



安全理事会

Distr.: General
21 August 2015
Chinese
Original: English

2015 年 8 月 21 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

安全理事会第 2206(2015)号决议所设南苏丹问题专家小组成员谨根据第 2206(2015)号决议第 18(d)段转递专家小组工作的临时报告。

所附报告于 2015 年 7 月 31 日提交给安全理事会第 2206(2015)号决议所设委员会。委员会在 2015 年 8 月对报告进行了审议。

专家小组谨请安全理事会成员注意本函及其附件，并将其作为安全理事会的文件分发。

安全理事会第 2206(2015)号决议
所设南苏丹问题专家小组协调员
佩顿·克诺夫(签名)

专家
安德鲁斯·德阿塔-阿萨莫阿赫(签名)

专家
安·奥斯特林克(签名)

专家
卢卡斯·卡范德沃尔特先生(签名)



安全理事会第 2206(2015) 号决议所设南苏丹问题专家小组的临时报告

摘要

自南苏丹问题专家小组开展工作 10 个星期以来，专家小组在南苏丹内、埃塞俄比亚、肯尼亚、苏丹和乌干达多地进行走访。专家小组与起诉战争者和受战争影响严重者，包括境内流离失所者、部族和社区领导、民间社会组织、人道主义行为者和维和人员进行协商。本报告是这项研究的初步结果。

自安全理事会第 2206(2015)号决议通过以来，南苏丹局势每况愈下，给该国公民和整个区域的和平与安全构成重大威胁。

人道主义和人权状况、人道主义和维持和平行动环境继续急剧恶化。自 2015 年 3 月以来，又有 10 多万人在国内流离失所，使境内流离失所者的总人数超过 160 万人。自 2015 年初以来，面临严重粮食无保障状况的人数成倍增加，估计已达到 460 万人，其中包括 25 万名严重营养不良的儿童，这个数字是战争开始以来最高的。

自 2015 年 4 月在上尼罗州地区发动攻击以来，针对平民的暴力强度和残忍度是前所未有的，尽管无疑这是一场极为残忍暴力的武力冲突。约 75 万人受最近在团结州的军事行动波及，人道主义事务协调厅报告说，在暴力升级前得到人道主义援助的 138 000 人现在因安全无保障而得不到这种援助。实际数字可能更高。

自第 2206(2015)号决议通过以来，阻挠开展人道主义援助和维持和平行动的障碍也增多了。人道主义工作者和联合国南苏丹特派团人员经常受到攻击、殴打、骚扰、拘留、恐吓和威胁。2015 年 5 月，人道主义行为者报告的人员进出相关事件是前两个月所报告事件的总和。据报冲突各方都迫使人道主义援助改道，包括在检查站阻止人道主义车队通过，勒索金钱以换取安全通过或被允许利用公路。肆无忌惮地破坏特派团的部队地位协定和限制行动自由，严重妨碍了特派团的行动及其根据《联合国宪章》第七章履行保护平民的任务。

冲突各方的军事策略都以平民为目标，违反了第 2206(2015)号决议所述可适用的国际人道主义法。数十名平民被杀害、残害、遭受酷刑，或被活活烧死在自己家里，他们颠沛流离，被强奸被绑架，儿童被招募入伍加入战争。专家小组正在调查是谁指使犯下这些严重罪行。

向苏丹人民解放军和苏丹人民解放运动/反对派军队以及附属部队供应武器和弹药，使战争延续和升级。显而易见的是，苏丹人民解放军购置了更多的空中和河域行动能力是出于消除战术不利局面的战略考虑，因为在雨季难以部署部队

和重型装备，这将给当地的动态活动产生重大影响。专家小组将继续审查转账情况，包括其来源以及其背后的贩运网络，连同其对战争的影响及其在侵犯人权和违反国际人道主义法行为方面的作用。

专家小组还开始调查政府和反对派起诉战争以及那些因冲突持续而获利发财的人员和实体的融资渠道。专家小组将在安全理事会即将讨论第 2206(2015)号决议确定的制裁指认标准时向安全理事会报告其调查结论。

在今后几周里，安全理事会将不得不针对两种可能情况考虑如何适用第 2206(2015)号决议。第一，如果双方未能签署政府间发展管理局最近于 8 月 17 日提议的关于解决冲突的妥协协议，对无作为责任的评估以及迅速采取与此责任相称的行动至关重要。第二，如果双方签署一项协定，当前的问題不仅是执行该协定和结束暴力，而且还要促进民族和解，促进实现可持续包容性的政治解决南苏丹问题，包括确保追究在战争期间犯有严重罪行者。第 2206(2015)号决议预期制裁在这两种情况下能发挥作用。

目录

	页次
一. 背景情况	6
A. 任务和任命	6
B. 方法	7
C. 与利益攸关方和各组织合作	7
二. 冲突的政治和经济背景	7
A. 冲突概况	7
B. 区域方面	8
C. 政治进程	8
D. 武装团体	9
E. 经济方面	10
三. 人道主义危机	11
A. 人道主义整体状况	11
B. 人道主义援助和维和行动遇到的阻碍	11
C. 违反国际人道主义法和人权法	13
四. 自然资源与为冲突筹资	15
A. 石油	15
B. 畜牧业	16
C. 抢劫	16
D. 野生生物	17
五. 武器转让	17
A. 向政府转让武器	17
B. 向苏人解运动/解放军反对派转让武器	20
C. 武器和弹药补给的影响	21
六. 建议	22

附件

一.	Table of correspondence sent and received by the Panel from 18 May to 31 July 2015	25
二.	Humanitarian crisis in South Sudan.....	26
三.	Hospital in Kodok, Upper Nile State	29
四.	SPLM/A in Opposition attack on Bentiu, 29 October 2014.....	31
五.	April-July 2015 Unity State offensive by SPLA and associated armed groups.....	34
六.	Current state of armed groups in South Sudan	41
七.	Percentage budgetary allocation by sector.....	46
八.	Disruptions in livestock migrations	47
九.	Section of captured cattle brought to Bentiu in mid-June.....	48
十.	SPLM/A in Opposition fighters in Bentiu loot a slain SPLA soldier on 5 May 2014.....	49
十一.	Analysis of photographic evidence of Mil Mi24 helicopter flying the South Sudanese flag.....	50
十二.	Documentation concerning shipment of arms, ammunition, and related materiel from Norinco to the Ministry of Defence and Veterans' Affairs, June 2014	51
十三.	Summary of emergency SPLA budget January — June 2014	55

一. 背景情况

A. 任务和任命

1. 安全理事会第 2206(2015)号决议所设委员会针对助长南苏丹冲突的个人和实体实施制裁，并设立了一个制裁委员会(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 7 月 1 日指认了 6 人。
2. 在建立制裁机制时，安全理事会决定制裁应包括旅行禁令和资产冻结令，适用于委员会指认的负责或参与，或直接或间接参与威胁南苏丹和平、安全或稳定的个人和(或)实体。
3. 安全理事会还设立了一个专家小组(南苏丹问题专家小组)，负责提供关于该决议执行情况的资料和分析。这包括与可能的指认以及有关向破坏政治进程或违反国际人权法和国际人道主义法的个人和实体供应、出售或转让军火和有关物资以及军事或其他援助有关的信息，包括通过非法贩运网络方面的信息。
4. 4 月 27 日，秘书长与委员会协商，任命了五名专家小组成员(见 S/2015/287)：一名自然资源和财务专家(Andrews Atta-Asamoah(加纳))、一名区域事务专家(Payton Knopf(美利坚合众国))、一名人道主义事务专家(Anna Oosterlinck(比利时))、一名武器专家(Lucasvande Vondervoort(荷兰))和一名武装团体问题专家(Vladimir Zhagora(白俄罗斯))。¹
5. 专家小组自 5 月 18 日开始工作，首先在纽约进行为期一周的介绍回忆。专家小组在该区域长时间驻扎，包括访问南苏丹 10 个州中的 6 个州以及邻国，如埃塞俄比亚、肯尼亚、苏丹和乌干达。
6. 自开始工作 10 个星期以来，专家小组一直与最广泛的利益攸关方或受冲突影响的利益攸关方进行互动，包括南苏丹政府和苏丹人民解放军高层领导人，苏丹人民解放运动/解放军领导人(苏人解运动/解放军反对派)，G-10/“前被拘留者”，²流离失所者，包括联合国南苏丹保护平民场地中的流离失所者，民间社会和社区代表，部落领导人，区域组织，包括非洲联盟委员会和政府间发展管理局(伊加特)，联合国南苏丹特派团(南苏丹特派团)领导人，秘书长苏丹和南苏丹问题特使办公室，联合国人道主义机构，以及国际和国家人道主义和其他非政府组织。
7. 报告所载调查结果是初步的，没有对专家小组根据其任务规定进行的调查提供任何确凿的详细资料。小组将在每月提交给安全理事会的最新报告和最后报告中提供有关调查的更为完整的资料。

¹ Zhagora 先生的任期于 7 月 16 日结束。专家组十分感谢他在工作初期阶段所做的贡献，包括本报告，并感谢他提出的意见和对未来的展望。

² G-10/“前被拘留者”是政府针对 2014 年 12 月 15 日朱巴事件逮捕的高级官员，其中包括 Deng Alor、Pagan Amun、Oyay Deng、Cirino Hiteng、John Luk Jok、Kosti Manibe、Gier Chuang Aluang、Madut Biar、Chol Tong Mayay 和 Majak D'Agoot。。

B. 方法

8. 尽管由安全理事会设立，专家小组仍是一个独立机构，客观、以事实为依据的运作，反对任何企图破坏其公正性或建立一种认知偏见的做法。在向委员会主席提交报告之前，整个专家小组协商一致核准了案文、结论和所载建议。

9. 鉴于南苏丹冲突出现政治化趋势，专家小组全面承诺确保遵守安全理事会关于制裁的一般性问题非正式工作组在其 2006 年 12 月报告(S/2006/997)中提出的标准。这些标准要求尽可能依靠经核实的真实文件、具体证据和专家的现场观察，包括拍照。专家小组用多个独立的消息来源证实信息，适当达到尽可能高的标准，并较为重视主要行为人和第一手证人的陈述。

10. 在接到请求时，专家小组用尽可能透明的方式开展工作，保持其来源的机密性。专家小组还致力于保证最大程度的公平，酌情和尽可能地给相关各方机会，在特定时期内，审查和回应提及各方的任何信息。

C. 与利益攸关方和各组织合作

11. 虽然专家小组独立运作于联合国机构和部门之外，但专家小组仍表示诚挚感谢南苏丹特派团领导人和工作人员、秘书长苏丹和南苏丹问题特使办公室以及在亚的斯亚贝巴、坎帕拉、喀土穆和内罗毕的工作人员，他们在专家小组工作的第一阶段为特派团提供了宝贵的行政支持。

12. 截至 2015 年 7 月 31 日，小组还向 9 个国家、组织和其他实体发出了 16 份公函，并收到 10 份根据要求提供的答复(见附件一)。

二. 冲突的政治和经济背景

13. 安全理事会根据《联合国宪章》第七章通过第 2206(2015)号决议，是以南苏丹危机构成对国际和平与安全威胁为前提的。自决议通过以来，那里的局势急剧恶化。在向委员会提交本报告时(2015 年 7 月 31 日)，战争对南苏丹所有十个州造成影响，不仅对本国公民而且对整个区域的和平与安全构成了重大威胁。

A. 冲突概况

14. 精英阶层的权力斗争，促使当前的冲突演变成为多层面的战争，越来越多地包括但不限于大规模族裔内和族裔间暴力。苏人解与苏人解运动/解放军反对派及其附属民兵之间的战斗波及到上尼罗州、联合州和琼莱州。冲突还扩大到北加扎勒河州和西加扎勒河州，尽管程度较轻，地理区域相对较小。社区内暴力传统来自于争夺水、牧场和牲畜，这些争夺最近又再次爆发，特别是在瓦拉布州和湖泊州。后者还经历了部落内冲突加剧的情况。此外，大赤道州区域长期存在的暴力催化因素再度复燃(东赤道州、西赤道州和中赤道州内和周边地区，包括首都朱巴内外)，因为苏丹人民解放军支持的游牧牧民声称有权进入冲突上由土著定居者居住和使用的牧场和地区。

15. 在当前危机背景下，国家立法大会，其中不包括隶属于苏人解运动/解放军反对派成员在 3 月 24 日通过一项宪法修正案。修正案将总统任期、国家立法大会和各州立法大会延长 3 年至 2018 年 7 月 9 日。同样，国家宪法审查委员会的任务期限也延至 2017 年 12 月 31 日。反对派拒绝接受这些决定，认为它们违宪。

B. 区域方面

16. 南苏丹各邻国以军事和政治手段应对战争。

17. 2013 年 12 月 20 日，乌干达军队在朱巴至少部署了一个营，以保证机场安全，据乌干达称，保护乌干达居民撤离。其后的干预措施更为强化，从 2014 年 1 月初派遣增援部队击退向朱巴前进的反对派，随后在 2014 年 1 月中旬发动进攻驱逐来自琼格莱州博尔的反派。乌干达军队称，截至 2015 年 7 月，仍有一个旅部署在南苏丹。专家小组从该国各地双方谈判人员那里亲耳听到，部署部队，特别是乌干达自 2013 年 12 月以来在南苏丹的作用，已经成为一个有毒的政治议题，特别是在努埃尔族人中。

18. 区域政治干预更为普遍。南苏丹紧邻国家多个国家双边局势紧张。除了附近其他国家外，他们都担心南苏丹瓦解对其国家安全利益的威胁，而不是那么关心解决这种威胁的共同议程或措施。后一种情况是由于区域各国之间的长期对峙，例如苏丹和乌干达之间的长期对峙，以及邻国之间对南苏丹领导组合的不同观点将最符合他们各自的政治和经济利益。

C. 政治进程

19. 2013 年下半年，伊加特发起调解进程的根本前提，或经常因总统、萨尔瓦·基尔和前副总统和苏人解运动/解放军反对派、里克·马查尔和各自的支持者分享权力安排的分歧而陷入停顿。³ 这些安排也是自南苏丹独立后到 2013 年 12 月的治理结构的特点，或至少是 2002 年从苏丹人民解放运动(苏人解)的结构。

