

THE GOVERNMENT OF SOUTH SUDAN'S RESPONSE
TO THE SENTRY'S REPORT
"UNDERCOVER ACTIVITIES: INSIDE THE NATIONAL SECURITY
SERVICE'S PROFITABLE PLAYBOOK"

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Demand to Withdraw The Report from Circulation and to Issue Public Apologies to the Named Individuals and Companies

The Government of South Sudan (‘GoSS’) demands the immediate withdrawal from circulation of The Sentry’s publication “**Undercover Activities: Inside the National Security Service’s Profitable Playbook**” (the ‘Report’) and the issuance of a public apology to each and every individual, company or entity that has been falsely or misleadingly described in the Report.

The Publication

The Report purports to be a fact-based document with commentary that has been widely disseminated internationally and contains false and/or misleading allegations that have either been made deliberately or recklessly.

The intended recipients of the false and/or misleading information published by The Sentry are: international agencies such as the United Nations and its satellite organisations; states such as the USA, UK, Canada, Australia; collections of states such as the EU, AU and other international institutions such as the International Monetary Fund, the World Bank, international and national NGOs, international and national media, and political parties in South Sudan and elsewhere that use such disseminated information to determine or advocate political, economic and/or development strategies for South Sudan and its people. The list of so-called Recommendations at the end of the Report in which The Sentry seeks targeted sanctions, seizure of assets and notice of financial risks amongst many other measures, reveals its purpose of causing economic damage and harm to those falsely and/or misleadingly named, which in turn harms the development of South Sudan.

The GoSS’s forensic review of the sources and evidence relied upon in the Report reveals that allegations have been made that are false, misleading and based on incorrectly interpreted and out-of-date information obtained pursuant to a serious data breach. The Report is based upon flawed methodology and draws on second-hand hearsay (including click-bait and newspaper articles), generic references to document collections, self-referential material and anonymous sources, all of which prevent proper scrutiny of the serious allegations made against both individuals and the National Security Service (‘NSS’).

The False, Misleading and Incorrect Allegations

The Report makes serious and wide-ranging allegations that NSS members have been able to “*access off-budget finances and diverted revenues, all while side-stepping oversight and operational scrutiny.*”¹ The Report alleges that there is a “*vast network of companies with NSS shareholders, ranging from media and publishing to natural resources and logistics. The oil, finance and media sectors particularly suffer from NSS involvement both in terms of economic*

¹ Report, p.3

capture and repression.”² The Report claims to have identified “125 companies...[with]...NSS shareholders.”³ Not all these companies are named within the Report.

Citing South Sudan’s Ministry of Justice and Constitutional Affairs (‘MOJCA’) as the source for 16 footnotes,⁴ the GoSS confirms that no official contact has in fact been made with MOJCA as set out in its public statement dated 4th January 2023 ([Annex 1](#)). The data breach of disclosure of out-of-date records is currently under investigation in South Sudan.

The methodological failings of the Report reveal a lack of investigative rigour, the recycling of information without independent research and misjudgement in making the most serious of allegations of wrongdoing based on false, misleading and incomplete information that was either deliberate or reckless. In one instance for example, no substantive information was cited to underpin the most serious of recommendations, namely the sanctioning of a named individual, Mr Jalpan Obyce, whose reputation has now been tarnished.⁵ In another instance, the Report recycles a so-called “well-exemplified” case cited by the United Nations Panel of Experts, that is flawed and misrepresents the true facts concerning Brigadier General Malual Dhal Muorwel and 25 others.⁶

The GoSS is aware that a significant number of individuals named in the Report have issued letters of complaint to The Sentry, providing corrective information. These letters, many of which threaten legal action, are appended to this Report.

Remedy

The GoSS demands the withdrawal of the Report from public circulation and the issuance of public apologies to the individuals, companies and entities affected.

This Response does not seek to address all the allegations made by The Sentry, many of which are generic, based on anonymous sources or second-hand hearsay, but rather it focuses on those aspects which specifically call into question the actions of named individuals and companies on the basis of information which has been brought to the Government’s attention of serious errors and misrepresentations, in respect of which the GoSS seeks to make a timely response.

I. Recent Complaints Against The Sentry

As a non-governmental investigative and policy organisation co-founded by George Clooney⁷ and John Prendergast⁸ in 2015, one of the stated aims of The Sentry is to “*disable multinational*

² *Ibid.*

³ Report, p.4.

⁴ Report, FNs 111, 113, 114, 115, 198, 199, 200, 208, 213, 225, 226, 227, 228, 246, 253 and 254.

⁵ Report, pp.20 and 23.

⁶ S/2019/301, Final Report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018), 9 April 2019

(https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2019_301.pdf)

⁷ George Clooney is an American actor, producer and the co-founder and co-president (with Amal Clooney) of the Clooney Foundation for Justice (<https://cfj.org/news/>), as well as the co-founder of The Sentry.

⁸ John Prendergast is an American human rights and anti-corruption activist and author. He is the co-founder of The Sentry and the founding director of the Enough Project. He was formerly Director for African Affairs at the U.S. National Security Council. See [https://en.wikipedia.org/wiki/John_Prendergast_\(activist\)](https://en.wikipedia.org/wiki/John_Prendergast_(activist))

predatory networks that benefit from violent conflict, repression, and kleptocracy.”⁹ The Sentry claims, to “*provide evidence and strategies for governments, banks, and law enforcement to hold the perpetrators and enablers of violence and corruption to account.*”¹⁰ In doing so, it purports to work in partnership with local and international civil society organizations, journalists, and governments,¹¹ relying on open-source data, field research and what it refers to as “*state-of-the-art network analysis technology.*”¹²

The GoSS notes the serious concerns and complaints which have been raised in recent months about the methodology of The Sentry’s report writing and the making of serious allegations on the basis of questionable evidence.

In December 2022, The Sentry withdrew a report from circulation (alleging the corruption of a Sudanese businessman) after proceedings were commenced against The Sentry for libel and slander in a Sudanese Court.¹³

In the same month, The Sentry’s report “Gaming the System: How a Canadian Mining Giant Undermined the Law in DRC”¹⁴ elicited a detailed and damning rebuttal of the accusations made against the company Ivanhoe Mines.¹⁵ Its response was heavily critical of The Sentry claiming that its findings were “*irresponsibly framed to infer or theorize corporate malpractice*” and that the report “*lack[ed] any tangible evidence that misconduct occurred.*” Ivanhoe continued that the report was “*rife with misleading content that selectively disclosed supposed facts.*”¹⁶ It accused The Sentry of “*fundamentally misunderstanding*” the legislative framework under the DRC mining code and remarked that “*it is not clear whether any person qualified to practice law in the DRC, or with any experience in the country, assisted Sentry in understanding DRC mining and company law.*”¹⁷ Ivanhoe accused The Sentry of “*omitting fundamental context*” and stated that “*the report relies heavily on a myriad of technical legalese intended to infer some nefarious "gaming" of the system. ...Sentry failed to understand*

⁹ The Sentry Official Website (<https://thesentry.org/about/>)

¹⁰ *Ibid.*

¹¹ Refinitiv, Refinitiv joins forces with The Sentry to prevent war criminals abusing the financial system, 21 January 2021 (<https://www.refinitiv.com/en/media-center/press-releases/2021/january/refinitiv-joins-forces-with-the-sentry-to-prevent-war-criminals-abusing-the-financial-system>). The extent to which any input into The Sentry’s reports come from other entities is unclear.

¹² See The Sentry Official Website (<https://thesentry.org/about/>), CAP, RELEASE: Enough Project Heads into 2016 at New Venture Fund, 17 December 2015 (<https://www.americanprogress.org/press/release-enough-project-heads-into-2016-at-new-venture-fund/>); and Refinitiv, Refinitiv joins forces with The Sentry to prevent war criminals abusing the financial system, 21 January 2021 (<https://www.refinitiv.com/en/media-center/press-releases/2021/january/refinitiv-joins-forces-with-the-sentry-to-prevent-war-criminals-abusing-the-financial-system>).

¹³ George Clooney's NGO hit in court by a Sudanese businessman accused of corruption (29 December 2022) see Intelligence Online, George Clooney's NGO hit in court by a Sudanese businessman accused of corruption, 23 December 2022 (<https://www.intelligenceonline.com/corporate-intelligence/2022/12/23/george-clooney-s-ngo-hit-in-court-by-a-sudanese-businessman-accused-of-corruption.109876248-art>)

¹⁴ The Sentry, Gaming the System – How a Canadian Mining Giant Undermined the Law in the DRC, December 2022 (<https://thesentry.org/wp-content/uploads/2022/12/GamingTheSystem-TheSentry-Dec2022.pdf>)

¹⁵ Bloomberg, Ivanhoe Mines Responds to The Sentry Report and Globe and Mail Article Impugning Ivanhoe's Business Conduct in the Democratic, 19 December 2022 (<https://www.bloomberg.com/press-releases/2022-12-19/ivanhoe-mines-responds-to-the-sentry-report-and-globe-and-mail-article-impugning-ivanhoe-s-business-conduct-in-the-democratic?sref=0t3fTriA>) and Bennett, N., Ivanhoe responds to allegations of corruption in DRC, 19 December 2022 (<https://biv.com/article/2022/12/ivanhoe-responds-allegations-corruption-drc>) (collectively “Ivanhoe Response”)

¹⁶ Ivanhoe Response.

