里的 Pager 展开伏击，打死副总统詹姆斯·瓦尼·伊加的 6 名南苏丹人民国防军保镖。民族拯救阵线代表告诉专家小

³⁷ 同上。

³⁸ 对 Malong 将军的采访，内罗毕和罗马，2020 年 7 月至 10 月，以及对保密消息来源的采访。

³⁹ 对民间社会、民族拯救阵线、苏人解反对派、南苏丹人民国防军和保密消息来源的采访。

⁴⁰ 对 Cirillo 将军的采访，罗马，2020 年 9 月。

组，伊加先生的安保人员“深入到民族拯救阵线控制地区”。⁴¹ 南苏丹人民国防军否认了这一指控。⁴²

D. 对中赤道州和东赤道州矿场的控制

54. 在中赤道州和东赤道州，武装团体控制了进入矿场的通道，以期获取黄金开采可能带来的收入。专家小组没有证据表明，金矿开采产生了可用于购买弹药或武器的足够收入，从而为冲突提供资金。不过，武装团体的个别部队通过在手工采矿场挖掘、向手工采矿者征税或进行黄金交易来维持生计。⁴³

55. 专家小组不知晓武装团体之间为控制矿场发生的任何直接冲突。然而，专家小组评估认为，这一部门的机械化日益加强(见 S/2020/342)，极有可能吸引武装团体开采，从而破坏当地社区的稳定。例如，8月5日，民族拯救阵线在韩国风险投资合伙公司合法的小型采矿作业点发动袭击(见第53段)。该矿场位于耶伊-朱巴公路沿线 Digalla 村以西的 Kisharu 河附近，南苏丹人民国防军士兵在场守卫设备，并与手工采矿者一起采矿。⁴⁴

56. 南苏丹大部分金矿都是冲积砂矿(见 S/2019/301)，矿藏散布在中赤道州和东赤道州(见附件九)，因此民族拯救阵线、国家安全局、南苏丹人民国防军、苏人解反对派的武装部队都守卫或控制着进入矿场的通道。民间社会和联合国联系人向专家小组报告说，武装团体经常封锁手工采矿者作业的河床和场地。例如，在经历了8月份的一段不安全时期后，政府阻止了南苏丹特派团在手工采矿区中赤道州 Lobonok 建立基地的努力。⁴⁵

57. 因地方民间社会和南苏丹特派团无法进入武装团体控制的非正规金矿等自然资源区，无法及时、详细地报告非法开采自然资源的行为对平民造成的威胁。因此，专家小组建议安全理事会更新南苏丹特派团的任务规定，要求特派团报告不安全地区的情况，并调查与黄金、木材和其他自然资源的非法开采和贸易有关的侵害平民暴力事件。

五. 不执行和平协议对财务治理的影响

58. 自政府成立以来，南苏丹公共资源和自然资源的透明度、监督和财务治理没有改善。例如，正如专家小组先前报告(见 S/2020/342)所述，政府没有透明地管

⁴¹ 对民族拯救阵线、民间社会和保密消息来源的采访。

⁴² 苏丹邮报，“南苏丹人民国防军威胁对 Cirillo 叛军使用“致命武力”，2020年8月24日。可查阅 <https://www.sudanspost.com/sspdf-threatens-deadly-force-against-cirillos-rebels/>。

⁴³ 对矿产部、南苏丹特派团、民族拯救阵线、苏人解运动/解放军反对派、民间社会、商人、矿业部门雇员和保密消息来源的采访。

⁴⁴ 同上。

⁴⁵ 同上。

理分配用于和平努力的资金。根据预算数据,在本财政年度(2020 年 7 月至 2021 年 6 月),政府计划在落实和平工作方面花费 6 870 万美元,不到预算的 6%。⁴⁶

59. 政府的可动用收入与一年前相比有所减少,财政与规划部预计预算缺口超过 7 亿美元。不仅如此,截至 10 月中旬,政府仍拖欠上一财政年度的债务,包括拖欠公共部门雇员工资 5 个月,总计约 1.1 亿美元。鉴于预算赤字,政府向国际货币基金组织申请了紧急贷款。另外,政府请求非洲进出口银行的大流行病贸易影响缓解贷款机制提供 2.5 亿美元贷款,贷款条件与之前一项以石油担保的融资安排相同(见 S/2020/342)。⁴⁷

A. 以资源为担保的贷款增加

60. 由于南苏丹可动用的预算有限,金融贷款方和为政府提供服务的公司日益要求合同以资源为担保,这些合同以实物原油偿还,或以原油为抵押。以石油担保的合同存在公共资源挪用风险,因为还款往往发生在正常的预算和会计渠道之外,绕过监督机制,因优先安排某些支出而限制了预算灵活性,并涉及第三方。