20. 在 3 月谈判陷入僵局后，重振政治进程的努力促使对调解结构进行调整，使区域更多国家和广大国际社会更多参与。其中包括任命马里前总统阿尔法·奥马尔·科纳雷担任非洲联盟南苏丹问题高级代表；设立一个非洲联盟南苏丹高级别特设委员会，由代表非洲大陆各次区域的国家元首组成；并启动了“伊加特+”格式，由伊加特成员国、非洲联盟南苏丹高级别特设委员会成员、非洲联盟委员会、“三驾马车”、⁴ 联合国、欧洲联盟和中国组成。

³ 伊加特调解工作由三位特使领导：塞尤姆·梅斯芬·加布雷丁格尔(埃塞俄比亚)、穆罕默德·艾哈迈德·穆斯塔法-达比(苏丹)和拉扎罗·苏姆贝伊沃(肯尼亚)。

⁴ “三驾马车”包括美国、大不列颠及北爱尔兰联合王国和挪威，它们都是 2005 年《全面和平协议》的保证国。

21. 与此同时，坦桑尼亚联合共和国、南非、肯尼亚和埃塞俄比亚共同努力，汇集伊加特调解努力和“阿鲁沙进程”。“阿鲁沙”进程是坦桑尼亚政党“坦桑尼亚革命党”和当政的南非政党非洲人国民大会在 2014 年发起的，结果导致在 2015 年 1 月由南非总统里克·马查尔·泰尼-杜尔贡和登格·阿洛尔(G-10/“前被拘留者”)签署了苏人解统一协议，以及 G-10“前被拘留者”代表两次访问朱巴和帕甘·阿穆姆重新恢复担任苏人解代表。

22. 7 月 24 日，伊加特调解小组在“伊加特+”的支持下，向各方提出“关于解决南苏丹冲突妥协协议”。根据调解小组确定的时间表，双方将于 8 月 5 日在亚的斯亚贝巴重新恢复谈判，并在 8 月 17 日签署一项协定。

23. 在今后几周里，安全理事会将不得不针对两种可能的情况考虑如何适用第 2206(2015)号决议。首先，如果双方不能在 8 月 17 日签署妥协协议，对未能签署协议进行评估和迅速采取与责任相当的行动十分重要。第二，如果双方签署一项协定，当前的的问题不仅是执行该协定和结束暴力，而且还要促进民族和解，促进实现包容性的政治解决南苏丹问题，包括确保追究在战争期间犯有严重罪行。第 2206(2015)号决议预计制裁在这两种情况下能发挥作用。

D. 武装团体

24. 活跃在南苏丹的武装团体，包括政府组织的部队，都是该国的历史产物。武装民兵与中央当局作战，另一个是对土地和资源的争夺，以及阻止政治边缘化。继 2013 年敌对行动爆发以来，政府部队有大量叛逃，主要是由前军事领导人指挥的苏人解努埃尔族，他们曾被吸收但从未充分纳入苏丹人民解放军。政府对其一些部队部门基本没有什么信任，因此一直力图加强总统警卫队的作用(苏丹人民解放军“老虎”司)⁵和国家安全局的作用，阻止苏丹人民解放军的分裂。

25. 双方都严重依赖青年民兵，这些人常常因牛羊和土地与其他族裔群体和部族争斗。这包括努埃尔族“白军”，他们站在苏人解运动/解放军反对派一边。Bul Nuer 年轻人在团结州为政府而战，导致努埃尔族社区内部发生重大分裂，而且这种分裂非常难以愈合。双方没有完全控制民兵和青年团体的斗争，他们部分原因是为实现自己的目标而作战，而这些目标与战争没有直接关系。Johnson Olony 少将从政府那里叛逃，投奔了上尼罗州的反对派，结果导致该州分裂成基本上以族裔划分的三个地区。政府还依赖苏丹正义与平等运动的援助。

26. 在大上尼罗河地区，当地各武装团体也很活跃，包括在北加扎勒河州和西加扎勒河州、中赤道州。他们与苏人解运动/解放军反对派战争和政治议程之间的联系在大多数情况下是非常有限的。此外，瓦拉布州和湖泊州族裔内和族裔间的冲

⁵ 总统警卫队在 2013 年 12 月在朱巴爆发的战斗中发挥了重要作用，被称为“Mathiang Anyoor”的民兵也发挥了关键作用。“Mathiang Anyoor”随后并入国家安全部队。

突导致越来越多的伤亡，政府对制止暴力几乎无能为力(见附件六，了解南苏丹武装团体现状的详细情况)。

E. 经济方面

27. 由于在过境费用上没有与苏丹达成一致，南苏丹在 2012 年 1 月暂停石油生产。2013 年 4 月恢复生产。在关闭期间，该国实施了紧缩措施，目的是减少政府开支，弥补损失的收入。预算可以因对石油公司、贷款和从中央银行借款而弥补预算赤字。在恢复可靠的石油收入来源几个月后就爆发了战争，这意味着将在冲突中继续实施紧缩措施。

28. 2013 年 12 月以来，因全球生产和油价下跌，石油收入大幅下降，此外还要遵守固定的石油关税和与苏丹的过渡财政安排。根据政府自己的数字，政府总收入未达到 2014 年预计的预算 22 亿美元。截至 2015 年 3 月，⁶ 2015 年全面短缺 12 亿美元。财政和经济规划部估计，在 2015 财政年里，赤字将达到 30 亿美元(7 月 1 日至 6 月 30 日)。

29. 政府继续筹集资金，从中央银行借款，参与石油预售和获得外部贷款。从中央银行借款 22 亿美元，增加货币供应量，推高了通货膨胀。⁷ 在 2015 年 1 月和 7 月期间，南苏丹镑在黑市上损失了约 50% 的价值，从 1 月份 1 美元兑换 5 个南苏丹镑到 7 月中旬兑 11 苏丹镑。⁸ 官方汇率仍定为 2.95 南苏丹镑兑 1 美元。

30. 黑市汇率高，官方汇率低，给政府和各国际人道主义机构行动造成高额费用。专家小组估计，如果政府要缩小黑市与官方汇率之间的差距，按官方汇率计算，国际人道主义机构每花费 1 元，就会损失 73.2%(8.05 苏丹镑)。⁹

31. 但平行汇率只是汇率通过腐败而从冲突获益的多种途径之一。战争使权力和获得国家资源的权力掌握在现有治理机构少数核心人员手里。

32. 公共债务继续迅速增加。南苏丹独立时没有任何公共债务。2015 年 6 月，财政和经济规划部认识到，债务已达到 42 亿美元，比 2015 年 1 月增加了 7 亿美元。¹⁰ 2013 年内债务大约是 2013 年国内生产总值的 35%。¹¹

⁶ 2014-2015 两年期核准预算预计总收入将达到 117 亿苏丹镑。但截至 2015 年 3 月，收入只有 53 亿苏丹镑(根据财政和经济规划部长在专家组 6 月访问期间与其分享的“财政和经济规划三年期战略方案”中的数字)。

⁷ 这是截至 2015 年 3 月底的借款总额。这个结论得到财政和经济规划部 2015 年 4 月经济运行情况季度报告最新资料的支持。

⁸ 见 <https://radiotamazuj.org/sites/default/files/u2442/XRATE%20UPDATE%2020150727.jpg>。

⁹ 估计数以截至 2015 年 7 月中旬的官方与黑市兑换率计算。

¹⁰ 实际数字预计更高，因为该部没有办法代表各政府机构实时追踪所有费用。

三. 人道主义危机

A. 人道主义整体状况

33. 专家小组开始工作后，南苏丹的人道主义状况继续急剧恶化。人道主义合作伙伴现在普遍承认，这个世界上最新国家的人民的人道主义需求，达到了该国历史上前所未有的程度，无疑还将继续升级。人道主义工作者因受战事阻碍，无法抵达该国大部分地区，种族鸿沟深化，大量人口流离失所，暴力残暴，牲畜和农作物生产大量遭破坏，严重营养不良，经济恶化，捐助资金明显下滑，而需求急剧增加，这都导致南苏丹遭遇世界上极严重的人道主义紧急情况。2014 年 2 月 11 日，联合国紧急救济协调员指定南苏丹为三级全系统紧急情况(目前全球只有 4 个三级紧急情况，¹² 在编写本报告时，南苏丹是非洲唯一的一个(南苏丹人道主义危机整体状况详情见附件二)。

B. 人道主义援助和维和行动遇到的阻碍

34. 全国暴力事件频发，蓄意阻挠人道主义活动，蓄意和任意袭击人道主义和维和人员和资产，导致人道主义和维和行动环境继续恶化。

1. 妨碍人道主义援助

35. 安理会第 2206(2015)号决议通过以来，阻碍提供人道主义援助的情况加剧。仅在 5 月，人道主义行动者就报告阻碍事件等于前两个月的总合(5 月 134 起，4 月 72 起，3 月 64 起)。与此对应，2014 年 5 月，人道主义行为者报告了 78 起事件。2015 年 4 月，自冲突爆发以来，第一次报告大多数事件是敌对行动，主要是在上尼罗州和团结州，还有湖泊州的动荡。¹³

36. 2013 年 7 月以来，人道主义行动者进入尼罗河受阻，¹⁴ 此前，悬挂联合国旗帜、装载 500 000 升燃料前往马拉卡尔的驳船遭到武装攻击。

37. 据专家小组从主要和次要来源收集的信息，2015 年 4 月初，团结州共有 73 个人道主义合作伙伴。但到 6 月，由于州内近来暴力升级，合作伙伴突然大幅减至 42 个，不得不从团结州南部撤出人员。

¹¹ 债务数额增长的实际意义不是记录绝对数字，但其增长率确实是自 2013 年 12 月以来最高的。

¹² “三级紧急情况”，即最严重的大规模人道主义危机。

¹³ 人道主义援助界内的保密来源。

¹⁴ 紧急救济协调员对新闻界的讲话(2015 年 7 月 25 日)，见 <http://reliefweb.int/sites/reliefweb.int/files/resources/USG%20O%27brien%20remarks%20to%20the%20press%20in%20Juba%2C%20South%20Sudan%2C%2025%20July%202015-2.pdf>, 7 月 25 日。

38. 7月5日,上尼罗州 Kodok 医院受到政府和苏人解运动/解放军双方激战的夹击(见附件三)。这是南苏丹当前战事影响医务人员和医疗设施的一个典型例子。

39. 据报告,冲突各方都妨碍人道主义援助,包括在检查站拦截人道主义车队,强迫交钱买路。尽管国家立法明令禁止,但这种情况时常发生。

40. 人道主义行动受到可怕的威胁,一个证明是,人道主义车队越来越需要武装护送,3月为3次,6月增加到11次。7月,提出大量武装护送的请求,致使无法派出更多的护送部队,因为南苏丹特派团面对动荡局势,被迫部署更多的部队,以保护其基地和保护平民。因此,南苏丹特派团派出长距离巡逻队,从朱巴经伦拜克、瓦乌和 Kuajok 到本提乌这段走廊,沿主要补给路线进行巡逻。根据独立人道主义原则,¹⁵ 人道主义行动者通常不愿与国内任何武装部队的目的和活动有任何关联,包括南苏丹特派团的目标和活动。因此,请求武装护送是一种不得已的选择,说明行动环境严重恶化。

41. 最后,联合国和国际非政府组织的院落和设施被洗劫一空,有的遭多次洗劫。在朱巴,仅7月,至少有12个院落被抢,虽然实际数字可能更高。¹⁶

2. 对人道主义工作者的袭击

42. 自危机开始以来,至少30名援助工作者被害,有的是遭蓄意暗杀,有的在双方交火中被打死。¹⁷ 专家小组发现,其中7人是在团结州近来暴力激增时被害,仅在7月就有3人。此外,专家小组收到许多关于人道主义工作者遭绑架、骚扰、殴打、拘留、逮捕、强行招募或威胁的报告。¹⁸ 6月1日,人道主义协调员被南苏丹政府驱逐,尽管联合国秘书长呼吁政府“立即取消决定,但未起任何作用”。¹⁹

3. 南苏丹特派团行动受阻

43. 南苏丹特派团人员经常遭攻击、骚扰、拘禁、恐吓和威胁。自2014年3月以来,南苏丹特派团经历了400多起违反《部队地位协定》事件,其中90%以上是政府所为。相比较而言,仅在行动受限这方面,2015年2月26日至5月15

¹⁵ 专家组采用“独立”的商定定义:“人道主义行动独立于任何行为者在开展人道主义行动的地区可能具有的政治、经济、军事或其他目标。”见 https://docs.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf。

¹⁶ 在朱巴采访专家组。

¹⁷ 采访人道主义事务协调厅官员;紧急救援协调员对新闻界的讲话(2015年7月25日)。

¹⁸ 在朱巴和全国采访专家组。

¹⁹ 秘书长发言人关于南苏丹的讲话(2015年6月1日),见 <http://www.un.org/sg/statements/index.asp?nid=8693>。

日期间，非洲联盟-联合国达尔富尔混合行动有 24 起行动受限的报告，而在大致同一时期，南苏丹特派团则经历了至少 37 起行动受限事件。5 月和 6 月，南苏丹特派团经历了 43 起行动受限事件。这一不停设置障碍所产生的累积效应，破坏了南苏丹特派团的行动及其执行《宪章》第七章保护平民授权的能力。

C. 违反国际人道主义法和人权法

44. 自冲突开始以来，各国际行为者，包括南苏丹特派团、伊加特监测核查机制、联合国儿童基金会(儿基会)、大赦国际和人权观察及其他行动者发表报告，详细说明违反适用的国际人权法和国际人道主义法的行为，或侵犯人权的行为，这些都是根据第 2206(2015)号决议给予制裁的依据。指控的这些暴行已经受到国际政治行动者，包括安理会、秘书长、非洲联盟、伊加特和欧洲联盟的广泛谴责。

45. 尽管国际社会达成共识，各方也承诺调查指控，但专家小组几乎没有发现冲突各方根据国际标准启动正式司法程序的任何证据。²⁰ 确保公平和有效调查和起诉这些罪行，是政府根据国际法应负的责任。无处不在的有罪不罚现象，又因大上尼罗河州最近发生的事件而加剧了目前南苏丹的冲突，也加深了南苏丹社会政治和族裔之间的分歧。

46. 2014 年 3 月，非洲联盟和平与安全理事会呼吁成立南苏丹调查委员会，委员会随后建立，由前总统奥卢塞贡·奥巴桑乔领导，调查 2013 年 12 月以来侵犯人权行为。2014 年底，奥巴桑乔总统向理事会提交了南苏丹调查委员会报告，但理事会拒绝审议。7 月 20 日那一周，报告分发给理事会成员国。2015 年 7 月 24 日，按照此前 6 月在比勒陀利亚举行的非盟首脑会议做出的决定，理事会召开部长级会议，但未公布报告。和平与安全理事会反而成立了一个特设小组，由阿尔及利亚、乍得、埃塞俄比亚、尼日利亚、南非、坦桑尼亚和乌干达组成，审议该报告，并就推动今后的工作提出建议。2015 年 8 月底之前，和平与安全理事会将在国家首脑一级审议这些建议。²¹

47. 2015 年 6 月 26 日，专家小组通过非洲联盟和平与安全理事会现任主席，要求得到南苏丹调查委员会机密报告，并抄送非洲联盟委员会。截至 2015 年 7 月 31 日，专家小组没有收到任何回应。

²⁰ 例如，见美国律师协会，“Assessment of justice, accountability and reconciliation measures” (Washington, D.C., June 2014), www.americanbar.org/content/dam/aba/directories/roli/sudan/aba_rolisudan_assessment_final_report_0614.authcheckdam.pdf; and “Riek Machar admits SPLM-IO never investigated Bentiu massacres”, Radio Tamazuj, 8 July 2015, available from <https://radiotamazuj.org/en/article/riek-machar-admits-splm-io-never-investigated-bentiu-massacres>.