¹⁷ Ivanhoe Response.

the Congolese legal framework it now purports to have exposed.”¹⁸ It accused the report of “*framing the facts for the conclusion that it intends – [and] ... presents readers with a nearly impenetrable conspiracy theory-like web of legal transactions.*”¹⁹ Ivanhoe claimed that The Sentry “*ignore[d], in this case, the qualification and experience of [Ivanhoe] and the lawfulness of the process, to continue to hold its conclusion rather than considering that there are logical, rational and legal explanations for commercial events.*” Ivanhoe concluded its response by inviting The Sentry to meet with them. It is not clear whether this meeting ever took place. As of 27th February 2023, the DRC Report is still published on The Sentry website.

In sum, Ivanhoe held that The Sentry was guilty of confirmation bias. The GoSS has identified similar serious methodological flaws in the current Report.

II. Methodological Flaws

The methodological flaws which undermine the credibility and reliability of the Report are set out below.

i. No Opportunity for the NSS to Respond to the Serious Allegations Prior to Publication of the Report

No individual from within the higher echelons of the NSS was contacted during the preparation of the Report. Neither was the NSS as an institution provided with an opportunity to comment on the draft allegations before publication. This is despite The Sentry’s own stated principles of endeavouring to contact “*the persons and entities discussed in its reports*” to “*afford them an opportunity to comment and provide further information.*”²⁰

ii. Use of Anonymous Sources

While it is accepted that NGOs do not seek to evidentially support their reports to a ‘criminal’ standard of proof, the overuse of anonymous sources denies those accused of being able to interrogate the reliability and credibility of the information and thereby challenge what has been alleged, particularly in circumstances where grave recommendations are made, namely the imposition of sanctions against named individuals.

The Report’s footnotes reveal that only two named individuals were ‘interviewed’ for the purpose of the Sentry Report²¹ and two others were communicated with, along with a Kenyan law firm, during the Report’s preparation.²² The other cited individuals remained anonymous. An analysis of the sources shows that eleven footnotes in the report are based on information from one unnamed civil society activist.²³ Six footnotes are based on information from an

¹⁸ Ivanhoe Response.

¹⁹ Ivanhoe Response.

²⁰ See the text at the bottom of Report, p.5.

²¹ James Gatdet Dak, April 2019 (Report, FN 56); Olympio Attipoe, October 2021 (Report, FNs 153, 156 and 217).

²² Communications with Akot Lual Arech (Report, FNs 209, 210, 212 and 217), Ann Kathure Rutere (Report, FN 216) and Kogweno & Bubi Advocates LLP (Report, FNs 197, 207).

²³ Report, FNs 4, 16, 28, 124, 125, 130, 131, 132, 133, 138 and 154. These footnotes use the same generic and anonymous source, namely an “*interview with a South Sudanese civil society activist who has been active in the civil society sphere in the country for more than a decade, March 2022.*”

unnamed journalist.²⁴ Four footnotes rely on information from an unnamed oil sector employee.²⁵ An unnamed human rights analyst/South Sudan expert²⁶ and an unnamed employee of the National Revenue Authority²⁷ are also relied on as sources.

Such use of anonymous hearsay prevents any interrogation of the credibility and reliability of the sources. Reliance on this type of source prevents those accused from answering back.

This lack of investigative rigour subsequently exposes the UN, States, international and national organisations to the risk of being manipulated by such reports to impose sanctions with far-reaching consequences for both individuals and companies. In this instance, The Sentry has called, in a quasi-authoritative way, for international punishments to be meted out to individuals named in the Report.

iii. Circularity of Source Reliance

The Sentry Report suffers from a circularity of source reliance on third-party hearsay reports from institutions employing a similar stance towards South Sudan (e.g. UN, Human Rights Watch, Amnesty International, Global Witness), the bases for which have crucially not been independently verified by The Sentry. Just under **a third** of the footnotes rely on such sources.

- There are **12 references** to a single Human Rights Watch report.²⁸ The bulk of these references make up the main source of generic allegations against the NSS with no specificity or context. Most, if not all the (mostly ‘one-line’) allegations drawn from the Human Rights Watch report can be found in the report’s initial short summary. In turn, the Human Rights Watch report also relies in part on **third-party research without independent verification.**
- The Global Witness 2018 report²⁹ is referred to **7 times** in the Report, and contains interviews with unnamed sources, referencing again Human Rights Watch, Amnesty International and UN reports.
- **6 Amnesty International (‘AI’) reports** are cited in the Report.³⁰ Of these, only 2 are substantial reports³¹ while the rest are single-page campaign briefings. Neither of the substantive reports are fleshed out or referred to more than once in the Report. Indeed, the single-page briefings appear to be the main source of allegations in the Report. It is notable however that these single page AI briefings contain no footnotes or references

²⁴ Report, FNs 5, 93, 107, 108, 110 and 155. These footnotes use the same generic and anonymous source, namely “*The Sentry interview with a South Sudanese journalist, January 2022.*”

²⁵ Report, FNs 165, 166, 167 and 171. These footnotes use the same generic and anonymous source, namely “*The Sentry interview with oil sector employee, April 21, 2022.*”

²⁶ Report, FN 139. The Sentry interview with international human rights analyst and South Sudan expert, September 2022

²⁷ Report, FN 218. The Sentry interview with an employee at the National Revenue Authority, March 2022.

²⁸ Report, FNs 1, 2, 7, 15, 19, 20, 22, 36, 48, 51, 52 and 129 refer to the Human Rights Watch report, “‘What Crime Was I Paying For?’: Abuses by South Sudan’s National Security Service,” December 14, 2020 (<https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>)

²⁹ Report, FN 158. Global Witness, “Capture on the Nile,” April 2018 (<https://www.globalwitness.org/en/campaigns/south-sudan/capture-on-the-nile/>)

³⁰ Report, FNs 21, 54, 67,68, 69 and 96.

³¹ Report, FNs 21 and 96.

to substantiate the allegations they make. The AI allegations were taken by The Sentry as confirmed facts, and it is not apparent from the Report’s referencing that they were subjected to any further investigation or verification.

iv. Reliance on Other Sentry Reports

There are **19 references to 5 other Sentry reports**³² (without any reference to specific sources or paragraphs) as well as reports published under other outlets by a senior member of The Sentry’s staff.³³ This self-referential approach to evidence collection is sub-standard and lacks appropriate investigative rigour, particularly given the methodological flaws identified in the Report, which now calls into question the accuracy and reliability of investigations conducted more widely by The Sentry.

v. Heavy Reliance on Open-Source Media Reports

The heavy reliance on open-source media reports constitutes nearly 20% of all sources cited.³⁴ The veracity of such hearsay reports cannot easily be verified and are open to bias. Only two media organisations of those cited are accredited in South Sudan, namely Eye Radio³⁵ and Juba Monitor.³⁶ Six of the footnotes refer to the US platform Voice of America, which has not renewed its licence with the Media Authority in South Sudan and over a half of the open-source media footnotes refer to foreign online outlets, with the majority focusing on maximising viewers through the use of sensationalist, tabloid-style headlines to feed a populist ‘clickbait’ readership.³⁷ The remaining references are to foreign media bodies³⁸ which on the whole reflect a partial reporting to fit a predefined narrative of South Sudan.

vi. Reliance on Generic Document Collections

The Report relies on an “*analysis of corporate records cross-referenced with an NSS official list, March 2022.*”³⁹ No information has been provided as to the precise nature of the corporate records or the NSS ‘Official List’, their provenance, authenticity, or reliability. The way in which this material has been referenced in the Report prevents independent scrutiny of the

³² There are 19 references to 5 Sentry Reports. See Report, FNs 140, 141, 142, 169 and 233.

³³ Report, FNs 31 and 284.

³⁴ Over 50 of the 287 footnotes are references to open-source media.