61. 南苏丹对非洲进出口银行和 ARC 资源有限责任公司(ARC Resources Corporation Ltd.)的还款承诺与石油货物销售情况息息相关。2020 年,政府欠非洲进出口银行五船达尔混合油,用于偿还 2019 年该行机制向政府发放的 4 亿美元贷款(见附件十)。⁴⁸ 总统还宣布,所有尼罗混合油——约占南苏丹可销售石油的四分之一——已分配用于修筑公路(见附件十一和十二)。

62. 虽然南苏丹 9 月份每日生产 165 000 桶石油用于出口,但在减去必须给予政府商业伙伴和苏丹的石油数量之后,政府每日只能出售约 42 500 桶石油来为其预算提供资金。由于 2020 年可供销售的原油货物有多达一半已根据以资源担保的合同预先分配,专家小组估计,政府可供销售的石油量约为每日 21 300 桶,相当于每月不到 3 000 万美元。⁴⁹

63. 考虑到安全理事会第 2521(2020)号决议第 16 段对金融不当行为的关切,专家小组建议委员会听取南苏丹公共财务管理监督委员会的简报,了解政府采取了何种措施处理财务治理改革、执行和平协议第 4 章以及审查《公共财务管理与问责法》(2011 年)和《国家税务局法》(2016 年)等公共财务管理立法。

B. 道路建设缺乏透明度和监督

64. 道路桥梁部已经为多个道路项目的修建工程签订了以资源担保的服务合同。2019 年,尼罗河西岸的朱巴-特拉克卡-伦拜克公路破土动工。2019 年至 2020 年,

⁴⁶ 专家小组存档的文件。

⁴⁷ 政府还从非洲进出口银行获得了 6 300 万美元的额外过桥贷款。与财政与规划部、非洲进出口银行、海关官员、民间社会、外国外交官和保密消息人士的访谈。

⁴⁸ 保密文件以及与石油部、石油商人和保密消息人士的访谈。

⁴⁹ 专家小组的计算基于访谈、有关石油生产和收入的公开数据以及财政与规划部未公布的数据。

财政与规划部为通往朱巴以北约 65 公里的特拉克卡的一段公路拨款至少 7 000 万美元。5 月份，雨水摧毁了部分公路，导致施工暂停，等待政府审查结果。⁵⁰

65. 3 月，ARC 资源公司开始在尼罗河东岸修筑朱巴-博尔-马拉卡勒公路。政府经未予公开的单一来源招标，授予了该公司这项为期三年、价值 10.4 亿美元的项目合同。⁵¹ 据熟悉该项目的政府官员称，ARC 资源公司也未提交有关这条公路对社会和环境的影响的可行性研究报告。ARC 资源公司在回复专家小组的一封信中表示参加了政府的正式招标流程。截至 10 月下旬，已铺设的道路不到 20 公里。

66. 根据合同条款和熟悉该项目的保密消息人士的说法，ARC 资源公司获得了该项目的前期融资，但没有反映在财政与规划部的预算数字中。专家小组审查了保密文件，文件显示 ARC 资源公司收到了该项目至少 1 亿美元的预付款。

67. 专家小组还审查了相关文件，这些文件证实政府于 2020 年 2 月在没有竞标的情况下将另一份以石油担保的合同授予 Winners 建筑有限责任公司(Winner Construction Company Ltd.)，以修筑朱巴-托里特-纳达帕尔公路。

C. 违反非石油收入征收中的财务透明要求

68. 自前国家税务局局长、来自加纳的 Olympio Attipoe 于 2019 年 8 月被解职以来，非石油收入征收的透明度有所下降(见 S/2019/897)。其临时继任者、国家安全局前财务主管 Erjok Bullen 停止每月公布税收数据，并为大范围进口税豁免提供了便利。⁵² 2020 年 9 月 16 日，Bullen 先生被免职，10 月份任命了坦桑尼亚联合共和国的 Patrick Mugoya 为新局长。

69. 在 2019/20 财政年度，政府收取了约 1.91 亿美元的非石油收入，约占收取的总收入的 13.6%。⁵³ 专家小组查明了四例违反国税局或政府政策的情况，这些违规情况为挪用这笔非石油收入创造了机会。

广泛使用关税豁免措施

70. Bullen 先生在任期间，关税收入有所减少(见附件十三)。熟悉征税的商人和政府官员告知专家小组，广泛使用税收豁免措施是导致收入减少的原因之一，因为比如有一些公司代表不在免税范围内的其他公司或个人行使了税收豁免特权。

71. 此外，财政与规划部批准一些公司获得广泛适用的进口关税免除，而不是针对具体某批货物或产品申请豁免(见附件十四)。部长委员会于 9 月份宣布，计划停止对非必需品进口实行税收豁免。