²¹ <http://www.peaceau.org/en/article/communiqu%C3%A9-de-la-r%C3%A9union-du-526e-comit%C3%A9-de-ministres>.

1. 袭击平民

48. 在调查中，专家小组发现，所有冲突各方都袭击平民，作为其军事战术的一部分，这违反了第 2206(2015)号决议引用的适用国际人道主义法。专家小组正在调查涉及这些广泛事件的指挥系统。

49. 2014 年 10 月 29 日，苏人解运动/解放军反对派袭击团结州本提乌，严重侵犯人权(见附件四)。至少 11 名平民死亡。南苏丹特派团特别报告表示，犯罪嫌疑人称努埃人受害者为“丁卡”，暗示其支持政府。²² 此外，妇女遭绑架和强奸。尽管国际人道主义法保护宗教场所，但躲在教堂的平民仍遭到殴打绑架。

50. 自 4 月起，团结州暴行激增，这期间，苏丹人民解放军及所属民兵联手杀戮、强奸、绑架、抢劫平民、纵火和强迫平民流离失所，这表明冲突情势中其战术暴行出现重大转变。²³ 6 月 15 日和 16 日，及 7 月 8 日和 9 日，专家小组两次实地考察，调查这些暴行(见附件五)。

51. 专家小组发现，武装部队有意破坏社区生活，在暴力之后禁止恢复正常生活。通过第一手资料，专家小组得出结论认为，这场攻势是要不惜一切代价消除苏人解运动/解放军反对派的后援，包括把平民从团结州大部分地区赶走。基于之前的所有证据，专家小组得出结论认为，4 月份以来，在这场无疑极为暴力的冲突中，袭击平民的暴力事件的强度和残酷程度迄今为止愈发闻所未闻。

2. 性暴力和在武装冲突中招募儿童

52. 专家小组的初步调查，包括实地考察，²⁴ 都表明，所有冲突各方故意使用强奸作为其战术的一部分，而且全然逍遥法外。多个行动者报告了这些性暴力模式。²⁵

53. 专家小组根据主要来源和次要来源开展的初步调查证明，冲突各方都利用儿童，或充任战斗员，或作为后勤。据儿基会和南苏丹特派团，13 000 多名儿童目前参与战事，其中大多数由苏人解运动/解放军反对派招募。

²² 南苏丹特派团关于攻击本提乌的特别报告，见 <http://unmiss.unmissions.org/Default.aspx?tabid=5805>。

²³ 南苏丹特派团关于大尼罗周战斗升级的紧急人权报告，见 <http://unmiss.unmissions.org/Default.aspx?tabid=5805>。

²⁴ 实地访问本提乌期间，专家组在本提乌联络点与国内流离失所者相处了几个小时的，在极短时间内注意到至少 12 例强奸和性暴力事例。

²⁵ 见上述南苏丹特派团简要报告和南苏丹特派团以往的人权报告；伊加特监测核查机制违反停止敌对活动协议最新报告摘要，所述期间为(2015 年 4 月 27 日-5 月 31 日)，见 <http://southsudan.igad.int/index.php/2014-08-07-10-16-26>; and the UNICEF child protection briefing note, available from www.childrenofsouthsudan.info。

四. 自然资源与为冲突筹资

54. 南苏丹的经济有崩溃的危险，债务急剧上升，石油收入下跌，但政府似乎依然维持庞大的战事开支，包括武器、后勤和薪金开支。与此同时，境内外、政府和反对派内外的某些个人和实体实际上从战事中获得大量金钱利益。在政府方面，其部分原因是预算分配制度，其中分配资金的权力集中在少数人手中。

55. 专家小组开始调查，查询政府和反对派维持战争的资金渠道，查询从持续冲突中牟利的个人和实体。专家小组根据第 2206(2015)号决议规定的制裁指定标准，在即将举行的安全理事会简报会上报告调查结果。

A. 石油

56. 12 月冲突爆发时，石油产量仍低于 2012 年 1 月每天 35 万桶的水平。此后，产油区发生战事，石油设施遭受直接攻击，团结州被迫停产，上尼罗州也减少了生产。2015 年 7 月中旬专家小组访问期间的总产量，已经从 2013 年底的每天 24.5 万桶，下降到 16.3 万桶。

57. 尽管油产量和收入下降，石油仍然是南苏丹的经济支柱，目前约占全国收入的 96%。2013 年 12 月以来政府在冲突中直接花费了多少支出，仍然难以估计。然而，一些因素说明了开支的渠道、性质和程度。

58. 首先是相对其他部门，安全部门得到的预算的百分比。专家小组审查了 2011 年以来安全部门历年预算拨款，结果表明，支出大幅度偏重安全部门，而不顾处于发展中心的的教育、基础设施、卫生和公共管理等部门(附件七)。

59. 其次是安全部门超支的幅度。2014 年和 2015 年预算中批给安全部门的百分比，分别增长 32.3%(13.45 亿美元)和 36.6%(15.79 亿美元)。尽管涨幅似乎不大，但专家小组审查了 2011 年以来历年政府预算和开支报告，结果表明，实际支出远远高出各部门相应的预算款目。这是因为在资金实际分配中，很少遵守预算计划。在实际支出方面，总统办公厅内的国防和退伍军人事务和国家安全部门是挥霍开支、影响其他机构、制约政府业务预算的主要机构。

60. 2014 年 7 月至 12 月间，约 75% 的业务预算超支是国防和退伍军人事务部及总统办公厅造成的。在政府各机构中，因国家安全事务的作用得到强化，总统办公厅的透明度和问责制有限，总统办公厅占了超支的大部分。

61. 除了给安全部门增加预算拨款，安全部门大规模超支之外，还有两个与冲突相关的关键因素说明了政府这方面开支的性质。2014 财政年度上半年，政府代表支出了大约 9 860 万美元用于参加和平谈判，遣返流离失所者和军队口粮。其次，财政和经济计划部报告，在财政年度第二季度，从资本预算中支付 4 680 万美元给

中国北方工业公司(见第 70 和 71 段)。国防和退伍军人事务部季度预算拨款超支 670 万美元。财政年度上半年,薪水超支共 1.03 亿美元,国防部占其中的 58%。²⁶

B. 畜牧业

62. 畜牧业是正规经济之外大多数人的主要生计来源,是许多社区持有的主要财富。袭击牲畜是冲突的一个关键方面。联合国粮食和农业组织(粮农组织)表示,冲突破坏了家畜的季节迁徙模式(见附件八)。武装团伙洗劫村庄,抢劫牲畜。在团结州,苏丹人民解放军 4 月至 6 月发动攻势,成千上万名布勒努尔青年帮助苏丹人民解放军,其主要战利品便是牲畜。这次攻势让布勒努尔人有机会大肆掠夺团结州南部努尔人社区的牲畜(见附件五)。抢劫牲畜已经成为苏丹人民解放军及其许多盟友民兵之间共生关系的基础。在这一关系中,苏丹人民解放军要摧毁苏丹解/解放军,其盟军则要抢劫尽可能多的牲畜,同时也协助苏丹人民解放军实现军事目标。

63. 专家小组 2015 年 6 月访问本提乌时证实,尽管该镇已撤空,但仍有成千上万头牲畜(见附件九)。在攻势之前,州政府宣布,拥护政府的人们应把自己牲畜带到本提乌保管。²⁷ 专家小组感到,这是为了防范团结州南部的大规模抢劫。6 月中旬抢劫之后的报告称,到 6 月底,本提乌牲畜数量约为 10 万头。²⁷

C. 抢劫

64. 冲突双方都施行抢劫。在接受半岛电视台采访时,一位努尔人长辈、Ping Thou 村的 Guny Kam 解释了反对方“白军”施行抢劫的缘由。他说,“我们[白军]打仗只有一支枪。我们杀死敌人武装自己”²⁸ 苏人解运动/解放军反对派来源称,“对我们来说,我们从政府获得资源:你守住一个镇子。苏丹人民解放军一来犯,你就撤出,让给他们。等他们安顿下来后,你再发动攻击,把他们赶出镇子。他们留下的,就都是你需要的。”专家小组认为,苏人解运动/解放军反对派的财务和供应基础是一个区域和国际联盟、海外支持和内部资源动员组成的复杂网络,并非像表面说的那么简单。同政府征战的性质,也不能证明这一说法(见第 77 段)。

65. 苏人解运动/解放军反对派和“白军”人员的抢劫,这本身就表明其与政府军的对抗。6 月 5 日苏丹人民解放军部队撤出本提乌的录像显示,苏人解/解放军反对派人员枪杀了一名苏丹人民解放军士兵,把尸体上所有能抢劫的东西都抢劫一空(见附件十)。抢劫的受害者也包括人道主义援助和后勤人员,以及他们占据的城镇的银行。

²⁶ 这些数字不包括警察拨款。内政部、警察和南苏丹监狱归“法治”类,其拨款不列入安全类。不过,实际上这些部门为准军事部队,积极参与战争,特别是在最初几个月。

²⁷ 小武器调查,“The conflict in Unity State” 见 www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html。

²⁸ 见 <http://america.aljazeera.com/watch/shows/live-news/2015/7/south-sudans-white-army.html>。

D. 野生生物

66. 南苏丹野生生物局和该国的自然保护主义者 7 月告诉专家小组，偷猎和贩运野生生物自冲突爆发以来有所增加。专家小组正在调查这一增加与冲突的升级和持续之间的联系，并将在随后的最新情况通报中将调查结果报告给安全理事会。

五. 武器转让

67. 向苏人解和苏人解运动/解放军反对派以及所属部队供应武器和弹药推动了战争的延续和升级，双方继续违反停止向其部队提供武器和弹药补给的承诺。²⁹ 专家小组将继续调查这些转让，包括其来源和背后的贩运网络，以及他们对战争的影响和在违反人权法和人道主义法行为中的作用。

68. 第 2206(2015)号决议没有对南苏丹实行武器禁运，这意味着政府根据国际法的规定可以采购武器、弹药和其他军事装备和部件以及使用、保养或维修的相关培训。但是，根据该决议，专家小组正在调查区域国家参与武器转让的情况，包括由邻国代表南苏丹政府进行采购的可能性。³⁰ 它去年与埃及和乌干达签署了安全合作协定。³¹ 然而，该国政府必须确保这些武器、弹药和装备不被用于违反国际人道主义法和国际人权法的行为。

A. 向政府转让武器

1. 攻击直升机

69. 专家小组获得的证据表明，南苏丹境内至少有四架米格-24 直升机，悬挂南苏丹国旗飞行。³² 这些直升机有运载 8 人的运输能力以及地面攻击能力，在最近在上尼罗州，包括在科多克(见附件三)和杜莱卜高地附近的战斗中被苏人解用作进攻掩护。在战争爆发之前，苏人解没有具有地面攻击能力的作战直升机。专家小组获得的图像显示，一架苏人解米格-24 在位于左侧短翼的 2 个导弹吊舱上装有 2 个 B8V20 火箭发射器，每个发射器可发射 20 枚 80 毫米的 S-8 无制导火箭。

²⁹ 2014 年 1 月 23 日《停止敌对行动协定》第 1.2 条和第 1.1 和第 1.2(b)条执行《停止敌对行动协定》模式汇总表。

³⁰ 在《全面和平协定》规定的过渡期间，肯尼亚和乌干达代表当时的苏丹南方政府购买武器和弹药。

³¹ 《苏丹论坛报》，“南苏丹和乌干达签署军事合作协议”(2014 年 10 月 15 日)；见 www.sudantribune.com/spip.php?article52727 和南苏丹与埃及签署军事合作协议(2014 年 3 月 24 日，见 www.sudantribune.com/spip.php?article50407)。