³⁵ Report, FN 63, 65, 66 - Kafuki Jada, “One Year Later, Kuel Aguer Appears in Court,” Eye Radio, October 3, 2022 (<https://www.eyeradio.org/one-year-later-kuel-aguer-appears-in-court/>), Report, FN 75, 76 - Jale Richard, “Bakosoro Returns Home After Five Years,” Eye Radio, December 20, 2020 (<https://www.eyeradio.org/bakosoro-returns-home-after-five-years/>), Report, FN 149, 222 - Internews, “Eye Radio Exposes Corruption at National Revenue Authority,” February 18, 2020 (<https://internews.org/eye-radio-exposes-corruption-national-revenue-authority/>), Report, FN 220 - Joakino Francis, “Kiir’s Office Acknowledges Dismissal of NRA Boss Amid Criticism,” Eye Radio, August 27, 2019 (<https://www.eyeradio.org/kiirs-office-acknowledges-dismissal-of-nra-boss-amid-criticism/>), Report, FN 224 - Ayuen Panchol, “Acting NRA Boss Makes Suspicious Bank Transfers,” Eye Radio, November 22, 2019 (<https://www.eyeradio.org/acting-nra-boss-makes-suspicious-bank-transfers/>)

³⁶ Report, FNs 146, 173 and 175: Talk of Juba, “Kiir Reconstitutes Nilepet’s Board,” April 23, 2021 (<https://www.talkofjuba.com/2021/04/23/kiir-reconstitutes-nilepets-board/>)

³⁷ There are numerous footnote references to The Daily Beast, Sudan Post, Radio Tamazuj, Sudan Tribune and Juba Telegraph.

³⁸ There are various references to foreign media intelligentsia reports. These are Reuters, Al Jazeera, Africa Intelligence and Wikileaks.

³⁹ Report, FNs 168 and 234.

information, its accuracy and potential/actual bias. Employing such a basic cross-referencing exercise does not suffice to substantiate allegations of such seriousness.

vii. Reliance on Online Sources Sold for Profit

The Report also relies on ‘Person reports’ cited as Lexis Nexis and Nexus respectively⁴⁰ LexisNexis reports are merely an amalgamation of public filings on a person taken from online sources and sold for profit. As they are data capture reports rather than ‘produced’ reports, their accuracy is unverified and likely to be unreliable.⁴¹

viii. Data Breach – No Official Request for Information from South Sudan

Most of the allegations made in the Report concern the activities of companies over which it is alleged the NSS has achieved ‘*State Capture*’ by involvement of its members as shareholders or directors.

In a Public Statement dated 4th January 2023, MOJCA stated that while it was true that the Ministry “*and in particular the Directorate of Business Registrations is the custodian of companies’ database, no official or unofficial request was made by The Sentry to the Ministry of Justice and Constitutional Affairs to provide any information regarding any of the companies mentioned.*” The Ministry letter went on to state that it categorically denied being Sentry’s “*source of information.*” See Annex 1.

The information relied on is misleading, incorrect and was not obtained pursuant to official procedures for obtaining data on companies registered in South Sudan.

III. Misleading and False Allegations of State Capture by NSS Shareholdings in a “Vast Network of Companies”

The GoSS’s analysis has found that the Report (i) falsely mischaracterises individuals as members of the NSS, (ii) does not correctly present the nature of the involvement of NSS members in companies and most crucially, (iii) fails to note that a significant number of the companies mentioned have been dormant for 8-11 years.

In South Sudan, the rules concerning dormancy of a company are set out in s.325(1) of the Companies Act 2012, which provides as follows:

“Where a company has been dormant from the time of its formation or has been dormant since the end of its previous accounting period and is not required to prepare group accounts for that period, the company may, by a special resolution passed at a meeting of shareholders of the company at any time after copies of the annual accounts and reports for that year have been duly sent to shareholders, declare itself to be a dormant company.”

⁴⁰ Report, FNs 257 and 261: LexisNexis, “Person Report- Jalpan Obyce Nyawello,” on file with The Sentry; and Report, FNs 258 and 265: Nexus, “Person Report- Akot Lual Arech,” on file with The Sentry.

⁴¹ Newsweek, When LexisNexis Makes a Mistake, You Pay For It, 23 February 2023 (<https://www.newsweek.com/2019/10/04/lexisnexis-mistake-data-insurance-costs-1460831.html>)

Under the Companies Act 2012, the Minister of Justice holds the responsibility for corporate affairs and a Registrar of companies is appointed to keep the records and supervise their administration as required by the Act. The inspection of documents held by the Registrar and any certificate of incorporation or copy of any other company document can be undertaken upon payment of a prescribed fee.⁴²

In response to The Sentry's report, on 20th December 2022, the Directorate of Registration of Businesses issued a letter setting out Company names, Registration Numbers and the names of Directors and Shareholders, including information about the dormant status of the relevant companies.

i. Non-Executive Directorships

Akol Koor Kuc and Nilepet

In his response to The Sentry in February 2023, Mr Bernard Amour Makeny, the Managing Director of NILEPET categorically denied the allegations made in the Report that the company diverted oil revenues to the NSS. See [Annex 2](#).

He stated that the allegations made were false and misdescribe the legitimate structure of NILEPET, which is a government-owned entity, incorporated under the laws of the Republic of South Sudan and regulated by law. Mr Makeny explained that NILEPET's day-to-day affairs are managed by a *“specialist management team headed by a Managing Director appointed by the President.”* He stated that *“Hon Akol Koor Kuc as the Director General of the Internal Security Bureau is lawfully a non-Executive member of the Board of Directors of NILEPET, and this does not represent a personal or preferential interest. As a government owned entity, NILEPET has other governmental agencies appointed as non-Executive directors, including the Ministry of Finance and the Ministry of Petroleum. The Internal Service Bureau of the National Security Services has a seat on the board as the protection of South Sudan's oilfields and foreign workforce is vital to the national interest. The statutory mandate of the NSS is to protect national security interests and strategic infrastructure under the National Security Act 2014.”*

Mr Makeny explained that The Sentry had never *“requested NILEPET to describe the purpose and nature of its relationship with its non-Executive directors. The Sentry has instead made allegations of malpractice against the NSS and NILEPET without conducting its own investigations and has relied upon the biased sources of others.”* He stated that *“The Sentry's failure to accurately describe and record the role of the Internal Security Bureau's relationship with NILEPET reflects a bias and its own campaign against important institutions of the Republic of South Sudan.”*

Mr Makeny asks The Sentry to *“retract its allegations against NILEPET and withdraw its report from the public domain with immediate effect to avoid legal action for the reputational damage it has caused individuals and entities, stemming from unfounded claims.”* To date, Mr Makeny has not received a response from The Sentry.

⁴² Section 386(1)(a) and (b) of the Companies Act 2012
(https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=98161&p_country=SSD&p_count=22)

ii. Not a Shareholder or Director

Misleading and false information contained within The Sentry's Report extends to the wrong attribution of positions to individuals within oil companies as set out below.

Manasa Machar Bol, Kush Petroleum Ltd, Transco Energy Ltd, Zamaan Ltd & Nile Investment Partners Ltd

The Report made the following allegations against Mr Manasa Machar Bol:

“Manasa Machar Bol, an NSS officer and the Director of Oil Security in the Ministry of Petroleum, has been a beneficial owner of two oil companies: Transco Energy and Kush Petroleum. Bol’s ownership in Kush Petroleum was through Nile Investment Partners. Kush Petroleum supplies petroleum for numerous companies, airlines and NGOs, including the UN World Food Programme. In 2014, it received two letters of credit totalling over \$2 million to supply fuel and petroleum products. Oil export data reviewed by The Sentry could only account for approximately \$150,000 worth of fuel being imported by Luqman Oil, the company that Kush Petroleum contracted with for delivery.”

On 8th November 2022, in answer to questions from The Sentry, Mr Bol's lawyers, Kogweno and Bubi Associates LLP provided a series of substantive answers to the allegations made by The Sentry. Mr Bol's lawyers explained that Mr Bol is the Director of Oil Security in the Ministry of Petroleum representing the National Security Services. His roles are defined under Section 57 of the Petroleum Act 2012 and include the provision of adequate security measures for the protection of petroleum infrastructure, equipment, facilities and operations.

The letter also explained that Mr Bol is not a shareholder or a director of either Kush Petroleum Ltd or Transco Energy Ltd. He does not ‘hold a brief’ for either company and therefore, cannot comment on the business affairs of the said companies. He has no role in respect of *“private companies in his position as The Director of Oil Security in the Ministry of Petroleum.”* The letter confirmed that Mr Bol has no knowledge of the clients of the businesses being investigated. He was not therefore in a position to *“confirm any business information in relation to Kush Petroleum Ltd.”* Neither could he confirm *“whether Kush Petroleum Ltd got any letters of credit and how they undertook their business.”* None of this information provided was used or referenced in the Report.