⁵⁰ 财政与规划部的文件以及与保密消息人士、政府官员和民间社会的访谈。

⁵¹ 与保密消息人士、商人和外国外交官的访谈。

⁵² 保密文件以及与非洲开发银行和外国外交官的访谈。

⁵³ 专家小组存档的文件。

缺乏关于征税的公开报告

72. 根据《公共财务管理与问责法》(2011 年), 政府必须让所有收入和总收入接受公众监督和问责。Bullen 先生在获得临时任命后终止了每月公布税费征收数据的做法。他还更少利用国税局的商业银行账户收取税款, 而是属意由国税局各办公室以现金征收。现金征收限制了可核实财务单据的质量, 造成挪用公款的风险。⁵⁴

73. 在宣布 Bullen 先生和财政与规划部长 Salvatore Garang Mabiordit 被解职后, 2020 年 9 月恢复公布每月税款征收数据。8 月, 国税局征收的税款约等于 1 770 万美元。⁵⁵

违反财务转账程序的行为

74. 根据《南苏丹国家税务局法》(2016 年)第九章第 40(1)(b)(i)分节, 征得的非石油收入只有至多 2% 可以转入国税局的业务账户, 用于支付其业务费用。专家小组经保密访谈并经书面证据证实, 有三笔向国税局业务账户转入的资金超过了 2% 的限额。

75. 2019 年 9 月和 10 月, Bullen 先生授权了三笔向业务账户进行的转账。2019 年 9 月, 有约 250 万美元转入了业务账户, 这笔数额占当月征得的非石油收入的 58%。此外, 2019 年 10 月还转了 160 万美元(见附件十五)。专家小组不清楚转账后国税局业务账户中的资金的去向。专家小组向南苏丹银行和财政与规划部发出公函, 要求澄清转账目的。专家小组没有收到任何答复。

未能征收自然资源费用和许可

76. 国税局自 2019 年 1 月成立以来, 没有征收过来自自然资源部门的费用、许可或税收。专家小组发现, 国税局没有记录任何来自黄金开采或交易的收入。⁵⁶

77. 相反, 专家小组与持有小规模采矿或勘探许可证的企业访谈期间获得信息显示, 矿产部直接收取许可证和费用缴款。矿产部对收入征收的控制导致了一些前后不一的情况, 例如, 一些许可证持有者在没有支付费用的情况下获得了许可证, 而另一些持有者则每年不予支付租金。

78. 鉴于存在不付款以及违反采矿法规的情况, 矿产部在 9 月发布了指令, 要求所有矿业权持有人重新营业(见附件十六)。例如, Gorom 采矿公司(Gorom Mining)违反了采矿法规, 因为该公司在未经事先批准的情况下使用汞提炼黄金, 并在其特许矿区之外修筑道路。⁵⁷

⁵⁴ 与前国税局官员、财政与规划部、南苏丹海关和民间社会的访谈。

⁵⁵ Eye Radio, “国税局停止每月公布征税情况”, 2019 年 10 月 18 日。可查阅 <https://eyeradio.org/nra-ceases-announcing-monthly-collections/>。

⁵⁶ 专家小组存档的保密文件以及与矿产部、财政与规划部、民间社会和商人的访谈。

⁵⁷ 与矿产部、该行业的商人和保密消息人士的访谈。

D. 南苏丹人民国防军在中赤道州对采伐活动非法征税

79. 如专家小组先前报告所述，非法采伐在中赤道州十分猖獗(见 [S/2019/897](#))。南苏丹人民国防军和企业通过非法木材贸易规避政府规定。专家小组从多个消息来源获悉，南苏丹海关官员为非法采伐的原木运往乌干达提供了便利。根据同一消息来源，海关官员并不核实木材是否具备原产地证书或出口税收单据等适当的文件。

80. 专家小组得以证实，在南苏丹人民国防军控制的卡约凯吉县东部地区，John Kamilo 上校麾下的部队向木材采伐公司和贸易商征税。Kangapo 区和 Lire 区的木材公司和贸易商已向南苏丹人民国防军付款，以确保木材安全通过其控制区。经专家小组核实，木材贸易商在途经 Kamilo 上校控制的地区运输原木时，向其支付了每批高达 800 美元的费用。⁵⁸

81. Kamilo 上校还策划了与乌干达 Moyo 区和 Yumbe 区接壤的边境非法贸易。Kamilo 上校利用手下部队控制检查站，并与当地官员、南苏丹海关官员和木材采伐公司协调原木运输。⁵⁹

六. 结论

82. 和平协议执行缓慢，对平民安全 and 国家稳定产生了广泛影响。正如专家小组之前报告([S/2019/897](#) 和 [S/2020/342](#))所述，要采取切实步骤执行和平协议，往往需要伊加特以及和平协议的主要担保国苏丹和乌干达持续对签署方施加压力。然而，自政府成立以来，伊加特内部不团结，限制了执行和平协议所需的高级别接触。⁶⁰