³² 分析表明它们是米格-24V(雌鹿 E)或米格-24K(雌鹿 G2)的变体，该国可能两种型号都有。更多的照片和分析见附件十一。

右侧短翼上很可能安装了相同的火箭发射器，使直升机携带火箭的总数达到 80 枚。³³

图一

图片显示一名苏丹解士兵站在苏丹解 Mi-24V 直升飞机前，右边是一名手持 IWI-ACE7.62x39 毫米步枪的士兵



2. 中国北方工业公司运送的武器

70. 2014 年 7 月，苏丹解收到中国北方工业公司一批武器、弹药和相关物资，专家小组获得了有关的单证(见附件十二)。如装箱单所示，交付的货物包括 100 个 HJ-73D 反坦克导弹发射和制导系统(包括电池和零配件)以及 1 200 枚导弹；9 574 支 56 式自动步枪，以及 2 394 个 40 毫米枪挂式榴弹发射器和 2 000 万发 7.62x39 毫米弹药；319 支 80 式通用机枪和 2 000 万发 7.62x54 毫米弹药；交付 660 支 NP-42 手枪和 2 000 万发 9x19 毫米弹药；40 000 枚 69 式高爆反坦克火箭。

71. 南苏丹官员已公开承认物资的交付，并在同专家小组的私下交谈中声称，货物是根据中国政府和南苏丹政府在战争爆发前签订的合同交付的。³⁴ 货物的单

³³ 除了在机头下部吊塔安装一挺 YakB12.7 毫米四筒机枪外，米格-24V 可在图片中可见的 H 形杆上安装总共 4 枚无线电制导 9K114 “Shturm” 反坦克导弹(AT-6)。专家小组没有获得表明这种导弹的存在或使用的任何证据。

³⁴ 见例如 Ilya Gridneff, “Chinasells South Sudanarmsasits Governmenttalkspeace”, 彭博社(2014 年 7 月 9 日), 见 www.bloomberg.com/news/articles/2014-07-08/norinco-sells-south-sudan-arms-as-chinese-government-talks-peace。

证似乎证实了这一点。彭博新闻社随后报道说，中国政府已决定今后停止向南苏丹出口武器。³⁵

3. 两栖车辆

72. 在 2014 年 8 月 1 日发布的新闻稿中，苏人解宣布购置了 10 辆“两栖坦克”。³⁶ 专家小组得到直观证据，证明上尼罗州和团结州有 GAZ-34039 履带式两栖车辆（见图二）。车辆有运载 10 人的运输能力，公路行驶速度最高 60 公里/小时，水上速度 6 公里/小时。图像显示多部车辆安装了（可能在交付后）DShK12.7 毫米重机枪。

图二

上尼罗州一辆装有 DShK12.7 毫米重机枪的 GAZ-34039 两栖车辆上的苏人解士兵



资料来源：保密。

4. ACE 步枪

73. 专家小组获得了以色列生产的至少两种不同配置的 IWI-ACE 自动步枪的照片。其中至少一部分步枪在战争爆发前已交付国家安全局，但现在专家小组观察到苏人解（苏人解常规部队和空军）、南苏丹国家警察局和国家安全局都有这些步枪，主要是高级官员和高级军官的侍卫所持有。

³⁵ 彭博社，“中国北方工业公司货物发运后，中国停止向南苏丹销售武器”（2014 年 9 月 30 日）。可查阅：<http://www.bloomberg.com/news/articles/2014-09-29/china-halts-weapons-sales-to-south-sudan-after-norinco-shipment>。

³⁶ 见 <http://paanluelwel.com/2014/08/01/spla-army-received-new-weapons-to-defend-the-constitution/>。

5. 武器和资金

74. 最近的武器转让产生了重大的财务影响，中国北方工业公司总值 20 737 925.00 美元的货物证明了这一点。³⁷ 新的米格-24V 攻击直升机的最低价值至少 1 000 万美元。虽然南苏丹可能没有能力购买新飞机，但这些直升机仍意味着重大的财务开销，每架飞机每周的后勤、燃料、零部件和人员至少需要数千美元的额外运作费用。³⁸ 主战坦克和大炮等所有其他装备也有类似的费用。

75. 专家小组从秘密的消息来源获得一个苏人解文件，文件提供了 2014 年 1 月至 7 月政府部队“紧急预算”需求的综合“需求总表”。专家小组不相信该文件所列项目已经按照苏人解的建议全部完成了采购。然而，2 533 187 831.99 南苏丹镑(按官方汇率折算超过 8.5 亿美元)的总数有助于了解苏人解预算讨论的财务参数。它还表明，除了大规模招募外，购置更多装备从一开始就被提上桌面，作为应对数个师级编队落入苏人解运动/解放军反对派之手的损失的核心政策选择(见附件十)。

B. 向苏人解运动/解放军反对派转让武器

76. 作为反对派，苏人解运动/解放军反对派无法通过国与国之间的正式交易获得武器。一开始，苏人解运动/解放军反对派使用其收编的苏人解叛逃部队、特别是 Peter Gadet Yaak 少将和 James Koang Chuol 少将分别指挥的苏人解第八师和第四师的武器和弹药。2015 年 5 月，Johnson Olony 少将从他两年前被收编的苏人解叛逃，带走了苏人解为他的部队提供的大量武器和弹药。

77. 不过，继续劫掠对方大量武器和弹药的可能性有限。往往只要一方向另一方接近并显示出调动优势兵力的能力，另一方立即撤出，同时尽可能带走装备，从而降低了军械库和弹药库被劫掠的可能性。经过 19 个月的持续战斗，期间双方频繁交火，加上继续招募的需要，国内又没有生产，双方都需要外部的补给来维持战斗，特别是弹药的补给。

78. 南苏丹政府一再指控苏丹向苏人解运动/解放军反对派提供武器和弹药，喀土穆——苏人解运动/解放军反对派(虽不一致)——否认这一指控。³⁹ 小武器调查和冲突军备研究两个研究组织记载了政府部队缉获的苏人解运动/解放军反对派储存的不同国家的弹药。其中包括 2014 年生产、并极有可能由外部来源向苏人解运动/解放军反对派空投的苏丹的弹药。⁴⁰

³⁷ 见第四节关于国防开支如何导致卫生、教育等开支减少的讨论。

³⁸ 专家组继续调查使用的直升机是购买的还是租赁的。

³⁹ 见苏丹论坛报，“Sudan denies accusations of South Sudanese rebel support”，(2015 年 5 月 19 日)，见 www.sudantribune.com/spip.php?article55019。

⁴⁰ 见冲突军备研究，“Weapons and ammunition airdropped to SPLA-iOforces in South Sudan” (2015 年 5 月)；见 www.conflictarm.com/wp-content/uploads/2015/06/Weapons_and_ammunition_

C. 武器和弹药补给的影响

79. 该国政府和苏人解运动/解放军反对派都声称只有在自卫时才发生战斗，需要弹药是出于防卫的目的。持续战斗的规模、侵犯人权行为的严重程度以及冲突的动态使专家小组得出结论，认为这一理由并不可信。⁴¹ 双方持续的武器和弹药补给一直在推动战争的持续并升级至目前的规模，导致大规模的违反国际人道主义法的行为。⁴²

80. 专家小组认为，较大型军事装备的供应，特别是给苏人解的供应，是政府目前改变战争动态企图的一部分。2014 年，雨季期间由于道路变得无法通行，战斗有所减少。⁴³ 这一期间，苏人解与苏人解运动/解放军反对派相比处于相对劣势，苏人解运动/解放军反对派的战斗人员是战斗地区的本地人，因此对地形更加熟悉。这一期间苏人解部署和利用其数量上占优势的坦克和大炮比较困难，而苏人解运动/解放军反对派则更多地依靠使用小武器和轻武器以及在崎岖不平的地势上更大的机动性。7 月和 8 月虽被认为是严重的歉收季节(在丰收季节到来之前农村地区平民通常是最无粮食保障的)，但战斗的平息将为冲突地区的平民提供某种免受双方攻击的喘息机会。

81. 苏人解购置更多的空中和江河能力是消除这一战术劣势的战略的一部分，因为两栖车辆和攻击直升机使苏人解有能力在以前由于降雨而无法进入的地区继续战斗。苏人解在上尼罗州使用攻击直升机攻击尼罗河对岸的反对派部队和平民。在 4 月至 6 月团结州的攻势中，苏人解部署了 GAZ 两栖车辆将苏人解运动/解放军反对派的士兵和平民追赶到 Sudd 的沼泽地——逃离暴力的平民寻求避难的地区。⁴⁴

82. 小武器和轻武器仍然是双方大多数战斗人员的通行选择，因为它们便于运输，价格价廉，不需要什么培训，而且比较容易买到。⁴⁵ 小武器，尤其是 AK 系列的

airdropped_ to_ SPLA-iO_ forces_in_South_Sudan.pdf; 小武器调查: “Small arms ammunition documented at Bentiumosque” (2014 年 5 月), 见 www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/arms-ammunition-tracing-desk/HSBA-Tracing-Desk-Bentiu-July-2014.pdf。

⁴¹ 伊加特监测和核查机制记录了双方多次违反《停止敌对行动协定》第 1.1 条停止一切军事行动的义务。

⁴² 案例研究(科多克和团结州南部)见附件三。

⁴³ 见 www.crisisgroup.org/en/publication-type/alerts/2014/conflict-alert-looming-military-offensives-in-south-sudan.aspx。雨季大致从 5 月持续至 10 月。

⁴⁴ 公开消息来源见: www.hrw.org/report/2015/07/22/they-burned-it-all/destruction-villages-killings-and-sexual-violence-unity-state。

⁴⁵ 专家组采用《使各国能够及时可靠地识别和追查非法小武器和轻武器国际文书》确定的小武器和轻武器定义。

小武器，⁴⁶ 不仅在双方的人员中都能发现，而且在不同族裔群体之间的武装抢牛，以及苏人解和不同派别民兵之间在过渡时期的战斗中，都是主要的武器。⁴⁷

83. 因为该国高度军事化——由于政府能力有限，在许多地区不能提供法律和秩序或控制其战斗人员手中的武器——双方继续进口小武器和轻武器以及小武器弹药，将对南苏丹的和平与稳定将产生持久的影响。这增加了发生武装政治暴力和分裂的可能性。最现实的情况是，小武器和轻武器的大量涌入意味着即使有一项政治协定，严重的不安全和族裔间暴力仍将是南苏丹可预见的未来生活的特点，并由于边界管理的松懈而继续为邻国的安全带来负面影响。

六. 建议

84. 专家小组建议：

制裁

(a) 在委员会考虑另外指认个人时，鉴于当地局势严重恶化和南苏丹的战争对国际和平与安全造成的威胁，并为了实现安理会第 2206(2015)号决议所确立的目标，即在南苏丹实现包容性和可持续的和平，这类指认应包括那些有能力延续或终止这场战争的决策者、冲突的经济和政治利益的受益者和(或)其他根据国际人道主义法和人权法对严重罪行负有责任者；

(b) 制裁制度旨在改变有关各方的考虑并促进南苏丹的和平，从这一点说，建议安全理事会成员在该国开展一个持续和一致的大型公众宣传运动，以加强对制裁制度、目前和未来的指认的了解和支持，并消除对制裁制度的错误认识，同时应考虑到南苏丹境内识字率低，使用电视和互联网的机会有限；

武器禁运

(c) 安全理事会禁止所有联合国会员国从本国境内或通过本国领土或由其国民或利用悬挂其国旗的船只或飞机，向南苏丹供应、出售或转让任何类别军火或相关军用物资，包括武器和弹药、军用车辆和装备、准军事装备及上述物项的备件，以及与军事活动有关的或与提供、维修或使用任何军火和相关军用物资，包括与外国部队提供任何形式的培训或提供武装雇佣军(无论其是否来自本国境内)有关的技术援助、培训、财政及其他援助；

(d) 与非洲联盟和伊加特密切合作，讨论武器禁运的执行方式，执行方式包含与可能豁免的物资相关的必要规定，旨在保障南苏丹特派团、联合国机构、外

⁴⁶ “AK 变种”包括原 AK-47 的不同变种，包括 AKM 和 AKM-S 以及前华沙条约国家生产的变种，或中国制 56-1 式等变种。

⁴⁷ 下列情况可说明这一点：专家组看见 8 000 多名 Bul Nuer 族青年经过南苏丹特派团 Rubkona 的平民保护点，约 80% 佩带武器；绝大多数持 AK 型自动步枪。

交使团、人道主义行为体和国际媒体的安全，保障南苏丹特派团获得监测禁运执行情况的授权以及有效进行这项工作所需的手段；

(e) 如果双方达成协定，设立一个联合国维持和平特派团以外的第三方部队，该部队的派遣国在下列各项转让到南苏丹领土之前必须通知委员会和专家小组：

- (一) 将要提供的武器、弹药、军事装备、物资的确切类型、数量和技术规格和(或)提供的援助；
- (二) 装备供应将使用的运输方式；
- (三) 拟议交付日期；
- (四) 南苏丹境内的具体交付地点；

(f) 在交战双方签署并切实执行和平协定的情况下，以下领域的培训或支助可以免除禁运，但须经委员会的书面核准，并符合：

- (一) 遵守国际人道主义法和人权法；
- (二) 安全部门改革，特别是民主问责制；
- (三) 禁止偷猎和其他形式的野生动物贩运的措施；
- (四) 旨在减少流失、丢失、转用或从政府库存中盗窃的风险的措施，包括为政府所属武器和弹药建立一个全面登记制度；

(g) 鉴于向专家小组表示的对南苏丹在不稳定的区域中自卫能力的关切，并考虑到小武器和轻武器等已在平民手中大量扩散，安全理事会一开始就向双方表明武器禁运是一项临时措施，在下列条件下可以取消：

- (一) 签署和切实执行一项和平协定，包括组建一个过渡政府；
- (二) 南苏丹所有有组织的部队在实体安全和储存管理措施方面得到改进，包括对政府所属武器和弹药进行全面标识和登记的制度，旨在按照《在大湖区和非洲之角防止、控制和减少小武器和轻武器的内罗毕议定书》所载条款，减少流失、丢失、转用或从政府库存中盗窃的风险；
- (三) 社区一级的安全规定方面得到改善，使平民不再感到需要武器来进行自我保护；

人权法和国际人道主义法

(h) 目前的战争中普遍存在的有罪不罚现象导致违反适用的国际人权法和国际人道主义法，相当于违反第 2206(2015)号决议规定的制裁制度，作为制止这一有罪不罚现象更广泛努力的一部分：

(一) 继 2015 年 3 月 24 日的主席声明(S/PRST/2015/9)，安全理事会强烈敦促非洲联盟不再拖延地公布非洲联盟南苏丹调查委员会的报告，无论伊加特进程的成果如何；

(二) 2015 年 5 月 12 日安全理事会非正式磋商审议了秘书处就该议题编写的一份文件之后，安理会作为优先事项进一步审议自这场战争开始以来在南苏丹境内犯下的严重罪行的刑事责任和过渡司法的选择问题。

Annex I

Table of correspondence sent and received by the Panel
from 18 May to 31 July 2015

<i>Country/other entity</i>	<i>Number of letters sent</i>	<i>Requested information fully supplied</i>	<i>Information partially supplied</i>	<i>No answer</i>	<i>Pending^a</i>
South Sudan	5	3		1	1
SPLM/A in Opposition	1				1
Ethiopia	1	1			
United Nations Office to the African Union	1	1			
Uganda	2	2			
Sudan	2	2			
African Union Peace and Security Council	1			1	
Israel	2	1			1
China	1				1
Total	16	10		2	4

^a The reply deadline has not yet expired.