The letter explained that the NSS operates within the provisions of the Petroleum Act 2012, s57(1), which provides as follows: *“The South Sudan Police Service and the National Security Service shall be responsible for the protection of the licensee or contractor’s personnel, infrastructure, equipment, facilities and operations within the contract areas.”* The letter states that *“NSS offers security in the oil sector for public entities only as mandated by the law and are not involved in the operations of private companies.”*

In a second letter to The Sentry, dated 24th November 2022, Mr Bol's lawyers informed The Sentry that their client is *“neither a director nor a shareholder in Zamaan Ltd and Nile Investment Partners Ltd.”*

The Sentry was provided with extensive answers to questions raised about the alleged involvement of Mr Bol in four oil companies and omitted publication of his detailed response

in advance of publishing the Report, preferring instead to insert a one-line denial of the allegations which failed to reflect the detail of the individual's position.⁴³ The Sentry persisted in the publication of its allegations. See [Annex 3](#).

Ter Tongyik Majok, Raise Group Ltd, Prosperity Petroleum Ltd and Zalzal Petroleum Ltd

Under the heading 'Profitable Connections' and in the context of alleged 'Economic Capture' by members of NSS of the oil sector, Ter Tongyik Majok's name is included in an organigram in The Report⁴⁴ alleging that he was the Director of Raise Group Ltd and a shareholder of Prosperity Petroleum Ltd and Zalzal Petroleum Ltd. Mr Majok was not contacted by The Sentry to verify its sources before publication.

In his statement to The Sentry, Mr Majok states that "*as an individual, I do not own a company nor registered any company in South Sudan that is associated with such names and I do not have shares as alleged.*" He requested correction of the Report and an apology. To date, he has received neither. See [Annex 4](#).

Furthermore, the Directorate of Registration of Businesses issued a letter on 20th December 2022 setting out Company names, Registration Numbers and the names of Directors and Shareholders. This document confirms that Ter Tongyik Majok was neither a director nor a shareholder of any of the three companies cited by The Sentry. See Annex 5.

iii. Dormant Companies

Deng Malual Leek & Acacia Oil Ltd

Mr Deng Malual Leek is a South Sudanese national and a businessman. The Report alleged that he was a member of NSS while holding shares in Acacia Oil Ltd.⁴⁵ Both Mr Leek and the company were cited in an organigram in the Report, entitled 'Profitable Connections.'

In his letter of complaint to The Sentry, he explained that he has "*no link, connection and association with the National Security Service of South Sudan.*" He states that Acacia Oil Ltd is a private company incorporated under the laws of South Sudan, in which he has shares. The company "*has not transacted any business since its incorporation and this data is available in public records.*" His complaint describes the Report as "*inaccurate, unreliable and lacks credibility.*" The Sentry "*has provided no evidence that even supports its allegations and has misrepresented the ownership and links of a dormant company.*" See [Annex 6](#).

⁴³ The Sentry alleged the following at p. 14: "*Manasa Machar Bol, an NSS officer and the Director of Oil Security in the Ministry of Petroleum, has been a beneficial owner of two oil companies: Transco Energy and Kush Petroleum. Bol's ownership in Kush Petroleum was through Nile Investment Partners. Kush Petroleum supplies petroleum for numerous companies, airlines and NGOs, including the UN World Food Programme. In 2014, it received two letters of credit totalling over \$2 million to supply fuel and petroleum products. Oil export data reviewed by The Sentry could only account for approximately \$150,000 worth of fuel being imported by Luqman Oil, the company that Kush Petroleum contracted with for delivery.*"

Despite two detailed substantive responses from Mr Bol's lawyers, The Sentry published a mere one-line denial in its report at p.14-16: "*Bol has denied having ownership in or knowledge of the activities of either company.*" This line fails to explain or address the detail of Mr Bol's position and how The Sentry's allegations are incorrect.

⁴⁴ Report, p. 15.

⁴⁵ *Ibid.*

Kuac Atuer Wieu & Junubna Oil Co Ltd (Dormant since 2015)

The Sentry alleged that Mr Kuac Atuer Wieu was a shareholder in Junubna Oil Co Ltd engaged in economic capture of the oil sector by NSS members. Both Mr Wieu and Junubna Oil Co Ltd were cited in an organigram in the Report, entitled ‘Profitable Connections.’

On 17th December 2022, Mr Wieu wrote a letter of complaint to The Sentry seeking the retraction of the report and a public apology. He explained that in 2014, he and a colleague registered Junubna Oil Co Ltd to bid for a contract in the energy sector, in his private capacity in the hope of supplementing his “*meagre government salary*.” Such attempt did not however go beyond registration due to a lack of capital to operationalize the company. The company’s operational documents could not be renewed, and it ceased to function three months after registration.

Crucially, Mr Wieu was never contacted by The Sentry in respect of this matter and no clarifications were ever sought prior to publication of the Report which has in turn damaged his reputation and standing amongst his community. Neither did The Sentry request details about the company from the Registrar of Companies who could have provided the relevant information. See [Annex 7](#).

Emmanuel Akol Ayii Madut (Dormant since 2012)

The Report alleges that Emmanuel Akol Ayii Madut “*has been a shareholder in Alok Forex Bureau*.” This statement was made under the heading ‘Financial Sector’ in the context of allegations that “*The NSS is also involved in critical aspects of the financial sector, from taxation and revenue collection to banking and foreign exchange. Its capture of revenue streams and government institutions allows the NSS to operate without concern for accountability and ensures a constant source of funding for their operations.*”⁴⁶

In his letter of complaint to The Sentry dated 6 January 2023, he explained that while he did participate as a shareholder upon formation of Alok Forex Bureau, the company ceased its operations, and the Central Bank of South Sudan revoked its licence in accordance with its respective regulations. Mr Madut stated that he subsequently relinquished his shareholding in the company and placed on record that Alok Forex Bureau’s operations had no direct or indirect shareholding or affiliation with the NSS or any of its members. A letter from Dier Tong Ngor, Governor of the Bank of South Sudan dated 4th February 2019 confirms that the Alok Forex Bureau licence expired on 24th June 2018 and was not renewed. See [Annex 8](#).

Furthermore, the Directorate of Registration of Businesses’ letter dated 20th December 2022 confirms that the company has been dormant since 2012. See Annex 5. Mr Madut was not contacted by The Sentry prior to the publication of the Report. In his letter, he requested The Sentry to retract the allegations, issue a public apology and examine the corporate records. The Sentry’s “*wanton disregard for truth and good faith*” has sought to “*tarnish*” Mr Madut’s reputation. See [Annex 8](#).

⁴⁶ Report, p.16.

Napoleon Adok Gai and Harvest Trade & Development Bank (Dormant since 2013)

The Report alleges that *“The NSS is also involved in critical aspects of the financial sector, from taxation and revenue collection to banking and foreign exchange. Its capture of revenue streams and government institutions allows the NSS to operate without concern for accountability and ensures a constant source of funding for their operations.”*⁴⁷ Specifically, The Sentry makes allegations against Napoleon Adok Gai and alleges that as the Director-General of the National Communications Authority, he is a *“shareholder in Harvest Trade and Development Bank.”*⁴⁸ Despite holding a public position, Mr Gai was not contacted by The Sentry prior to publication of the Report.

In his letter to Sentry dated 6th January 2023, Napoleon Adok Gai labelled the report *“defamatory”*, causing him *“considerable distress”* and that it has *“brought his name into public scandal and odium.”* The allegations against him are manifestly untrue and seek to misrepresent his influence in the banking sector. Mr Gai explains that Harvest Trade and Development Bank was a business proposed by his family and that his name was included as one of the shareholders by his maternal uncle, Hon Professor Moses Macar Kacuol, the Former Vice President of the Republic of Sudan (2001-5). He states that the bank *“never secured a licence from the Central Bank of South Sudan and was not established and has never traded. The registration of the company was not renewed after 2014.”* See [Annex 9](#). Both the Central Bank of South Sudan and MOJCA have confirmed Mr Gai’s information. In particular, the Central Bank confirmed that Harvest Trade and Development Bank is not registered with the Central Bank of South Sudan. While MOJCA confirmed that the entity has been dormant since its registration and that it had not been contacted by The Sentry to access the Registry of Company Records as claimed in the Report.

In addition, Mr Gai’s maternal uncle Professor Moses Macar Kacuol, who initiated the business idea, provided a letter dated 4 January 2023, confirming that the bank had never been established. See [Annex 10](#). In his role as Director General of the National Communication Authority (NCA) and as a member of the civil service, Mr Gai stated that his duty is to *“serve the nation by bringing services to the people of South Sudan through growing the telecommunication sector as an enabler of economic growth and national development. The NCA is held accountable by an active, independent, multi-stakeholder governance Board.”*

Mr Gai has called for the immediate retraction of the Report and its removal from all online sources and platforms. He has also demanded an unqualified apology. To date, he has not received a response from The Sentry.