83. 此外，在本报告所述期间，乌干达人民国防军(乌国防军)继续进入南苏丹领土，包括在 10 月 27 日与南苏丹人民国防军在东赤道州马格威县发生冲突(见附件十七)。乌干达没有向委员会请求任何豁免。这违反了安全理事会通过第 [2428\(2018\)](#) 号决议第 4 段实施并经第 [2521\(2020\)](#) 号决议第 3 段延长的武器禁运。

84. 专家小组认为，由于下文强调的三个新出现的具体安全风险，该区域有必要把重点放在执行和平协议上。

A. 武装团体指挥系统的崩溃

85. 苏人解运动领导层、南苏丹人民国防军、国家安全局和苏人解反对派内部的多名高级对话者告诉专家小组，到 10 月底时，政治分裂已削弱了一些武装团体内部的指挥系统。特别是，南苏丹人民国防军和苏人解反对派内部薄弱的指挥系统给平民带来了显著风险。

86. 专家小组特别指出，苏人解运动/解放军反对派的团结瓦解后，可能引发新的冲突。由于州长任命久拖未决等原因造成的琼莱州东部和上尼罗州悬而未决的政

⁵⁸ 与社区成员、民族拯救阵线和苏人解反对派以及木材贸易商的访谈。

⁵⁹ 与社区成员、南苏丹国家警察局、南苏丹海关和民间社会的访谈。

⁶⁰ 与区域外交官和情报机构、伊加特和保密消息人士的访谈。

治问题构成了重大威胁。10月17日，Dual 中将警告说，和平协议可能破裂(见附件十八)。此外，经专家小组证实，10月25日，Ochan 少将指挥的南苏丹人民国防军部队炮击了苏人解反对派位于迈乌特县的据点。⁶¹

87. 包括政府部长在内的多名苏人解运动/解放军反对派高级领导人告诉专家小组，鉴于执行和平协议方面悬而未决的问题，苏人解运动/解放军反对派的一些官员已考虑与非签署方的部队重新集结。

B. 南苏丹人民国防军在中赤道州和西赤道州的攻势

88. 9月和10月，南苏丹人民国防军和苏人解反对派向 Lainya、Lobonok、Morobo 和 Mundri 各县部署了大批士兵。⁶² 根据南苏丹人民国防军和苏人解反对派指挥官的说法，这些部队的目标是驱逐潘纽姆地区效忠马沙尔先生的苏人解反对派战斗人员，并重新发动对民族拯救阵线的攻势。Cirillo 将军告诉专家小组，攻势一旦开始，下一轮罗马会谈就可能岌岌可危。

C. 国家安全局获得新武器和训练

89. 政府从其库存中为民兵配备武装，同时安全部队也在寻求获取新武器和军事训练的途径。⁶³ 专家小组得以证实，库克中将——其领导下的国内安全局在2019年违反了武器禁运规定(见 S/2020/342)——招募了一支约500人的新部队。⁶⁴ 安全人员和保密消息人士告诉专家小组，该部队人员已于2020年10月拿到护照，打算按照由库克中将谈判达成的一项协议前往该区域某国受训。专家小组还发现，库克中将曾前往乌干达和肯尼亚，试图再补给武器弹药。⁶⁵

90. 在签署方未能承诺执行和平协议和停止敌对行动协定期间，向政府安全部队或非国家武装团体再补给武器弹药将进一步威胁平民，危及南苏丹的和平与安全。专家小组建议安全理事会维持对南苏丹的武器禁运，并采取措施改善执行情况。

91. 专家小组尤其建议安全理事会修订第 2428(2018)号决议第5和6段的措辞，授权停火和过渡期安全安排监测和核查机制检查经委员会批准豁免后进入南苏丹的货物，并核实最终用户。

92. 专家小组还建议委员会提醒与南苏丹相邻的会员国按照第 2521(2020)号决议第8段检查运往南苏丹的货物，并向委员会报告检查情况。

⁶¹ 与苏人解反对派、民间社会和长老的访谈。

⁶² 与南苏丹人民国防军和苏人解反对派指挥官、民间社会以及保密消息人士的访谈。

⁶³ 与南苏丹人民国防军、国家安全局、苏人解反对派和民族拯救阵线指挥官、政府官员、民间社会和保密消息人士的访谈。

⁶⁴ 与安全人员和保密消息人士的访谈。

⁶⁵ 与政府官员、国家安全局、长老和保密消息人士的访谈。

Annexes

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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



**COMMUNIQUÉ 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.¹

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 Urur 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.²

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.³ 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.⁴ As a consequence, the most vulnerable population was left without access to basic services and on the brink of starvation.⁵

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).⁶

During the attacks, militias partially destroyed markets, looted civilian property and abducted women and children.⁷ According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) due to violence an estimated

¹ 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>

² Interviews with civil society, witnesses and confidential sources, May – September 2020.