Annex II

Humanitarian crisis in South Sudan

1. Since the adoption of Resolution 2206 (2015), 100,000 additional people have been displaced within the country, bringing the total number of internally displaced persons (IDPs) to over 1.6 million.¹ Of that total, 166,142 are living in six Protection of Civilian (PoC) sites located on UNMISS bases.² This represents an increase of 64,000 civilians seeking shelter in PoC sites in the last eight months since the end of 2014. This sharp increase is putting enormous pressure on the limited living space and services available, particularly in the two largest sites in Malakal, Upper Nile State and Bentiu, Unity State, which is hosting over 62% of all IDPs.
2. In addition to the internally displaced population, 753,000 people have fled South Sudan and are now living as refugees in neighbouring countries, with 83% having fled since 15 December 2013.³ Some 90% of these new refugees are women and children.⁴ The majority of these refugees are living in vulnerable border areas, putting further strain on the host communities.

¹ Humanitarian Bulletin, Bi-weekly Update on South Sudan (15 July 2015). Available from https://docs.unocha.org/sites/dms/SouthSudan/2015_SouthSudan/South_Sudan_15_July_2015_Humanitarian_Bulletin_01.pdf, accessed on 20 July 2015; Humanitarian Bulletin, Monthly Update on South Sudan (31 March 2015). Available at <http://reliefweb.int/report/south-sudan/south-sudan-humanitarian-bulletin-monthly-update-march-2015>, accessed on 25 July 2015.

² As at 15 July 2015, the displaced people were divided amongst the 6 PoC sites as follows: 103,913 in Bentiu (Unity State); 28,663 in Juba UN House (Central Equatoria); 30,410 in Malakal (Upper Nile State); 2,289 in Bor (Jonglei State); 665 in Melut (Upper Nile State); and 202 in Wau (Western Bahr el Ghazal State). The Panel learned on 23 July the number of IDPs in the largest site of Bentiu had swelled to 115,983, which is more than a 10% increase over a 1-week period.

³ UNHCR. South Sudan Situation: Regional Overview of Population of Concern (as of 22 July 2015). Available at http://reliefweb.int/sites/reliefweb.int/files/resources/SSD_Situation_RegionalOv_POC_150722.pdf. Accessed on 28 July 2015.

⁴ The majority of refugees are in Ethiopia, with on average some 180 South Sudanese refugees arriving every day. Ethiopia now hosts the largest refugee population of any African country, with over 281,514 South Sudanese refugees in addition to some 425,000 refugees of other nationalities. Sudan has seen the highest arrival rate in 2015, with more than 38,000 entering the country in June alone, bringing the total number of South Sudanese there to 198,657. Uganda is now hosting 181,389 and Kenya 91,553 South Sudanese refugees. See <http://www.unhcr.org/pages/49e483986.html>.

3. The number of people facing severe food insecurity has almost doubled since the start of 2015 to an estimated 4.6 million people,⁵ including 250,000 children severely malnourished — the highest numbers since the conflict began in December 2013.⁶ The actual number will most likely be higher as these estimates were calculated prior to the current upsurge in fighting in Greater Upper Nile since April, which significantly disrupted humanitarian assistance and resulted in loss of livelihoods due to cattle raiding and wilful destruction of crops and seeds.
4. About 750,000 people have been affected by the recent violence in Unity State alone. OCHA reports that 138,000 of those who were receiving humanitarian assistance prior to the upsurge of violence are now without that assistance due to insecurity.⁷ Some have fled to the PoC site in Bentiu. Others — humanitarian organizations estimate tens of thousands in Unity State alone⁸ — have fled into the bush and swampy areas prone to flooding. They are effectively cut off from aid and living in the most dire conditions, putting them at acute risk of disease and famine.
5. Deepening food insecurity is not only a result of protracted conflict but also of limited market functionality as many roads are not passable during the rainy season, steep depreciation of the currency, rising inflation, and a high cost of living. 610,000 people living in South Sudan's urban areas are now struggling with the fact that the cost of living has increased by nearly 30% in the first half of 2015.⁹

⁵ Integrated Food Security Phase Classification, South Sudan report, May 2015. Available on http://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_SouthSudan_May2015_FullReport.pdf, accessed on 15 June 2015; FEWSNET alert. "South Sudan. Some households face Catastrophe as food aid delivery remains blocked and prices spike", available at <http://www.fews.net/east-africa/south-sudan/alert/june-24-2015>, accessed on 30 June 2015.

⁶ In total, nearly 70 per cent of the country's population — 7.9 million out of 11.6 million people — are expected to face food insecurity this rainy season, or so-called lean season.

⁷ Actual numbers of people no longer receiving aid will be higher due to the level of violence.

⁸ Humanitarian Bulletin, Bi-weekly Update on South Sudan (30 June 2015). Available from https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_south_sudan_biweekly_30_june_2015.pdf, accessed on 10 July 2015.

⁹ Integrated Food Security Phase Classification (IPC), the Republic of South Sudan, May 2015 Food Security and Nutrition Analysis, Key Messages, p. 1; and FAO, "Sky-rocketing Food Prices in South Sudan are Deepening Food Insecurity", 2 July 2015, <http://www.fao.org/emergencies/fao-in-action/stories/stories-detail/en/c/296963/>.

6. In addition to food and livelihoods support, acute humanitarian needs of the population include infectious disease control,¹⁰ education, protection, water and sanitation assistance, shelter, non-food items, and health care.
7. South Sudan also continues to receive refugees from neighbouring Sudan — currently 265,887 people, mostly from Sudan, putting further pressure on the country's limited resources.¹¹
8. Finally, scores of civilians have died as a direct result of the war. Shockingly, no one knows how many, as no one is keeping track.¹²

¹⁰ In most recent months, water-borne infectious diseases have become a particular concern, due to the onset of the rainy season, combined with inadequate shelter and sanitary conditions of people hiding in swamps, overcrowding in PoC sites, limited access to large swathes of the country due to insecurity, and inadequate access to safe drinking water across the country. A cholera outbreak was declared on 23 June 2015, with as of 26 July 2015, a total of 1,375 cholera cases including 42 deaths (CFR 3%) reported, according to the World Health Organization (Situation report on Cholera in South Sudan No. 35 (26 July 2015). Available on <http://reliefweb.int/sites/reliefweb.int/files/resources/Situation%20Report%20Issue%20%2335%2C%2026%20July%202015%20on%20Cholera%20in%20South%20Sudan.pdf>, accessed on 28 July).

¹¹ UNHCR. South Sudan Situation. Ibid.

¹² AFP article. "50,000 and not counting. South Sudan's war dead." (15 November 2014). Available at <http://reliefweb.int/report/south-sudan/50000-and-not-counting-south-sudans-war-dead>, accessed on 10 June 2015.

Annex III

Hospital in Kodok, Upper Nile State

1. On 5 July, a hospital in Kodok, Upper Nile State, was caught in the crossfire during heavy fighting between the government forces and SPLM/A in Opposition forces under the leadership of Johnson Olony. Two people were killed and 11 others were injured. Doctors and nurses were forced to leave the hospital, which meant a further 11 patients died after they had left.¹ The attack involved the use of rockets fired from a helicopter. Only SPLA forces in that area have helicopters at their disposal. Therefore the Panel is almost certain the rockets were fired from an SPLA-controlled helicopter. As the Mil Mi-24 is the only SPLA helicopter with a direct ground attack capacity, the Panel furthermore finds it highly probable that the rockets were fired from a Mil Mi-24 variant helicopter.
2. The hospital was supported by medics from the International Committee of the Red Cross (ICRC). About 70 patients were being treated at the hospital before the fighting. The hospital serves tens of thousands of people in the local community, with up to 700 consultations every week. A Red Cross mobile surgical team, including five doctors and nurses, had been based at the hospital. At a time when expert health care is desperately needed, the ICRC has been forced to suspend its medical work in Kodok until the security situation improves.²
3. It was the second time the hospital got caught in the crossfire and the medical staff had to be evacuated.
4. The Panel has written to both the SPLA and the SPLM/A in Opposition, requesting further information regarding the incident and is currently awaiting a reply.

Conflict pattern affecting medical staff and facilities:

5. This is only one example of a pattern affecting medical staff and facilities in South Sudan. Since the start of this conflict, hospitals have become targets of

¹ Report from British Red Cross. Available at <http://reliefweb.int/report/south-sudan/watch-aid-worker-describes-tragic-scene-after-hospital-attack>, accessed on 20 July 2015.

² Ibid.

attack and brutality.³ On 26 February 2014, MSF reported on the attack on two of the hospitals they had been supporting. In Malakal, Upper Nile State, patients had been murdered inside the town's Teaching Hospital. And in Leer, Unity State, the hospital was thoroughly looted, burned and vandalized.⁴ In Bentiu, Unity State, 19 civilians were killed by SPLM/A in Opposition forces in the Civil Hospital on 15 April 2014.⁵

Violation of International Humanitarian Law:

6. The Panel learned that both the SPLA and SPLM/A in Opposition forces were aware of the location of the hospital. In addition, the hospital was clearly marked with the red cross symbol that was visible from both the air and the ground. Kodok is a relatively small town, right on the frontline between both parties. Both parties are familiar with the area and knew they were operating in very close vicinity of a civilian object and that the risk was very high that it would be damaged and/or people inside would be hurt as a result of extensive shelling of the town.
7. Under international humanitarian law, hospitals have a protected status and should never be the object of attack. Parties to a conflict (whether states or non-state armed groups) should only target military objectives and not the civilian population or individual civilians or civilian objects. Failing to make this distinction in military operations represents an indiscriminate attack and is a war crime. Although it is understood that it is not possible for parties to a conflict always to avoid civilian casualties when engaged in military operations, nevertheless all parties must take all possible precautions in any attack to minimize civilian deaths and injuries. On the basis of its preliminary investigation, the Panel concludes it has sufficient evidence to establish that when they engaged in fighting in Kodok, the parties did not take sufficient precautionary measures to avoid impacting the hospital.

³ "South Sudan: medical care under fire" (26 February 2014), MSF article available on <http://www.msf.org.uk/article/south-sudan-medical-care-under-fire>, accessed on 20 July 2015.

⁴ Ibid.

⁵ UNMISS, Attacks on Civilians in Bentiu & Bor April 2014 (January 2015). Available at http://www.ohchr.org/Documents/Countries/SS/UNMISS_HRDJanuary2015.pdf, accessed on 27 July 2015.

Annex IV

SPLM/A in Opposition attack on Bentiu, 29 October 2014

1. According to multiple open sources, the SPLM/A in Opposition attacked Bentiu, the capital of Unity State, on 29 October 2014. As has often been the case during the conflict in South Sudan, the attack was accompanied by reports that civilians were deliberately targeted by armed elements.¹

Context:

2. Unity State has been the subject of continuous fighting since the beginning of the war in South Sudan in December 2013. Bentiu is nationally significant as the capital of the only Nuer-majority state in South Sudan. Unity State is oil-producing and receives additional oil revenue under the Transitional Constitution. This makes Bentiu the politically potent key to control the oil wealth generated in Nuer areas.²
3. Prior to this attack, the SPLA had been in control of Bentiu, even if its control was tenuous at best. The government had little control over the southern counties of Unity State and skirmishes in areas outside Bentiu had been frequent. Rumours of an impending attack by SPLM/A in Opposition forces on Bentiu and Rubkona had been circulating for months.³

The attack:

4. On 29 October, the SPLM/A in Opposition forces surrounded Bentiu moving in from the north, and from bases in Guit county in the south-east, and from Rubkona in the south-west.⁴ The tribal composition of the forces and the chains of their command have not been identified with sufficient measure of certainty. On the basis of the prevailing areas of habitation, as well as taking into

¹ UNMISS Special Report: Attack on Bentiu, Unity State, 29 October 2014 (19 December 2014). Available at <http://unmiss.unmissions.org>, accessed on 23 July 2015.

² Food Security Cluster. Situational Analysis: Bentiu (4 December 2014). Available at <http://foodsecuritycluster.net/sites/default/files/Bentiu%20situation%20analysis%20public%20FINAL.pdf>, accessed on 23 July 2015.

³ UNMISS Special Report. Ibid.