In a further allegation against Mr Gai, The Sentry asserts that *“Gai is also currently the director-general of the National Communications Authority and has in the past been accused of “illegally” and “unlawfully” monitoring the phone communications of those suspected to be working against the government.”*⁴⁹ Two footnote sources are cited, one of which provides no support whatsoever for the allegation.⁵⁰

The second source is a newspaper report from 2016 from The Sudan Tribune, referring to a case in the High Court where Mr Gai as a witness had applied to have his identity concealed in

⁴⁷ *Ibid.*

⁴⁸ Report, p.17.

⁴⁹ *Ibid.*

⁵⁰ Report, FN 230 does not support the allegation in the Report.

relation to his work monitoring phone communications of individuals alleged to have been working against the GoSS. This related to the trial of sixteen individuals who were being tried for embezzlement of public funds from the Office of the President including the Chief of Staff of the President. Fourteen of the accused were convicted.

The Defence challenged the admission of the evidence as it had not been authorised at the time by court order. The allegation made by The Sentry against Mr Gai is not set within its proper context. In the trial, the Prosecution and the witness believed the evidence was admissible in the national interest. The Court ruled otherwise and demonstrated the independence of the judiciary. Similar early rulings on matters of admissibility have been made for example in the UK⁵¹ and the US,⁵² with the law having since undergone further development.⁵³

⁵¹ In England and Wales, the case of *Malone v. United Kingdom* [1984] ECHR 10 (2 August 1984) set out the boundaries of the State in exercising its power to intercept private communications. It concerned the question of interceptions effected by or on behalf of the police within the general context of a criminal investigation. The applicant complained that by intercepting his correspondence and telephone conversations the police had violated his right to private life. While it was accepted as lawful and settled practice in England and Wales at the time that private postal communications could be intercepted, the ECHR held that “it cannot be said with any reasonable certainty what elements of the powers to intercept are incorporated in legal rules and what elements remain within the discretion of the executive.” [Malone v. United Kingdom, ECHR Judgment at para 79] The mere fact that a law allowing interception of telephone conversations and postal correspondence existed interfered with the right of private life of the applicant. [ECHR Judgment at para 64.] The exercise of interception, because of its inherent secrecy, carries with it a danger of abuse and could have harmful consequences for democratic society as a whole. Thus such interference can only be regarded as “necessary” if the law provides for adequate guarantees against abuse. [ECHR Judgment at para 81.] It was held that that the law of England & Wales **was insufficiently clear to provide guarantees against abuse**. Accordingly, the interception was held to be violation of Art. 8 ECHR.

⁵² The US Supreme Court judgment in *Weiss v. United States* [308 U.S. 321 (1939)] held that “evidence of intercepted intrastate telephone communications ... was inadmissible in a trial in the federal court, and it was prejudicial error for the court to admit such evidence either by permitting the parties to the telephone conversation, who had turned state's evidence, to read the stenographic transcript, or by allowing the prosecutor to put the stenographic transcripts and phonograph records in evidence upon identification by the parties to the conversation. The basis for the decision was that the communications under the circumstances were not “authorized by the sender”. [Weiss v. United States, SC Judgment, para. 4. The principle in this case was derived from para 605 of the Communications Act of 1934, that “no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person.”]

⁵³ In the UK, the general rule today is that intercept evidence is inadmissible in criminal proceedings. The legislation regulating the interception of communications is contained in Part 2 of the Investigatory Powers Act 2016 ('IPA'). The IPA imposes a broad exclusion on the use of intercept material in legal proceedings [IPA 2016, Section 56(1)]. The prosecution is permitted, to some extent, to obtain intercept evidence for the purpose of enabling them to determine what is required of them by their duty to secure the fairness of the prosecution [IPA 2016, Schedule 3, para 21]. They may not, however, use this information as evidence in a trial. Recent developments in case law have however challenged this long-standing position and the recent convictions in the Encrochat hacking scandal are a good example. The facts are that Encrochat (an encrypted phone app service) was hacked in France and the Netherlands and the data of its users publicly exposed. The relevant question was then whether evidence obtained from the hacked data could be challenged as unlawful and inadmissible in criminal proceedings in England. The Court of Appeal in *A, B, D & C v Regina* [2021] EWCA Crim 128 held that such material could be admitted. The question under Section 4 of the Act, which defines 'interception', was whether the material was “being transmitted” at the time it was accessed or whether it was being “stored in or by the telecommunication system” (i.e. the EncroChat device) [A, B, D & C v Regina [2021] EWCA Crim 128, para 152]. Both are types of interception, but **intercepted material that is being stored is admissible**, whereas **material being ‘transmitted’ is not** [IPA 2016, Section 56(1), Schedule 3(2)(a) and Section 6(1)(c)]. The original trial judge held that the intercepted material was being stored, as it was being accessed from the device's memory and then copied to the police. On appeal, the Court of Appeal agreed, holding that ‘transmission’ takes place “after the communication has been put into its final form” by the device [A, B, D & C v Regina [2021] EWCA Crim 128, para 64]. The material that “remains on the device is not what has been transmitted, but a copy of it” [A, B, D & C v Regina [2021] EWCA Crim 128, para 68]. Ultimately, what counts as 'transmission' is a question of statutory interpretation, not technical evidence, and therefore one for the Court to determine. A, B, D

Other Companies

In addition to the individuals and companies cited above, five other companies which have been dormant since 2012, 2014 and 2015 and yet they are cited in the Report in the context of “Profitable” and “International” connections, alleging that members of the NSS hold stakes in a number of oil companies, and an aviation company. These dormant companies are (i) Vukanni Aviation,⁵⁴ (ii) Kush Petroleum Ltd,⁵⁵ (iii) Eastpet Oil Services Ltd,⁵⁶ (iv) Zamaan Ltd⁵⁷ and (v) Nile Investment Partners Ltd.⁵⁸ The dates of dormancy are set out in the letter from the Directorate of Registration of Businesses’, dated 20th December 2022. See Annex 5. The Sentry failed to obtain up-to-date information in respect of any of these companies.

iv. Misrepresentation of ‘Profitable Connections’ in the Oil Sector

The Sentry alleges that “*National Security Service officials hold stakes in a number of oil companies*” and thereby have “*Profitable Connections.*” Letters written to The Sentry since

& C v Regina [2021] EWCA Crim 128 has to some extent blown the hatches on what was before considered to be a blanket ban on the use of intercept evidence in criminal proceedings in the UK. A further potential avenue for admitting such material is when the interception was not done in the UK so could not be excluded by Section 56 of the Act although this ground was not considered by the Court of Appeal.

In the US, The Electronic Communications Privacy Act (“ECPA”) 1986 is the overarching legislation governing communications. The ECPA protects wire, oral, and electronic communications while those communications are being made, are in transit, and when they are stored on computers. It applies to email, telephone conversations, and data stored electronically. Subdivided into different pieces of legislation (referred to as “Titles”) the first Title (often referred to as the ‘Wiretap Act’) prohibits the “intentional, actual or attempted interception, use, disclosure, or procure[ment] [of] any other person to intercept or endeavour to intercept any wire, oral, or electronic communication [18 U.S. Code § 2515].” Title I also prohibits the use of illegally obtained communications as evidence [18 U.S. Code § 2515]. There are exceptions to this blanket prohibition, such as if the interception is authorised by statute for law enforcement purposes or consent of at least one of the parties is given [18 U.S. Code § 2515]. Though the Supreme Court has never considered directly whether stored electronic communications are entitled to Fourth Amendment protection, the Court has assumed (without concluding) that individuals have a reasonable expectation of privacy in stored messages [*Quon v. City of Ontario*, CA, 560 U.S. 746, 748 (2010)] and private communications [*Nixon v. Administrator of General Services*, 433 U.S. 425, 463 (1977)]. Prior to the enactment of the ECPA, the Supreme Court overturned a state law in New York that authorized the collection of private communications [see *Berger v. New York* 388 U.S. 41, 55 (1967)]. The Court noted that “The need for particularity and evidence of reliability in the showing required when judicial authorization of a search is sought is especially great in the case of eavesdropping. By its very nature eavesdropping involves an intrusion on privacy that is broad in scope.” [Nixon v. Administrator of General Services, 433 U.S. 425, 463 (1977)]. Due to the intrusive nature of eavesdropping, the Court found that government eavesdropping on private communications would require “(1) prior judicial authorization, (2) specification of particular offenses said to justify the intrusion, (3) specification ‘with particularity’ of the conversations sought to be seized, (4) minimization of the duration of the wiretap, (5) termination once the conversation sought is seized, and (6) a showing of exigent circumstances justifying use of the wiretap procedure” [Nixon v. Administrator of General Services, 433 U.S. 425, 463 (1977)] The “Berger requirements” were adopted in Nixon v. Administrator of General Services, 433 U.S. 425, 463 (1977) and have since formed part of the test for authorisation of a warrant. Interestingly, the appellate court in the more recent case of *United States v Lambus* (Second Circuit) Case no. 16-4296 overturned the decision of the lower court to suppress evidence obtained from wiretaps and GPS monitoring where warrants were not obtained legally. The case involved the use of information from a GPS tracker bracelet on a parolee, with the Judge in the appellate court finding that the officer’s mistakes were “not material” and further purporting that some people (a parolee in this case) should have “diminished expectations of privacy” [United States v Lambus (Second Circuit) Case no. 16-4296, page 15 line 4]. This is a controversial ruling and risks the dilution of statutory rights for different categories of people.