³ Integrated food security Phase Classification, Key Messages, January 2020 available at: <http://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1152135/>

⁴ Interviews with civil society, witnesses and confidential sources, May – September 2020.

⁵ Ibid.

⁶ Ibid.

⁷ Interviews confidential sources, civil society organizations and humanitarian actors, May-August 2020.

10,000 people—mostly children, women and elderly—were displaced.⁸ The International Office for Migration (IOM) estimated that over 8,400 IDPs took shelter in the area adjacent to the UNMISS base in Pibor.⁹

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.¹⁰

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.¹¹ 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.¹² 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.¹³

According to IOM, over 18,000 people were displaced.¹⁴ 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 Riangu villages.¹⁵ 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.¹⁶

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, Likuongole and Gumuruk.¹⁷

⁸ OCHA, Humanitarian Snapshot, February 2020 available at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss_20200311_humanitarian_snapshot_february.pdf

⁹ IOM, DTM displacement tracker, 12 March 2020. https://reliefweb.int/sites/reliefweb.int/files/resources/202021203_Event_Tracking_Pibor_UNMISS_AA.pdf

¹⁰ Interviews with confidential sources, civil society organizations and humanitarian actors, May–August 2020.

¹¹ Interviews with confidential sources, civil society organizations and humanitarian actors, May–August 2020.

¹² Ibid.

¹³ Ibid.

¹⁴ 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>

¹⁵ Ibid.

¹⁶ Interviews with confidential sources, civil society organizations and humanitarian actors, May–August 2020.

¹⁷ Interviews with civil society, witnesses, confidential sources, May – September 2020.

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.¹⁸

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, Likuiongole and Gumuruk. These attacks triggered secondary and tertiary displacement to farther reaching areas, where the IDPs had less access to humanitarian assistance.¹⁹ As IDPs began returning to their villages in September, community members from Likuiongole, Gumuruk, and Verthet reported that no one who stayed behind survived the attacks.²⁰

The Panel verified that the most violent attacks occurred in Likuiongole, Gumuruk and Verthet.²¹ 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).²² According to OCHA, due to violence between 60-70,000 people were displaced.²³ 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.²⁴

Murle militias destroyed civilian property including markets, abducted children and women, and committed rape and other sexual and gender based violence.²⁵ 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.²⁶ By mid-July, IOM reported that over 13,000 IDPs had temporally sheltered in Bor town.²⁷

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.²⁸

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Interviews with confidential sources and witnesses, September 2020.

²¹ Interviews with confidential sources, civil society organizations and humanitarian actors, May-August 2020.

²² Interviews with confidential sources, June-August 2020.

²³ OCHA, Humanitarian snapshot June 2020, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-june-2020>

²⁴ Interviews with civil society, witnesses and confidential sources, May-October 2020.

²⁵ Ibid.

²⁶ Ibid.

²⁷ 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>

²⁸ Confidential report on file with the Panel.

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.²⁹

Both Gumuruk and Likuonsole 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, Likuonsole, Verthet and Pibor Town, GPAA, had suspended their activities.³⁰

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.³¹
- 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.³²

²⁹ WFP, Situation Report, August 2020: <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP%20South%20Sudan%20Situation%20Report%20%23274-%2014%20August%202020.pdf>

³⁰ Interviews with confidential sources, May-October 2020.

³¹ Confidential reports on file with the Panel.

³² 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.³³

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.³⁴

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.³⁵

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.

³³ Interviews with confidential sources and humanitarian actors, May-October 2020.

³⁴ Ibid.

³⁵ 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.

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Firearms

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- (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)³⁶

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] ☒ ☐

13

³⁶ 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)³⁷

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.

³⁷ 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".³⁸

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.³⁹

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.⁴⁰ 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.⁴¹

³⁸ Interviews with SSPDF commanders, elders, civil society, eyewitnesses and confidential sources, August-October 2020.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ 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.⁴² 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”.⁴³ 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.⁴⁴

Also in March, General James Nando Mark, the SPLA-IO division commander in Western Equatoria, defected to the SSPDF, citing similar reasons.⁴⁵ 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.⁴⁶ 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).

⁴² Interviews with SPLA-IO senior leadership and confidential sources, March 2020.

⁴³ 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>

⁴⁴ Ibid.