⁴ HSBA Facts & Figures: The Conflict in Unity State (29 January 2015). Available at <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/HSBA-Conflict-Unity-Jan-2015.pdf>, accessed on 23 July 2015.

consideration the split that occurred among the Nuers since December 2013 in Unity State, it could be surmised that the attackers belonged to Jagei, Jikany and Dok Nuer clans, although some of the Bul Nuers should not be excluded. At that time, General Peter Gadet, a Bul Nuer from Mayom County, was the Chief of Staff of the SPLM/A in Opposition forces. According to the SPLM/A in Opposition, they were forced to take control of the oil-rich town due to the aggressive action of the SPLA against their defence positions.⁵ It does not seem to be a well-motivated pretext, given Unity State's largest oil-fields are almost entirely in its southern counties (Koch, Payendit, Leer, Panyijar). According to the South Sudan Constitution, 3% of oil revenues should be re-invested in the communities in whose territories the oil-fields are located, and 2 % remain with the State authorities. If the SPLA were to attack these areas and take control over them, this would not only undermine the power base of the SPLM/A in Opposition, but would also provide Juba with vital resources for sustaining the war effort. In October 2014, such a goal seemed to be achievable, therefore the opposition wanted to prevent the SPLA from launching an offensive in southern Unity State. It was clear from the start this offensive would further imperil the already dire humanitarian situation.⁶

Gross human rights abuses:

5. At least 11 civilians were reportedly killed by SPLM/A in Opposition when they tried to retake control of the city from the government on 29 October 2014. Reports also indicated that civilians were deliberately targeted because of a perceived association with government forces. In one instance, 14 men were taken from the Bentiu Catholic Church, where they had sought sanctuary. They had to walk to a nearby cemetery, where at least eight of them were shot and killed, two were wounded, while four remained unharmed. Other civilians hiding in the Church were beaten with sticks. In another incident during the attack, two women and a baby were killed in their homes.⁷

⁵ Sudan Tribune. S. Sudan rebels claim control over Bentiu amid government denials. (30 October 2014). Available at <http://www.sudantribune.com/spip.php?article52884>, accessed on 23 July 2015.

⁶ "IGAD mediators condemn violence in South Sudan's Unity State; call on opposition forces to immediately cease hostilities", IGAD press statement, 29 October 2014.

⁷ Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Human rights situation in South Sudan (27 March 2015). [A/HRC/28/49](#).

6. The UNMISS Human Rights Division also received multiple testimonies indicating that women were victim of abduction and rape by SPLM/A in Opposition forces after government forces withdrew. At least 20 women were abducted and forced to carry wounded SPLM/A in Opposition fighters or were told that they were being taken to their new husbands. One witness reported that as women were being taken out of Bentiu, some were picked from the group by SPLM/A in Opposition fighters and taken into the bush, where they may have been sexually assaulted. Another survivor described how on the way to Guit, some women were forced to have sex with multiple armed elements at night, otherwise they would have been killed.⁸ The Panel learned from confidential sources that for 3 nights in a row, these women were raped by SPLM/A in Opposition fighters in turns and that each woman was raped by at least 8 men. After 3 days and nights of walking, they were released. Five women returned to Bentiu on 1 November but four others could not return with them because of the injuries and fatigue they had sustained due to being abused and raped. It is not known what happened to them afterwards, but witnesses suggested they would follow when they had recovered. It is also not known what happened to the other 11 women who were abducted.

Conclusions:

7. The motive for killing these civilians seemed to be to punish the Nuer families who had “betrayed” the Nuer community by accepting to live within Bentiu town under control of the government. According to the UNMISS Special Report, alleged perpetrators of the attacks referred to Nuer victims as “Dinka” — apparently to denote their perceived support for the government.⁹
8. The abduction and beating of civilians who sought refuge at a place of worship is particularly shocking. Such places of worship are protected under international humanitarian law.

⁸ UNMISS Special Report. Ibid.

⁹ UNMISS Special Report. Ibid.

Annex V

April–July 2015 Unity State offensive by SPLA and associated armed groups

1. In recent months, various open sources have reported on the SPLA's most recent offensive in Unity State. Both from these secondary and from multiple primary sources, the Panel has learned that this offensive was marked by particularly brutal violence targeting civilians. The Panel has found that the SPLA armed forces were intent on rendering communal life unviable and prohibiting any return to normalcy following the violence. All interlocutors the Panel has interviewed indicated that this strategy was driven by the objective of completely destroying the SPLM/A in Opposition's support base at all costs. The intensity and brutality of violence aimed at civilians is hitherto unseen, in what has been so far — without a doubt — an incredibly violent conflict, where civilians have been targeted by all parties to the conflict, thereby definitively changing the dynamics of the conflict.

Context:

2. Eighteen months after the start of the conflict in December 2013, during which the scale and intensity of fighting has vacillated, fighting flared up again in April 2015.¹ In April and May 2015, the SPLA pushed south from Bentiu, the state capital, rapidly overrunning SPLM/A in Opposition positions in Guit and Koch counties, before attacking Leer county. SPLA forces also pushed northeast from Lakes and Jonglei States, and attacked SPLM/A in Opposition positions and villages in Mayendit and Panyijar Counties. Having driven the SPLM/A in Opposition from southern Unity — the wellspring of rebel support in the state — much of the SPLA involved in the offensive withdrew to Bentiu, before attacking Panakuac, the main SPLM/A in Opposition military base on the Sudanese border, and routing the rebels, who fled into the Sudan.²

¹ UNMISS. Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile. April/May 2015 (29 June 2015). Available at <http://unmiss.unmissions.org>, accessed on 30 June 2015.

² HSBA Facts & Figures: The Conflict in Unity State (3 July 2015). Available at <http://www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html#c1690>.

3. A second wave of attacks followed in June, when particularly Bul Nuer youth from Mayom — some of whom were returning from Panakuac, others coming from Mayom — moved to primarily Guit to attack remnants of the SPLM/A in Opposition and civilians, and mostly to raid cattle.

The attacks:

4. The offensive seemed to consist of well-coordinated attacks. Regular (i.e. not consisting for the majority of recently integrated former militias members) SPLA forces moved up from Lakes State (overland) and by barge (from Bor). These troops reinforced the SPLA Division IV forces and the Bul Nuer youth who came down from Pariang and Maban. The offensive also saw the integrated use of amphibious vehicles, tanks, Armoured Personnel Carriers (APC), and infantry to great effect — something the SPLA has not always done in the past.
5. The Panel's sources confirmed that the SPLM/A in Opposition seemed to have offered little resistance, instead preferring to retreat into the swamps when the offensive started.
6. Youth fled the villages with their cattle, usually leaving women, elderly, and children behind, including those physically unable to move. Some interlocutors went so far to say that, because the SPLM/A in Opposition offered this little resistance, they effectively left the civilians to bear the brunt of the offensive as they knew the SPLA and their allied forces would not be able to tell for certain who were civilians and who were armed elements.³

Gross human rights abuses:

7. During its field visits to Bentiu on 15-16 June and 8-10 July, the Panel interacted with a wide variety of interlocutors. This included UNMISS, humanitarian agencies and NGOs, IDPs and government officials. The Panel also visited the Bentiu POC sites on both occasions.
8. The Panel found that the SPLA implemented a so-called “scorched earth policy” throughout their Unity State offensive.⁴ Government allied forces consistently razed entire villages to the ground; burning down houses — sometimes with occupants inside; looting cattle, other livestock and any valuables; and destroying and vandalising key infrastructure such as schools and hospitals.

³ Various interviews with the Panel in Juba in June and July.

⁴ Interview with high-level UNMISS representatives, Juba, 16 June 2015.

Furthermore, they undertook indiscriminate killings of civilians; beat and tortured civilians; raped women; and abducted young girls and boys.⁵ The violence led to mass civilian displacement with thousands of people forced to flee to the bush and swampy areas where they lack food and water. Some of them managed to flee to the UNMISS POC Site in Bentiu, but tens of thousands have effectively been cut off any humanitarian aid, trying to find a way to survive in swamps.

9. Children have been particularly affected, as reports indicated that many have been killed, raped — including children as young as seven —, abducted or recruited to take part in the fighting throughout the state. Chillingly, witnesses confirmed to the Panel that children were also sometimes the perpetrators of the destruction of villages and crimes committed against the civilian population, as they have been forcibly recruited to fight alongside the SPLA and allied forces. Fighting in Unity also resulted in attacks on schools. In May, three schools were reportedly vacated but 29 schools were being used for military purposes.⁶

Command and control

10. The SPLA has always had difficulties establishing command and control over recently integrated militia members, particularly when these still operate as a single unit led by a single commander. This has effectively been the case with the former SSLA fighters led by Major-General Matthew Puljang and fighters led by Major-General Johnson Olony prior to his defection to the SPLM/A in Opposition. Nevertheless, even though the SPLA Headquarters in Juba may have had limited effective control over tactical-level developments, the coordinated nature of the attack — involving multiple divisions across multiple sectors — indicates a high level of operational planning from Juba.⁷ In addition, the GRSS explicitly rejects the notion that it uses militias, claiming it only fights with its

⁵ IGAD MVM, Violation 43 report (8 July 2015). Available at <http://southsudan.igad.int/index.php/2014-08-07-10-16-26/2014-08-07-10-30-57> & interviews with confidential sources.

⁶ OCHA Humanitarian Bulletin South Sudan (30 June 2015). Available at <https://www.humanitarianresponse.info/en/operations/south-sudan/coordination-and-common-services> & UNICEF statement (18 May 2015). Available at http://www.unicef.org/esaro/5440_ss2015_children-attacked.html.

⁷ In principle, the rank of Major-General already confers upon Puljang significant autonomy to take decisions on operational matters, which clearly fall outside of the day-to-day responsibility of for example the SPLA Sector Commander in Wau or the General Headquarters in Juba.

own trained soldiers and not alongside civilians.⁸ If this is the case, the SPLA is responsible for the conduct of its soldiers and commanders, as well as for guaranteeing the observance of human rights law and international humanitarian law by the forces under its control. It also is responsible for creating such conditions within the armed forces that human rights are respected, including through investigating allegations of abuse and if required, taking disciplinary action or starting criminal proceedings against individuals responsible or against commanders who have failed to exercise their command responsibility.

11. After reports on human rights abuses committed during the offensive surfaced, the government response was initially hostile. The Unity State government threatened to expel the UNMISS State Coordinator, and both the Presidential Spokesperson and the SPLA spokesperson denied the allegations. The government indicated the GRSS would issue a report of its own based on its own investigations.⁹ At the time of writing, the Panel was not aware of such investigations having started.

Conclusions:

12. This offensive was not only marked by allegations of rampant killing, rape, abduction, looting, arson and displacement, but by a new brutality and intensity, including such horrific acts as the burning alive of people inside their homes.¹⁰
13. The ferocity with which people were deliberately pursued — sometimes for days — into the swamps to kill them is particularly indicative of further escalation of the level of brutality and intensity of violence. These methods employed for fighting were aimed at annihilating SPLM/A in Opposition's support base, and led to a systematic destruction of villages and towns, forcing people into the PoC sites and creating an 'empty area' across the main transport axes in Central and Southern Unity.¹¹ Another clear indication of this ferocity and brutality of

⁸ Deutsche Welle, "South Sudan spokesman: 'Army didn't commit atrocities'" (22/07/2015). Via: <http://www.dw.com/en/south-sudan-spokesman-army-didnt-commit-atrocities/a-18601282>, accessed on 27 July 2015.

⁹ Ibid.

¹⁰ UNMISS Flash Human Rights Report. Ibid.

¹¹ This tactic is reinforced by the creation of 'safe zones'. The government calls upon the population to gather in such areas in which it then positions regular SPLA troops that pose less of a risk to the population, or to which people can safely bring their cattle. In addition it calls upon the international community to legitimise such areas by bringing food or other items into them, as well as provide other forms of support. Bentiu town became one of these areas, with tens of thousands of

violence is the large scale rape and sexual abuse of girls and women, including elderly women. Witnesses told the Panel how young girls were raped, often in front of their parents or community members, and then burned alive in their houses.

14. The Panel notes that, even if violence targeted against civilians is not new to the current war in South Sudan, this level of intensity and brutality in the Unity offensive most certainly is. According to UNMISS, the scope and level of cruelty that has characterized this offensive suggests a depth of antipathy that exceeds political differences.¹² The resulting ethnic tensions between Bul Nuer and other Nuer tribes inside PoC sites during the offensive is one clear indication of this ethnic dimension at play.
15. The Panel has written to the SPLA, requesting further information regarding these gross human rights abuses, as well as concerning the investigations it has initiated and is currently awaiting a reply. The Panel intends to further investigate individual responsibility on the one hand and superior or command responsibility on the other.

cows present — many of which were effectively stolen. The tactic has also been employed in Upper Nile State.

¹² UNMISS Flash Human Rights Report. Ibid.

Photographic evidence:¹³ The town of NGOP before and after the incident
Nhialdiu Market and hospital



¹³ Confidential sources — on file with the United Nations.

Leer Hospital



Annex VI

Current state of armed groups in South Sudan

1. When the Comprehensive Peace Agreement (CPA) was signed on 9 January 2005, approximately 20 armed groups were operating throughout the country independent of the official forces.¹ By December 2013, the number of significant armed groups in South Sudan had reportedly been reduced to fewer than five, as a result of a number of government-initiated reconciliation processes undertaken to integrate the armed groups into the SPLA, including the Juba Agreement of 8 January 2006. The only notable forces that remained outside of this process were the South Sudan Democratic Movement/Army-Cobra (SSDM/A-Cobra) under the command of Murle leader David Yau Yau, in southern Jonglei State, and the SSDM/A faction in Upper Nile State under the command of Shilluk leader Johnson Olony.
2. Though amnesty and integration into the SPLA had helped to diminish the near-term threat several militias posed to the consolidation of state control, the drivers of insurgency were neither comprehensively assessed nor systematically addressed. Perceived political and economic marginalization, as well as general socio-economic underdevelopment and disappointment with the authorities in Juba fuelled simmering grievances on the periphery, in particular on the Ethiopian and Sudanese borders.
3. The leadership crisis, including within the state's security system, that began unfolding in mid-2013 revived these animosities and added an explosive ethnic dimension — historically the basis for the emergence of an armed group in South Sudan — to the underlying contest for power. The 15 December 2013 events in Juba that sparked the current war then expedited the consolidation of the forces opposed to the government on an ethnic and clan basis.
4. The SPLA, which had not evolved into an integrated national security force after independence, effectively split into two singularly large parts. One of them, under the control of the former SSDF (which had been led by Riek Machar until 2000) and the commanders of the South Sudan Liberation Movement/Army (SSLM/A), including Peter Gadet, joined the opposition. Within a few days of

¹ Young, John — South Sudan Defence Forces in the Wake of the Juba Agreement (2007); Small Arms Survey HSBA Working Paper 1; pp. 42-48; Young, John — The Fate of Sudan, Zed Books (2012), pp. 54-61. Small Arms Survey, Annual Update (2007), pp. 340-344.

the events in Juba, at least three SPLA division commanders defected, along with the vast majority of their troops. Many thousands of ethnic Nuer, Shilluk, Murle, and other non-Dinka civilians from various SPLA territorial formations joined them in the subsequent days and weeks, laying bare the internal weaknesses of the SPLA.