⁵⁴ Report, p.20.

⁵⁵ Report, p.15.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

publication by some of those individuals impacted reveal the lack of care taken to interrogate the information relied upon. The Sentry has published serious allegations without seeking to verify or speak with those named in the Report's organigram. Those named seek the retraction of the Report from the public domain and a public apology.

Jubek John Noel & Sue Drilling Ltd

The Report cites Jubek John Noel and Sue Drilling Ltd as examples of the allegation that NSS officials hold stakes in oil companies and thereby enjoy "*profitable connections.*"

In January 2023, the CEO of Sue Drilling Ltd, Mr James Mbikoyo Aquila sent a letter of complaint to The Sentry to set the record straight. See [Annex 11](#). Mr Aquila explained that while Jubek John Noel is a member of the NSS, Mr Noel failed to pay his share capital and has never been an active member of the company or consultant to the company. Mr Aquila emphasised that "*The Company has had no contractual relationship or business dealings with the NSS or the Government of South Sudan.*" He demanded that The Sentry retract the "*misleading and false*" allegations and that it makes "*a public apology to [the] company and to Mr Jubek John Noel for the reputational damage suffered*" otherwise the Company "*will be forced to take legal action.*" To date, no apology has been provided.

Ann Kathure Rutere and Trinity Energy

In the context of the serious allegation that NSS controls and profits from oil companies, The Sentry alleges that Miss Ann Kathure Rutere gave information to them to the effect that "*all companies in South Sudan have personnel from the NSS or relevant institutions attached.*"⁵⁹ The statement sent to The Sentry dated 9th January 2023 from Miss Rutere's lawyers explains that "*she never made any admission either directly or impliedly, that the NSS controls or benefits from private enterprise in South Sudan or elsewhere.*"⁶⁰ The Report does not include Miss Rutere's explanation that the officers who were attached to Trinity Energy were present as a matter of "*National security in the context of the Government providing support to private enterprises by ensuring and enforcing law and order.*"⁶¹ Miss Rutere's lawyer demanded a written, unqualified apology and an admission of liability for defamation. To date, neither have been forthcoming. See [Annex 12](#).

In her communications with Sentry prior to publication, Miss Rutere explained that The Sentry could obtain "*any information touching on operations and functioning of the Government of South Sudan, a sovereign state, ...from that government through the established channels.*" She stated clearly that she ceased directorship and operational involvement in Trinity Energy in May 2018. She also set out how she believed that The Sentry were relying on information provided by a former employee allegedly involved in criminal activity, who had a grudge against the company. She explained that it was common practice for companies in different sectors to have an attaché from the NSS, citing hotels, hospitality, media, factories and other corporates including banks. In Kenya, where Miss Rutere is a citizen, she explained that it is also common to have security staff attached to hotels and in many other sectors.

⁵⁹ Report., p. 16 and Correspondence to The Sentry on behalf of Miss Ann Rutere, 9 January 2023 appended [Annex 12](#).

⁶⁰ Correspondence to The Sentry on behalf of Miss Ann Rutere, 9 January 2023 appended [Annex 12](#).

⁶¹ Correspondence to The Sentry on behalf of Miss Ann Rutere, 9 January 2023 appended [Annex 12](#).

Miss Rutere also reiterated that The Sentry owed both her and the subject companies, *“a duty of care not to fabricate...or publish inaccurate, false or malicious information calculated to put [her] and/or the subject companies/entities into disrepute.”* She had asked The Sentry to double check the facts before publishing any content, otherwise The Sentry would risk losing its reputation.

Akot Lual Arech, Conex Energy, South Gas Energy & Alok Forex Bureau

Akot Lual Arech is both a South Sudanese and American citizen. He was contacted by The Sentry prior to the publication of the Report, met with researchers and responded to a series of questions sent to him by email. In spite of Mr Arech’s explanation, The Sentry proceeded to publish the *“frivolous”* allegations against both himself and his wife, Mary Akuel Arech.

Under the heading *“Profitable Connections”* and in the context of alleged *“Economic Capture”* by members of NSS of the oil sector, Akot Lual Arech’s name is included in an organigram in The Report⁶² alleging that he was the Director of Conex Energy and South Gas Energy. It was stated that *“Arech’s fellow shareholders in Conex Energy include Kiir’s granddaughter, and until August 2014, the president’s daughter, Adut Alva Kiir, owned shares in the company.”*

It also alleged that Mr Arech *“had been a shareholder in Alok Forex Bureau alongside inter alia his wife, Mary Kuel Arech.”* The Sentry claimed that *“Arech was Kiir’s personal secretary”* and that *“he told The Sentry that the president calls him “uncle”, an indication both of respect and of a community relationship.”*

In relation to Conex Energy, Mr Arech explained to The Sentry that during the formation of the company, he was invited to be among the signatory shareholders but that later on, when he could not deliver the initial start-up capital due to a lack of finances, he was removed from the signatory list. The letter from the Directorate of Registration of Businesses dated 20th December 2022 sets out that this company last produced accounting reports in 2019. See Annex 5.

Concerning South Gas Energy Company, Mr Arech explained that he had neither association nor knowledge of the existence of this company. The letter from the Directorate of Registration of Businesses dated 20th December 2022 sets out that this company did not exist in their database.

In relation to Alok Forex Bureau, upon registration of the company, both Mr Arech and his wife were invited to become shareholders, but they were both removed due to not delivering their start-up capital. This information was provided to The Sentry. The letter from the Directorate of Registration of Businesses dated 20th December 2022 sets out that this company has been dormant since 2012. The licence was revoked by the Central Bank of South Sudan in 2019 in accordance with their regulations.

Regarding his relationship with President Kiir and his position as his personal secretary, he explained in his communications with The Sentry that, by birth, the President is his maternal relative. He also explained that *“Salva’s father’s grandmother is from our clan, so he calls me uncle.”* When Salva Kiir became President, Mr Arech became his Personal Secretary and by

⁶² Report, p. 15.

virtue of this position, was automatically attached to the NSS. However, he resigned from the position on 11th October 2011, which is a matter of public record. These facts were ignored by The Sentry. He explained that he had never been trained, given any assignment in any NSS mission or an NSS salary.

While in America, Mr Arech got married, had a family and created a Non-Profit Organization called Jumpstart Sudan, the aim of which was to provide supplies of school materials, mosquito nets, blankets and medicines to Sudan, as it then was. He was an executive director but did not receive a salary.

Mr Arech concludes by stating that his reputation has been tarnished by the Report's false allegations. He seeks a public retraction of the allegations, the conduct of additional verification research and an apology to him and his family.

IV. Incorrect Organizational Structure of the NSS

The Transitional Constitution of the Republic of South Sudan, 2011 pursuant to Articles 160 and 161 respectively established the NSS. The structure, mission, mandate, functions of the Service and the terms and conditions of the services of its personnel are prescribed in the National Security Service Act 2014. The NSS also has a parliamentary oversight mechanism called the Specialized Standing Committee on Defence, Security and Public Order. At Cabinet level, the NSS is represented by the Minister of National Security who also serves as a Member of the National Security Council (NSC) of South Sudan.

The organizational structure of the NSS relied upon by The Sentry is incorrect, out-of-date and does not reflect the current structure of the organisation. Neither does it represent "*the structure of the NSS when it was constituted in 2013.*" The diagram relied upon by The Sentry is no more than a proposed structure for the organisation in 2013, which was in fact not adopted. Inclusion of such a diagram demonstrates The Sentry's disregard for insisting upon up-to-date information to demonstrate the present-day reality of the organisation. The correct organizational structure has been included in [Annex 13](#). The Sentry failed to contact the NSS leadership including the oversight bodies prior to publication to verify the chart relied upon.

V. Insufficient Evidential Basis for Far-Reaching Allegations of NSS Crushing Civil Society

The Report makes generic and far-reaching allegations against the institution of the NSS⁶³ based only on hearsay and information obtained from two unnamed individuals.

The hearsay sources consist of one media report,⁶⁴ a generic one-page statement from the UN Secretary General on free press,⁶⁵ a generic one-page statement from UN OHCHR on the importance of protecting civil space,⁶⁶ a Human Rights Watch report⁶⁷ and one paragraph from a report from the UN Panel of Experts, published nearly four years ago.⁶⁸ The credibility of the two unnamed individuals cannot be probed given their anonymity.

⁶³ Report, p.12.