⁴⁵ Interviews with SPLA-IO commanders, September 2020.

⁴⁶ 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

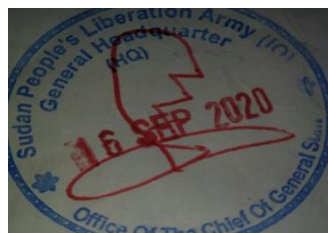
Formal letter to South Sudan Peace guarantors, TROIKA, AU, IGAD.

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.

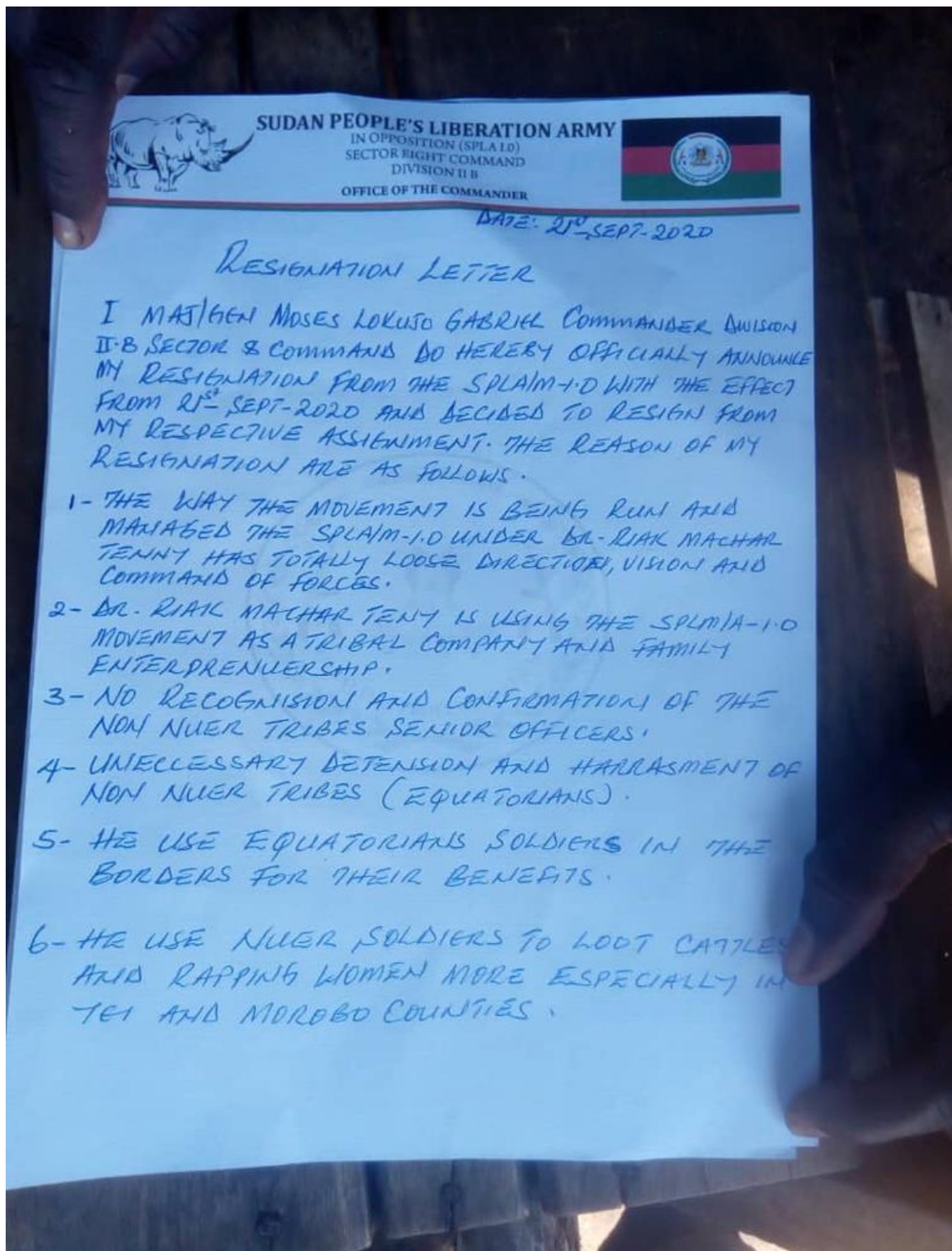


Regards

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 ⁽²⁾ IS ALLOWED TO THE NON NUER TRIBES.