5. As result, the government of South Sudan has increasingly transformed the National Security Service from a conventional intelligence gathering and analysis agency into a fighting force. They have received extensive training and have been well equipped compared to the regular SPLA.² The service is funded through the Presidential Office, which allows for limited transparency with regards to exact budget allocations, but which has seen its budget increase significantly (see also finance/natural resources section). The government has also strengthened and increasingly relied upon the Presidential Guard (SPLA Tiger Division), composed of Dinka from the home area of President Kiir.³

SPLM/A in Opposition

6. The splinter forces, which accounted by various estimates for at least one third of the entire strength of the SPLA before the December 2013 crisis, remain under the title of the SPLM/A in Opposition. The SPLM/A in Opposition retained the SPLA command and control structures, ranks and promotion system.
7. SPLM/A in Opposition forces are concentrated in the Greater Upper Nile areas populated by Nuers. In itself, this is a reflection of the ethnic element of the war, a factor that presents one of the most formidable challenges to ending the conflict. Nuer-populated areas are decisively supportive of the opposition throughout Jonglei, Unity and Upper Nile States. The fact that the largest defections from the SPLA came from Divisions VIII (Jonglei), IV (Unity) and VII (southern Upper Nile) since they were composed mostly of Nuers, deployed in the Nuer heartland, should be regarded as a further indication that the conflict is perceived at the grass-roots level as ethnically-based. It is also believed that

² See for example, Sudan Tribune, “S. Sudan graduates over 3,000 national security officers”. The article mentions this is only one batch of three. Via: <http://www.sudantribune.com/spip.php?article54865>.

³ The Presidential Guard played a crucial role in the fighting that erupted in Juba in December 2013, as well as the so-called “Mathiang Anyoor” militia that was subsequently integrated into the National Security Service.

several thousand Nuer defected from the South Sudan Police Service (SSPS) during the first few months of the war.

8. Traditionally, the former SSDF, SSDM/A and SSLM/A force commanders at all levels combine military command with community mobilization. All SPLM/A in Opposition senior commanders are now effectively able to mobilize the respective contingents of community militias amongst the Nuer population.
9. The SPLM/A in Opposition suffers from internal divisions over the conditions for entering into an agreement with the government, centred largely on whether any power-sharing arrangement could include President Kiir. This fragmentation recently became visible when Machar's senior military commanders sent a letter to IGAD informing them that no agreement that included both Kiir and Machar would be acceptable to them. In response, Machar sacked two of his senior commanders. This fragmentation will have a large impact on the ability of the SPLM/A in Opposition to enforce implementation of any peace agreement.

Tribal militias and local security arrangements

10. For generations, the security environment of vast areas inside South Sudan has been shaped by continuous inter-tribal competition for livelihoods emanating from the semi-nomadic and nomadic life-styles. Cattle-raiding, which dominates the everyday life of numerous communities in Greater Bahr el-Ghazal and Greater Upper Nile areas, is the most obvious manifestation of this competition.
11. The most prominent group of tribal fighters known as the "White Army" is an agglomeration of tribal militia made up of Lou, Jikany and Gawaar Nuers. Their numbers are assessed randomly at 4,000 to 6,000, but it can swell to much larger numbers if broader security threats to the Nuer clans emerge, as is now the case.
12. The SPLA has purposefully used youth militia as part of its strategy in Unity and Upper Nile State, while the youth groups themselves use the chaos and the cover of acting on behalf of the Government to steal cattle, plunder and attack rival ethnic groups. Local authorities and traditional leaders in most cases are unable to provide the oversight required to keep the activities of the militias within the customary law, including compensation and broader accountability. Outside of areas of direct hostilities between SPLA and SPLM/A in Opposition, the lack of both state capacity and willingness to provide security also leads to increasing violence.

Non-indigenous armed groups

13. The non-indigenous armed groups, including the Sudanese Justice and Equality Movement (JEM) and the Ugandan Lord's Resistance Army (LRA), have operated within South Sudan since 2010 and 2002, respectively. Since the beginning of the war, JEM has been reported to participate in the security operations in Unity State on the side of the SPLA. During its July visit to Bentiu, the Panel witnessed undisguised movement of the JEM fighters around the city.

The armed groups presence in different States of South Sudan

14. In Jonglei State, the area of SPLM/A in Opposition control has been gradually shrinking, as the SPLA continued to launch and sustain security advances in southern Jonglei, near Bor, and from the neighbouring Lakes and Warrap States. Opposition control is most extensive in Upper Nile State. The SPLM/A in Opposition regular forces, as well as "White Army" formations of Gajok and Jikany Nuers, have been critical to the opposition's ability to sustain effective control of these areas. Despite continued fighting, since January 2014, the area of control in Upper Nile has not changed appreciably. After the defection of Shilluk militia leader Johnson Olony from the SPLA, Upper Nile has effectively split into three zones based largely on ethnicity. The state capital Malakal and the strategic Dolieb Hill continue to change hands, and the opposition has on multiple occasions attempted to take the oil fields in Paloich as shutting down oil production in this area would starve the government of any revenue.
15. The opposition in Unity State has been not as successful in maintaining territorial and political control. The decision of the SSLM/A to support the government split the Bul Nuer community, and many Bul Nuer were rewarded by being given senior positions in the government of Unity State, including the governor and the deputy governor posts. The SPLM/A in Opposition military presence in Mayendit, Koch and Mayom Counties seems to have been degraded by the major offensive of the SPLA and allied Bul Nuer militias that started in April 2015. IO repositioning and resupplying is now believed to take place through the border areas of Sudan.
16. The SPLM/A in Opposition has allied forces in Northern Bahr el-Ghazal State congregated around former SPLA Major-General Dau Aturjong, the most prominent Dinka member of the opposition. An appreciable number of Aturjong fighters hail from the "*gulweng*" ranks — armed Dinka militia composed mostly of underage youth. These were left out by the mobilization drive in 2012-2013

organised by Gen. Paul Malong Awan, the former governor of the state and the current chief-of-staff of the SPLA. Aturjong's forces have not attacked the SPLA installations. They have engaged, however, in low intensity skirmishes near Kwajok in the Northern Bahr el-Ghazal and around Wau, Western Bahr el-Ghazal.

17. The political crisis in Juba and the resultant violence also led to the defection of thousands of Nuer from Divisions III and V deployed in the Greater Bahr El Ghazal area, particularly after the so-called "Mapel massacre" on 25 April 2014.⁴ Protracted non-payment of salaries to the military stimulated the defections. Many defectors who did not want to participate in the war against the SPLM/A in Opposition first crossed into neighbouring Sudan and then returned to Southern Sudan, aligning themselves with the Aturjong rebellion.
18. In Western Equatoria State, the sporadic attacks on the SPLA-protected camps of the Dinka cattle herders from Jonglei and Lakes States coincided this year with attacks on the SPLA military convoys, in particular in the Mundri West and Mlovo Counties. The government forces answered by targeting civilians, which led to the displacement, during May 2015, of up to fifteen thousand people, mostly Mundaris. Similar developments have taken place in Maridi County.
19. In Eastern Equatoria State, the population and local authorities are apprehensive about the government's efforts to recruit the Equatorians for the ongoing conflict in the Greater Upper Nile. Clashes between local Topoza and Turkana militias and the SPLA have been reported since last year.⁵
20. In Central Equatoria State, the Governor, Mr. Clement Wani Konga, is believed to be in control of about several thousand-strong Mundari militia deployed there as well as in neighbouring Western Equatoria State. In his recent public statements, Governor Konga openly criticized the governance methods of the national authorities. The governors of Eastern and Western Equatoria have expressed similar criticism in public.⁶

⁴ See: South Sudan National Advocacy Group — Statement dated 28 April 2014, at www.southsudannewsagency.com.

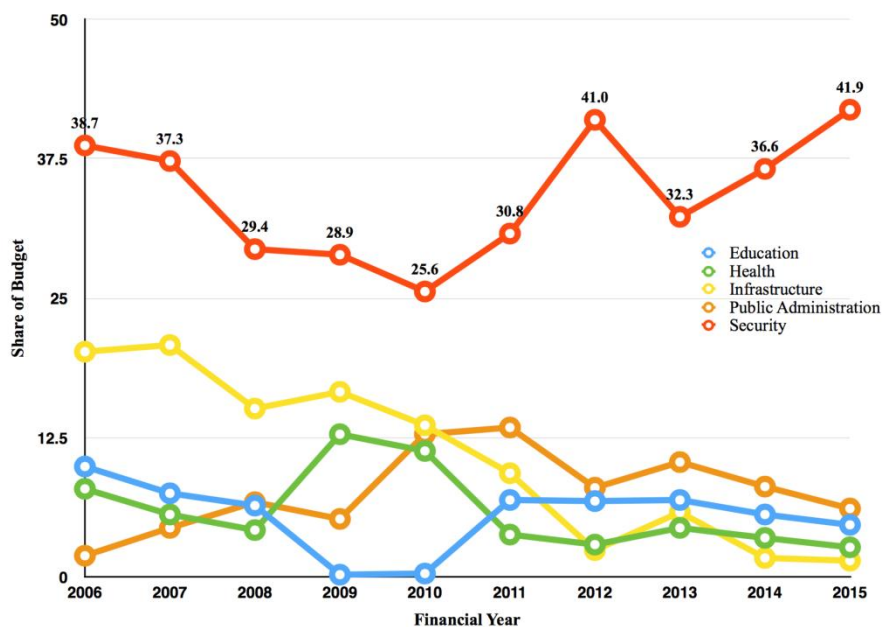
⁵ See: IRNA report on ADRA rapid needs assessment in Mundri West County, Western Equatoria State, from 5 to 10 June 2015.

⁶ See: Top Equatorian rebel leader slams governors' stance on federalism — in: Sudan Tribune, 23 February 2015.

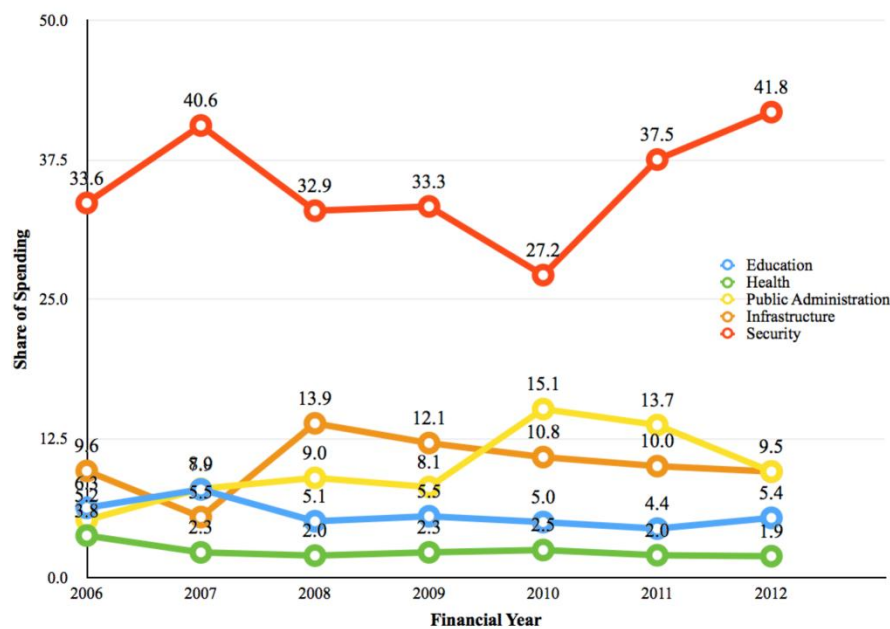
Annex VII

Percentage budgetary allocation by sector

(i) Share of approved budget

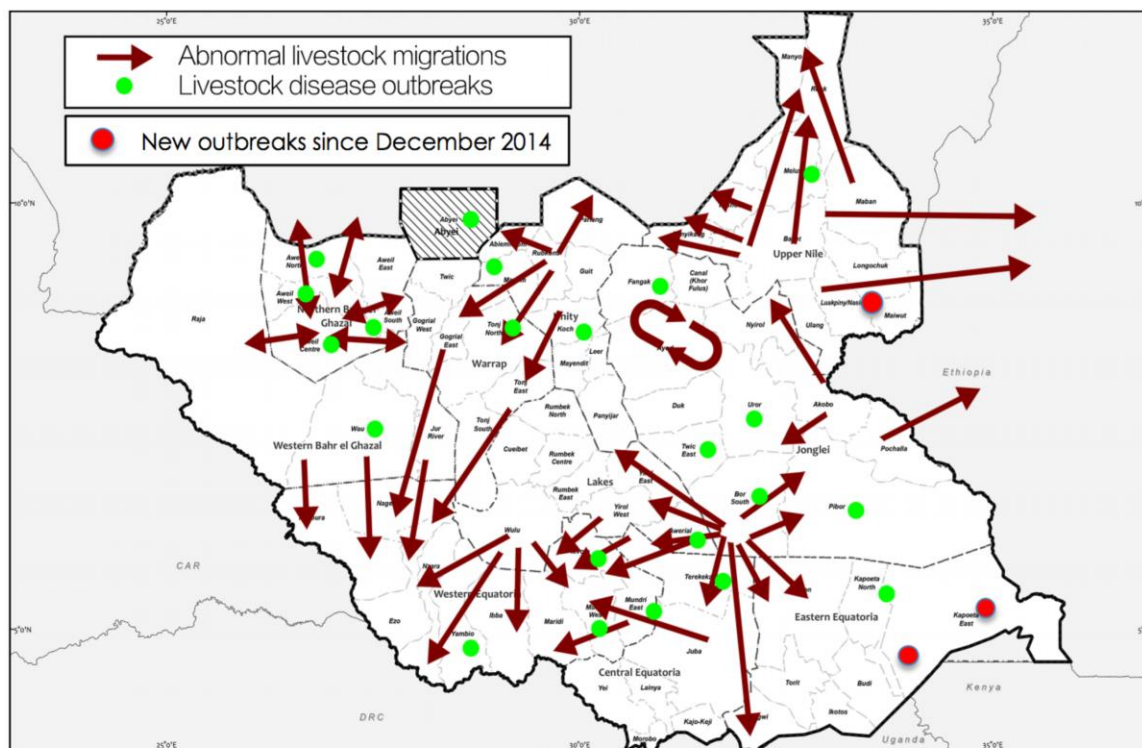


(ii) Share of Actual Spending



Annex VIII

Disruptions in livestock migrations



Annex IX

Section of captured cattle brought to Bentiu in mid-June



Annex X

SPLM/A in Opposition fighters in Bentiu loot a slain
SPLA soldier on 5 May 2014¹



¹ <https://www.youtube.com/watch?v=9RuiiAa1WpY>.