⁶⁴ Report, FN 137.

⁶⁵ Report, FN 81. No specific mention of South Sudan.

⁶⁶ Report, FN 127. No specific mention of South Sudan.

⁶⁷ Report, FN 1.

⁶⁸ Report, FN 134.

i. Freezing of Assets

By way of example, one of the wide-ranging and erroneous allegations included in the Report is that *“In July of 2021, the NSS instructed the Bank of South Sudan, the country’s central bank, to order commercial banks in South Sudan to freeze the assets and bank accounts of civil society members carrying out work that the NSS did not agree with.”*⁶⁹

Assets were in fact frozen by the Bank of South Sudan on **6th October 2021** and not by the NSS. Neither the correct context, nor the detail of the freezing of assets was included by The Sentry.

On **3rd August 2021**, a criminal complaint was made before the Public Prosecution Authority of Northern Police Division by Daw El Bit Adam representing the South Sudan Police Service against seven named individuals, all of whom were members of a Non-Profit group established in 2018 in South Sudan called The People’s Coalition for Civil Action (PCCA). The basis of the complaint related to attempts by the individuals to *inter alia* subvert constitutional government and participate in gatherings with the intent to promote public violence and breaches of the peace, pursuant to sections 48,66,67,74,75 and 76 of the Penal Code 2008.

On **6th October 2021**, a letter was written by the Director General of Banking Supervision, Research and Statistics (Bank of South Sudan) to all commercial banks operating in South Sudan with a directive to freeze and block the bank accounts of five of the seven suspects.

On **20th December 2021**, the Senior Public Prosecution Attorney from within the Ministry of Justice and Constitutional Affairs made an Order of Attachment of Accounts and Properties of the seven suspects. The document authorised and required the police and NSS to *“seize and attach the movable and immovable Properties belonging to the said accused persons.”*

Forensic evidence gathered during the investigation led to the State Legal Administration and Public Prosecution Attorney finding on **26th July 2022** that there was sufficient evidence to charge the individuals under sections 48, 52, 63, 66,67,74,76 and 80 of the Penal Code of South Sudan 2008, namely in respect of offences relating to subverting constitutional government, causing disaffection among police forces or defence forces, publication and communication of false statements prejudicial to South Sudan, undermining the authority of the President with knowledge of realizing that there is a real risk and possibility that statements were false and may endanger feelings of hostility or cause hatred, contempt or ridicule. The report concluded that charges must be brought against the individuals, a number of whom had since absconded and left South Sudan.

On **9th September 2022**, a Special Court in Juba was established for the trial of those charged. The cases were ultimately dismissed for lack of evidence and six others absconded.

The Sentry’s erroneous allegations against the NSS betrays its lack of investigative rigour and displays its failure to set to out the correct information in respect of the legal process that was followed concerning the arrest, investigation, charge and freezing of assets of individuals within the PCCA. The relevant documents referred to above are attached in Annex 14.

⁶⁹ Report, p.12.

ii. Deng Tong Kenjok

The Sentry also made an allegation within its section on *“Crushing the Civil Society”* that Deng Tong Kenjok, *“the former registrar general of the governmental Relief and Rehabilitation Commission and an NSS agent...played a key role in pushing forward new and confusing policies on humanitarian activities and saw NGO fees raised in 2017.”*⁷⁰ Again, the sources relied upon for these allegations consist merely of a newspaper report explaining the Government’s decision to increase registration fees for aid agencies and one paragraph from a report of the UN Panel of Experts, published nearly four years ago.⁷¹

Deng Tong Kenjok is an officer from the Internal Security Bureau (ISB) and pursuant to the provisions of the National Security Service Act, officers and personnel from the NSS are deployed in various Government institutions to protect the National Security interests of the country. Deng Tong was deployed to the Relief and Rehabilitation Commission (RRC) before being assigned to a foreign posting.

The GoSS denies the allegation that Mr Kenjok played a *“key role in pushing forward new and confusing policies”*. In plain terms, Sudan’s NGO Act of 2003 was repealed and replaced with South Sudan’s NGO Act of 2016 which for the first time introduced the regulation of NGOs and civil society organizations, common in many countries.⁷² The NGO Act of 2016 was passed by the National Assembly in January 2016 and was signed into law by the President on 10th February 2016. Some donors, NGOs and civil society organisations resisted the introduction of regulation. None of these bodies were fined or deregistered. Mr Deng Tong Kenjok was the newly appointed regulator and Chief Registrar of the NGOs. The increase in registration fees for local NGOs was 50 US dollars, from \$450 to \$500, changes made due to the increasing demand of humanitarian needs in the country. The substantive allegations against Mr Kenjok are baseless.

The Sentry also alleges that *“The NSS has taken the lead role in restricting the activities of anyone who is critical of the government, particularly journalists and civil society representatives, according to the report. These efforts are often led by Deng Tong Kenjok, an active NSS agent who ran the South Sudan Relief and Rehabilitation Commission”*.

The one source relied upon for this substantial allegation is a two-page hearsay extract from a UN Panel of Experts report, issued almost 4 years ago in April 2019.⁷³ This UN report relies on unnamed sources in interviews dating back to 2018 and 2019, none of which can be verified for either accuracy or potential bias.⁷⁴ It is also unclear precisely how many interviewees formed the basis of the information and allegations contained in the 2019 UN Panel of Experts report. Mr Deng Tong Kenjok was not contacted or confronted with the allegations Sentry makes against him before publication.

⁷⁰ Report, p.12.

⁷¹ Report, FN 134 and 137.

⁷² For example, there are regulatory requirements for NGOs in Ethiopia, Kenya, Rwanda, Tanzania, Uganda and England and Wales.

⁷³ S/2019/301, Final Report of the Panel of the Experts on South Sudan submitted pursuant to Resolution 2428 (2018), 9 April 2019 (<https://www.securitycouncilreport.org/un-documents/document/s-2019-301.php>), pp.17 and 52.

⁷⁴ S/2019/301, Final Report of the Panel of the Experts on South Sudan submitted pursuant to Resolution 2428 (2018), 9 April 2019 (<https://www.securitycouncilreport.org/un-documents/document/s-2019-301.php>), FNs 50, 249-254.

VI. No Substantive Underpinning for the Imposition of Sanctions

The Report recommends the imposition of targeted network sanctions against *inter alia* Mr Jalpan Obyce, advising the US, UK, EU, Canada and Australia to urgently investigate and if appropriate, impose sanctions.⁷⁵

Alarming, the Report offers no evidence in support of its recommendation to have sanctions imposed against Mr Obyce. It merely posits that he has been a US citizen since at least 2012 when he was registered to vote and has owned property in Texas since 2003 both of which The Sentry alleges are “*likely to provide [him] with access to the US financial system and subject [him] to US law.*”⁷⁶ No criminal behaviour or misconduct by Mr Obyce is alleged in the Report. The recommendation of the imposition of sanctions against Mr Obyce is irresponsible particularly given its potential impact on both the individual’s reputation and more widely, the stability of the country which is still struggling to recover from two attempted coups.

In his letter to The Sentry dated 10th February 2023, Mr Obyce began by correcting the Report’s organigram⁷⁷ confirming “*that there is no Shared Services Legal Department*” as incorrectly alleged. As a “*senior professional civil servant of the Republic of South Sudan, and a law-abiding citizen of the United States of America,*” since 2005, he stated that “*none*” of the “*allegations of corruption and human rights abuses*” made against him in the report have “*any foundation*”. He explained that there is “*a plain attempt by The Sentry to construct a false and misleading context to defame [his] character and reputation. The level of inaccuracy within the report is such that no bona fide human rights organization would issue such poorly researched and defamatory material unless they had an insincere motive to cause harm, distress and incite conflict.*” Mr Obyce demands a “*public letter of apology, a retraction of what has been alleged and a withdrawal of the Report.*” See [Annex 15](#).

VII. No Visit to South Sudan to Investigate the Allegations Before Publication

No visit to South Sudan was conducted by The Sentry prior to publication of its report. Given the wide-ranging and grave nature of the allegations, it is of great concern that there has been no visit by The Sentry to seek to verify or corroborate the information obtained as part of its desk research on the ground in South Sudan.

VIII. No Regard for the Positive Developments Within the NSS

The Report has no regard for the positive developments that are taking place within the NSS in South Sudan in respect of the establishment of NSS Tribunals, a complaints procedure, NSS reforms and detention centres. It is notable that no contact was made with the higher echelons of the NSS to investigate the current situation and to seek a direct response to the allegations made in the Report. An outline of these developments for the benefit of The Sentry is set out below.

⁷⁵ Report, pp. 4 and 23.

⁷⁶ Report, p. 20.