- THEREFORE, IN THE INTEREST OF ~~FULL~~ IMPLEMENTATION OF THE SEPTEMBER 18 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 ~~VISION II~~ B 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 MUNI RESPECTIVELY.
- WE SHALL BE COMMITTED AND WORK AS PART OF THE SUDAN PEOPLES LIBERATION MOVEMENT (SPLM) AND SOUTH SUDAN PEOPLES DEFENSE FORCES (SSPDF) TO EFFECTIVELY 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 (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

SIGNED 
 MAJ/GEN. MOSES LOKUSO GABRIEL
 COMMANDER DIVISION II.8
 GREATER TEI RIVER 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.⁴⁷ 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.⁴⁸

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.

⁴⁷ Interviews with the Ministry of Mining, industry experts, businesspersons, foreign diplomats, journalists, UNMISS staff, civil society and confidential sources, January-October 2020.

⁴⁸ 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/I/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.

A handwritten signature in black ink, consisting of a stylized 'K' followed by several loops and a long horizontal stroke.

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
PTT	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, CONSTRUCTION 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:⁴⁹

- \$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);⁵⁰
- \$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.: 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

11 OCT 2019

⁴⁹ Interviews with former officials of the Authority, Bank of South Sudan and Ministry of Finance and Planning, August-October 2020.

⁵⁰ 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 Bulten 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:

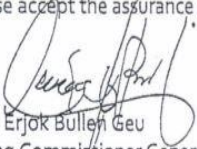
- 1- Bank Name: Bank of South Sudan, Account Name: National Revenue Authority, Account Number: 00269212218157, Currency: USD.

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

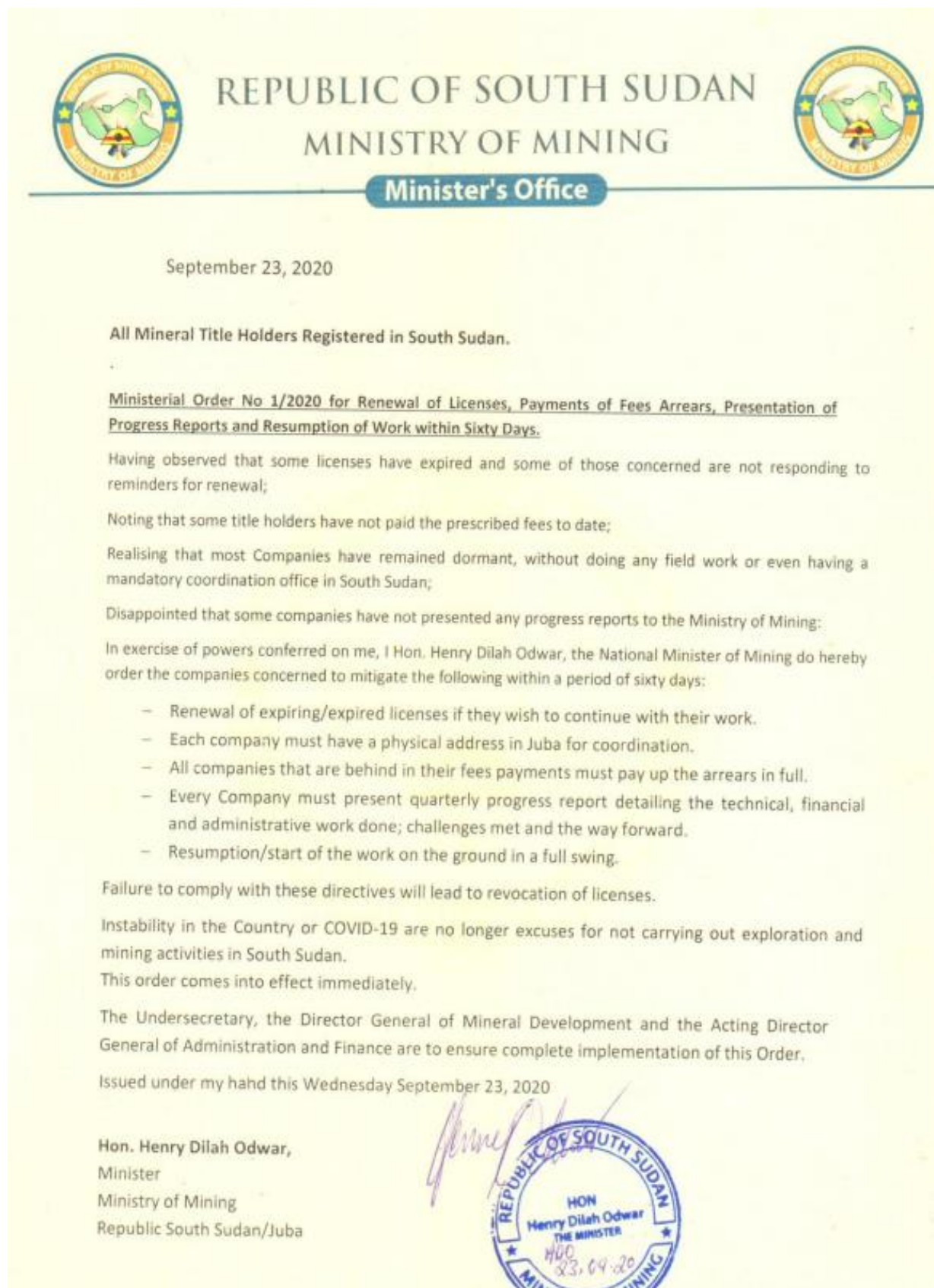
Kindly furnish me with the transfer report within three days from the date of transfer and very transfer must have description showing that money has been transferred from NRA Block Account.