Annex XI

Analysis of photographic evidence of Mil Mi24 helicopter flying the South Sudanese flag

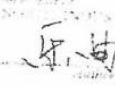


The Mi-24V is externally similar to earlier Mil Mi-24D but normally fitted with Anti-Tank Guided Missiles (ATGMs) on 'H' shaped missile rails on end of stub wings (see photograph in picture in main body of text) and has a modified radio guidance pod which is more streamlined. However, image below of a South Sudan Mil Mi-24 shows an aircraft that appears to be converted from a Mi-24K (camera recce version) with the under nose camera removed which leaves a distinctive bulge on the starboard side of the nose (yellow circle). Without sights, the helicopter cannot fire ATGMs from the H-shaped rails visible on the picture in text above. This can indicate that South Sudan is in possession of two different types of Mil Mi-24 helicopters. It is unlikely that new Mil Mi-24K helicopters, designed specifically for reconnaissance purposes, have undergone modular refitting of the kind visible on the picture prior to delivery, making it likely that this helicopter is not newly acquired by South Sudan.

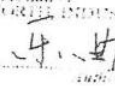
Annex XII

Documentation concerning shipment of arms, ammunition,
and related materiel from Norinco to the Ministry of
Defence and Veterans' Affairs, June 2014

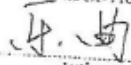
(Contract number circled in yellow)

CHINA NORTH INDUSTRIES CORPORATION (NORINCO) 12A GUANG AN MEN NAN JIE, BEIJING, P.O. BOX 2932 CHINA TEL: 0086-10-53918821/05 FAX: 0086 10 53547579		商业发票 COMMERCIAL INVOICE		
TO MINISTRY OF DEFENCE AND VETERANS' AFFAIRS, JUBA, THE REPUBLIC OF SOUTH SUDAN TEL: +211956943333, /+211955022164				
Transport details From: DALIAN PORT, CHINA VIA: MOMBASA PORT To: JUBA, THE REPUBLIC OF SOUTH SUDAN		No. 0140502	Date 05.08.2011	
		S/C No. MOD 001/2011	L/C No.	
		Terms of payment T/T		
Marks & Numbers	Number and kind of packages, Description of goods	Quantity	Unit Price	Amount
MOD 001/2011				
CIF MOMBASA PORT				
GOODS AS PER CONTRACT NO. MOD 001/2011				
9.		100PCS	USD18,000	USD1,800,000.00
		10SETS	USD12,000	USD120,000.00
		9PCS	USD58,000	USD522,000.00
		200PCS	USD800	USD160,000.00
10.		1SET	USD2,090,800	USD2,090,800.00
2.2.		1200RDS	USD9,000	USD10,800,000.00
		7145500RDS	USD0.15	USD1,071,825.00
TOTAL FOB DALIAN PORT AMOUNT				USD18,981,125.00
PLUS SEA FREIGHT AND INSURANCE PREMIUM:				USD1,753,500.00
TOTAL CIF MOMBASA PORT AMOUNT				USD20,734,625.00
MINUS 30 PCT ADVANCE PAYMENT:				USD6,221,377.50
TOTAL 70 PCT CIF AMOUNT PAYABLE:				USD14,513,247.50
SAY USD FOURTEEN MILLION FIVE HUNDRED SIXTEEN THOUSAND FIVE HUNDRED FORTY SEVEN AND 50/100 ONLY				
TOTAL NUMBER OF PACKAGES: 3816 CASES				
GROSS WEIGHT: 168060KGS				
For real use only CHINA NORTH INDUSTRIES CORP  Authorized Signature				

PAGE: 1/1

P.O. BOX 2932 CHINA TEL: 0086 10 83918821/05 FAX:0086 10 63547579		装箱单 PACKING LIST			
TO MINISTRY OF DEFENCE AND VETERANS' AFFAIRS, JOHA, THE REPUBLIC OF SOUTH SUDAN TEL: +211956943333, +211955022161		Invoice No. DI40502		Date 05.08.2014	
Marks & Number	Number and kind of packages, Description of goods	Quantity	Package	Gross Weight (KGS)	Measurement (cm)
MOD 001/2011					
GOODS AS PER CONTRACT NO. MOD 001/2011					
	9. HJ-730 ANTI-TANK ROCKET SYSTEM	100PCS	50CASES	3500KGS	78*63*59
	HJ 730 LAUNCHING DEVICE & GUIDANCE SYSTEM	100PCS	100CASES	1200KGS	81*63*10
	HJ 730 FIRST ECHELON TESTER	100PCS	10CASES	400KGS	70*67*27
	HJ-730 TRAINING SIMULATOR	9PCS	9CASES	50KGS	62*58*51
			9CASES	141KGS	92*73*14
	HJ-730 BATTERY	260PCS	9CASES	495KGS	72*70*66
	HJ 730 SPARE PARTS	1SET	13CASES	355KGS	85*69*17
			30CASES	1240KGS	91*63*10
			115CASES	2615KGS	76*72*21
			50CASES	3500KGS	78*63*59
			50CASES	4500KGS	78*63*59
			70CASES	1470KGS	81*63*10
	10. TYPE HJ-730 ANTI TANK MISSILE	1200PCS	1CASE	50KGS	75*58*11
			1200CASES	15000KGS	124*35*10
	2. 2. 7.62*39MM BALL TYPE 36	3113500RDS	3CASES	210KGS	79*56*12
			20*7CASES	62910KGS	17*31*14
TOTAL			3816CASES	131200KGS	362.01M ³
ALL THE CARGO ABOVE ARE LOADED IN 16*20' CONTAINERS, TOTAL WEIGHT IS 168000 KGS, TOTAL VOLUME IS 532.116 M ³					
For and on behalf of: CHINA NORTH INDUSTRIES CORP.  AUTHORIZED SIGNATURE					

PAGE: 1/1

P. O. BOX 2532 CHINA TEL: 0086-10-83918821/05 FAX:0086-10-63547579		装箱单 PACKING LIST			
TO MINISTRY OF DEFENCE AND VETERANS' AFFAIRS. JUBA, THE REPUBLIC OF SOUTH SUDAN TEL: +211956943333./+211955022164		Invoice No. ZH040512		Date 05.12.2014	
Marks & Number	Number and kind of packages; Description of goods	Quantity	Package	Gross Weight (KGS)	Measurement (cm) /Volume (M ³)
N001/2013 GOODS AS PER CONTRACT NO. MODVA/001/2013					
A2-1.	7.62MM AUTOMATIC RIFLE TYPE 56	9574PCS	958CASES	68431KGS	165.70
A2-2.	ADD-ON 40MM GRENADE LAUNCHER	2394SETS	120CASES	7200KGS	30.16
a2.	7.62X54MM BALL TYPE 53	2000000RDS	2000CASES	56000KGS	47.94
a3.	9X19MM PISTOL AMMO	2000000RDS	928CASES	29696KGS	19.28
A3.	TYPE 80 GENERAL PURPOSE MG	319PCS	319CASES	16907KGS	81.82
A1.	NP42 9MM PISTOL	660PCS	32CASES	1185KGS	1.59
a1.	7.62X39MM BALL TYPE 56	2000000RDS	13334CASES	400020KGS	308.07
a7-1.	40MM ANTI-PERSONNEL GRENADE TYPE BGL2	20000RDS	400CASES	8400KGS	13.98
a8.	40MM HEAT ROCKET TYPE 69	40000RDS	6668CASES	186701KGS	181.10
TOTAL:			21760CASES	774816KGS	1152.94M ³
ALL THE CARGO ABOVE ARE LOADED IN 55*20' CONTAINERS TOTAL CARGO+CONTAINER WEIGHT:901346KGS TOTAL CARGO+CONTAINER MEASUREMENT:1815.00M ³					
For and on behalf of CHINA NORTH INDUSTRIES CORP.  Authorized Signature					

PAGE: 1/1

12A GUANG AN MEN NAN JIE, BEIJING, P. O. BOX 2932 CHINA
 TEL: 0086-10-63918821/05 FAX:0086-10-63547579

Consignee (Insert name, address and phone)

TO ORDER OF SHIPPER



中远海运股份有限公司
 COSCO SHIPPING CO., LTD.

FAX:86-20-87673787 TLX:440668 COSCA CN

Notify Party (Insert name, address and phone)

LOID INVESTMENTS LTD.
 JEWEL CENTRE P. O. BOX 41 JUBA
 AND MOD

BILL OF LADING

ORIGINAL

Vessel: PENG HUANG SONG V. 0035	Port of Loading: DALIAN PORT, CHINA	Number of Original B/L THREE
Port of Discharge: MOMBASA PORT		
Description of Goods	Gross weight/Measurement	

N/M

CONTAINER NO./SEAL NO.
 PCL GLBU2900660/C37309/600CASES
 PCL CCLU2706739/C37320/600CASES
 PCL UESU2115286/C37321/571CASES
 PCL CBHU3349750/C37322/505CASES
 PCL FSCU3458700/C37323/145CASES
 PCL FSCU3221914/C37324/145CASES
 PCL CCLU2710111/C37325/145CASES
 PCL GVDU2009986/C37326/145CASES
 PCL FSCU399320/C37327/145CASES
 PCL FSCU3430370/C37328/145CASES
 PCL CCLU2697112/C37329/145CASES
 PCL FCLU2150627/C37331/145CASES
 PCL FSCU3441797/C37332/75CASES
 PCL FSCU3444590/C37334/75CASES
 PCL FSCU3451075/C37335/125CASES
 PCL CBHU3229224/C37337/89CASES

3816CASES
 (IN 16x20' S. O. C.)

168060KGS

532.416M³

GOODS AS PER CONTRACT DATED 03-APR-2013

TOTAL CARGO WEIGHT: 131260KGS
 TOTAL CARGO MEASUREMENT: 362.011M³
 CLEAN ON BOARD

SAY: THREE THOUSAND EIGHT HUNDRED AND SIXTEEN CASES ONLY.
 (THE GOODS ARE SHIPPED IN SIXTEEN TWENTY-FOOT
 SHIPPER'S OWN CONTAINER)

(of which on deck at Merchant's risk; the Carrier not being responsible for loss or damage howsoever arising)

Freight and Charges

FREIGHT PREPAID

SHIPPED at the port of loading in apparent good order and condition on board the vessel for carriage to the port of discharge or so near thereto as she may safely get to discharge the goods specified above
 WEIGHT, measure, quality, quantity, condition, contents and value unknown in W/T unless where the Master or Agent of the said vessel has signed the number of Bill of Lading indicated below all of this tenor and date, any one of which being accepted the others shall be void

Place and date of issue: **DALIAN**

Signed for and on behalf of the Carrier:

AS AGENT FOR THE CARRIER:
 COSCO SHIPPING CO., LTD.
 CHINA SHIPPING AGENT FOR DALIAN

For conditions of carriage see overleaf

Serial No. GZ 0026389
 (For Carrier's use only)

Annex XIII

Summary of emergency SPLA budget, January–June 2014

The Panel has obtained the full document, including individual line items for the Operations Group, Logistics Group, Administration Group, and Moral Orientation Group. For reasons of brevity these are withheld, but they can be obtained from the Panel by members of the Committee upon request. Although authentic in nature, the individual items mentioned have not necessarily been obtained by the GRSS. Other items the SPLA would not be in a position to obtain given their limited distribution or availability in countries unlikely to sell them. Neither would the SPLA be able to manage such items without the corresponding training in operating, maintaining, and repairing the equipment. Nevertheless, the Panel believes this budget provides an insight into the initial discussions surrounding the SPLA response to the crisis, in which from the beginning acquiring additional equipment as a means to militarily counter the loss of division-size formations to the SPLM/A in Opposition was tabled as a central policy option.

Summary of emergency budget (Jan–June 2014)

Matrix for Emergency Needs and Requirements

(Estimated cost in SSP)

A. Operations Group

1. Artillery Unit	36.529.111,5
2. Armoured & Anti-Tank Unit	361.176.693,5
3. Air Defence Unit	14.432.405,3
4. Military Intelligence Unit	80.283.732,7
5. Medical Corp	22.777.380,0
6. Air Force Unit	60.630.440,4
7. Engineering Corp	44.534.255,9
8. Signal Corp	7.023.613,3
9. Commando Unit	5.754.086,6
10. Riverine Unit	6.500.112,2
11. Training Branch	6.531.668,4
12. Others	4.000.000,0

B. Logistics Group

1. Arms & Ammunitions	815.038.680,9
2. Fuel and Lubricants	244.366.000,0
3. Transport & Maintenance	158.432.273,5

4. Food Rations	418.509.559,0
5. Uniforms	138.150.000,0
6. Ordinance	1.177.648,5
7. Others	77.066.472,0
Total	1.852.740.633,9
C. Administration Group	
1. GHQS Admin. Running Cost	7.000.000,00
2. Military Police	5.000.000,00
3. Force Control & Management System	12.000.000,00
4. Military Justice	2.523.698,40
Total	26.523.698,40
D. Moral Orientation Group	
1. Information & Media	1.650.000,00
2. Morale Orientation Works	2.100.000,00
Total	3.750.000,00
Grand total	2.533.187.831,99