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.




Andu Ezbon Adde
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
SSPDF Repulsed UPDF's Incursion

October 29th, 2020

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.

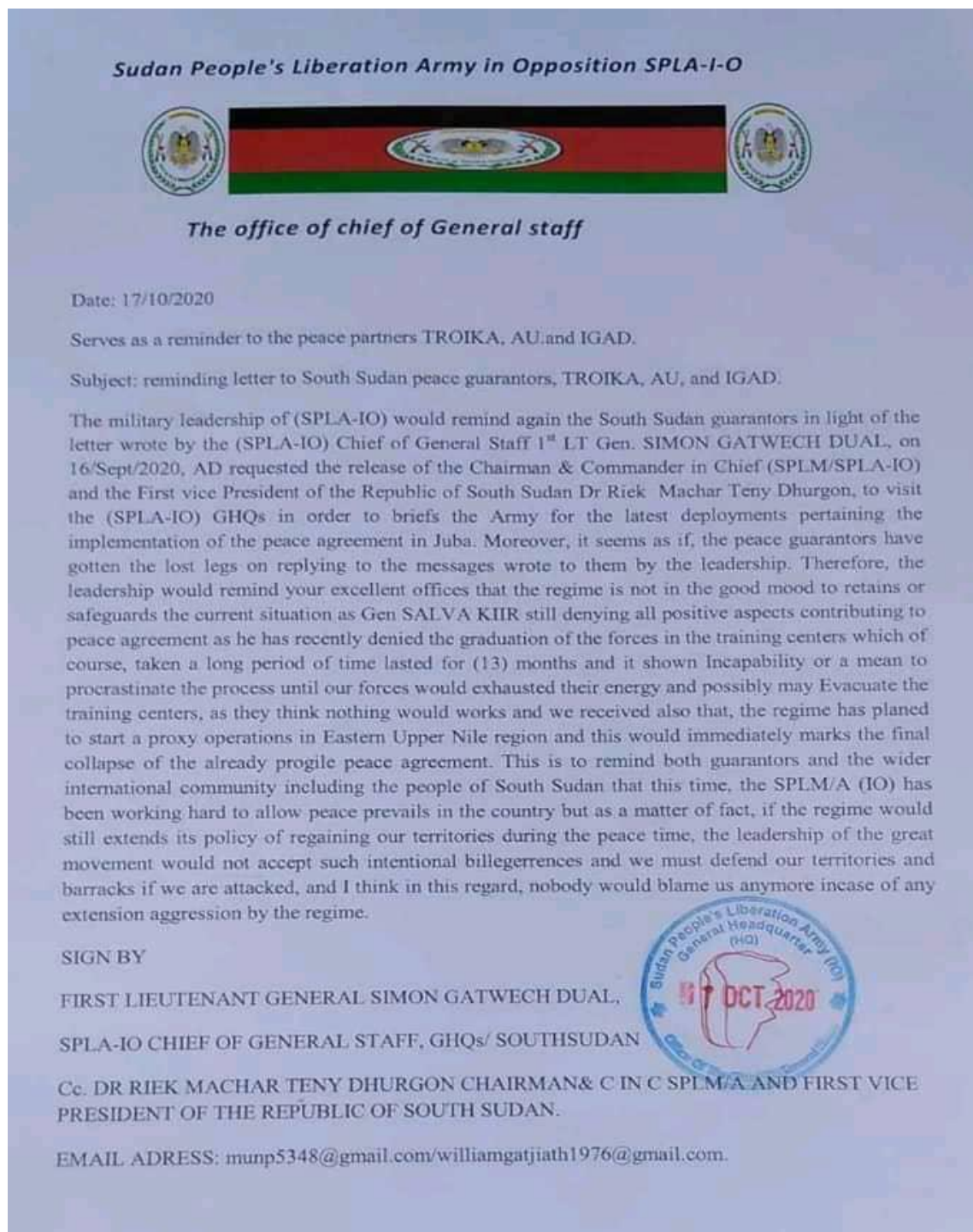
Regards,

LBR
[Signature]

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



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.