⁷⁷ Report, p. 6.

i. Establishment of NSS Tribunals

In December 2019, the NSS announced the establishment of two separate tribunals, namely a summary tribunal and a non-summary tribunal.⁷⁸ The legal basis for their establishment is the National Security Service Act 2014.⁷⁹ The tribunals have broad jurisdiction to try members of the NSS accused of criminal acts, disciplinary matters, breaches of the National Security Act 2014, and any other laws and regulations, including human rights violations.⁸⁰ The composition of the tribunal is dependent on the seriousness of the offence. For the most serious offences that carry prison sentences of over 5 years (and for some that potentially carry the death penalty), the tribunal is composed of four officers and a High Court judge.⁸¹ The NSS tribunals are bound by the procedures laid down in South Sudan's Code of Criminal Procedure.⁸²

Despite only being recently established, from July 2022 to February 2023, the NSS's Summary and Non-Summary Tribunals have held trials in relation to 17 distinct matters, some of which are ongoing.⁸³ A table summarising the nature of these proceedings is attached at Annex 16. By way of example, two National Security Non-Summary Service Tribunal Judgements and a Judgement of the NSS Service Tribunal are attached in Annex 17.

⁷⁸ A/HRC/46/CRP.2, Detailed findings of the Commission on Human Rights in South Sudan, 18 February 2021 (https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf), para 41. See also National Security Service Act 2014, Section 77, National Security Service Act 2014. The offences in the Act are listed in Sections 57-75 although note that there is provision for an accused to be tried and punished either in the NSS tribunal or civil or customary courts (by decision of the Minister of Justice) for crimes in contravention of other penal laws (see National Security Service Act 2014, Section 56 sub-sections (1) and (2)). For full text of National Security Service Act 2014 see <https://paanluelwel2011.files.wordpress.com/2016/04/national-security-services-nss-act-2014.pdf>.

⁷⁹ See National Security Service Act 2014, Chapter IX.

⁸⁰ A/HRC/46/CRP.2, Detailed findings of the Commission on Human Rights in South Sudan, 18 February 2021 (https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf). For full text of the South Sudan Penal Code 2008, see <https://www.warnathgroup.com/wp-content/uploads/2015/03/South-Sudan-Penal-Code-TIP-Articles.pdf>

⁸¹ National Security Service Act 2014, Schedule III, para 3. "Non-summary Service Tribunal in offences punishable with death or prison terms exceeding 5 years; four officers of senior ranks than the accused, a judge of the High Court or advocate of at least 7 years standing provided that the Chairperson of the Tribunal is of a senior rank than the rest of the officers of the tribunal."

⁸² National Security Service Act 2014, Section 79(5). For full text of Code of Criminal Procedure Act 2008 see <https://acjr.org.za/resourcecentre/South%20Sudan%20Code%20of%20Criminal%20Procedure%20Act%202008.pdf/view>.

See also A/HRC/46/CRP.2, Detailed findings of the Commission on Human Rights in South Sudan, 18 February 2021 (https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf), para 45: "Outside of the NSS tribunals, the Commission notes that NSS personnel appearing before civil courts and being subject to civil authority is a welcomed step."

⁸³ Official Statistics from the NSS Office of the Director General Legal Affairs Directorate, dated 10 February 2023, covers active and completed cases for the period July 2022 – February 2023. During this period there were 10 non-summary trials (all of which are still ongoing) and 6 summary trials (four of which have concluded with two ongoing). Of the current non-summary trials, two are for the offence of murder while others include abuse of power and position, unlawful disposal of a weapon, unethical conduct and offences relating to property. Of the four concluded summary trials, one imposed a sentence of 3 years imprisonment (plus dismissal from NSS) for theft, indiscipline and improper conduct; one imposed a sentence of 3 years (with dismissal) for drug dealing; one imposed a sentence of 2 years (with dismissal) for unlawful disposal of a weapon; while a sentence of 6 months was imposed for indiscipline. The two current summary trials relate to indiscipline, criminal intimidation and misconduct and criminal use of force.

ii. NSS Complaints Procedure

The NSS Act 2014 provides for an internal accountability mechanism through the establishment of a Complaints Board.⁸⁴ The complaints board can accept complaints about the procedural actions of the NSS from “*any person*” (this includes both the public and NSS agents).⁸⁵

Members of the board are appointed by the President upon recommendation of the Judicial Service Commission.⁸⁶ The Complaints Board has the same powers of the High Court to order production of relevant documents and summon witnesses.⁸⁷ Hearings are held in private⁸⁸ and where a complaint is upheld, recommended disciplinary action to be taken against the NSS member will be reported to the President or the Director General for final decision with the complainant informed in writing of the Board’s decision.⁸⁹ An example of a Complaint Form is attached in [Annex 18](#). In addition, there is also a Complaints Department within the Legal Department of the NSS.

iii. Reforms in NSS Recruitment and Training

The NSS has an established recruitment procedure.⁹⁰ The position of ‘Officer’ requires the attainment of a degree (a diploma is also considered acceptable). For the role of ‘Non-Commissioned Officer or other “personnel” a certificate is required.⁹¹

All Officers and Non-commissioned Officers (NCOs) are expected to attend training at least once a year. In recent years, NSS officers (and non-commissioned officers) have attended joint training sessions conducted by UNMISS and the International Committee of the Red Cross (‘ICRC’) on international humanitarian law. Training programmes have also taken place with the Media Authority and national journalist unions on the legal limitations to freedom of expression.⁹²

Specific training on conditions of detention centres and treatment of detainees has also been provided by the ICRC.⁹³ This training included officers from the South Sudan National Police Service and Prison Services. Other training has included Officers and Non-Commissioned Officers from the Directorate of Legal Affairs on the Code of Criminal Procedures 2008.

There has also been joint training of officers and Non-Commissioned Officers from the National Security Service with those from the South Sudan National Police Service and the Prison Services (Correctional Centers) by the ICRC on how to manage detention cells and treat

⁸⁴ National Security Service Act 2014, Section 20.

⁸⁵ National Security Service Act 2014, Section 20 (5) provides that “any person [...] may make a complaint.”

⁸⁶ National Security Service Act 2014, Section 20 (1). The Board is comprised of the Head of the Legal Department of the NSS, two advocates (one of which must be a woman) and a religious leader (s. 20(1)(b)). The Board is chaired by a High Court judge (s. 20(1)(a)).

⁸⁷ National Security Service Act 2014, Section 21(1)(c).

⁸⁸ National Security Service Act 2014, Section 21(3).

⁸⁹ National Security Service Act 2014, Sections 21(4) and (5).

⁹⁰ National Security Service Act 2014, Section 33.

⁹¹ *Ibid.*

⁹² Government of South Sudan, Internal Briefing Document on Recent Reforms within the National Security Service, January 2023.

⁹³ *Ibid.*

detainees. Detention cells and the welfare of detainees are checked daily to ensure acceptable conditions and that the rights of detainees are complied with.⁹⁴

IX. NSS Detention Centres

The Response of the Revitalised Transitional Government of National Unity (“RTGoNU”) to the UN Panel of Experts Report (UNPOE Report)⁹⁵ in 2020 challenges and rebuts the allegations of poor conditions at detention centres and the mistreatment of detainees by NSS officers. The allegations, that the UNPOE Report claim are ‘corroborated’ by other evidence, recycle earlier UNPOE reports⁹⁶ using familiar (i.e. supportive) media sources⁹⁷ that all follow a narrow and flawed narrative. In its Report, The Sentry relies on the recycling of information from the UNPOE, taking no regard for the information contained in the RTGoNU’s rebuttal of allegations.

Notwithstanding the inherent flaws in the UNPOE’s information as exemplified through basic factual errors⁹⁸ and the failure to provide a reason for refusing the official invitation by the NSS to visit and inspect the Blue House and Riverside facilities,⁹⁹ the NSS present in its response a contrasting picture of both facilities. Far from being notorious places of detention where detainees are abused,¹⁰⁰ the Blue House and Riverside serve as the Internal Security Bureau (ISB) headquarters and offices.¹⁰¹

The Sentry’s recycled information from the UNPOE provides an inaccurate structural layout of the detention facility at Riverside¹⁰² to substantiate its wide-reaching claims of poor living conditions, torture, killings and a culture of impunity. There is in fact only one holding cell which accounts for a tiny part of the modernised and fully renovated building. Riverside is

⁹⁴ *Ibid.*

⁹⁵ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#).

⁹⁶ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). See also S/2020/342, Final Report of the Panel of the Experts on South Sudan submitted pursuant to Resolution 2471 (2019), 28 April 2020 (<https://www.securitycouncilreport.org/un-documents/document/s-2020-342.php>) at p. 31. See also S/2019/301, Final Report of the Panel of the Experts on South Sudan submitted pursuant to Resolution 2428 (2018), 9 April 2019 (<https://www.securitycouncilreport.org/un-documents/document/s-2019-301.php>).

⁹⁷ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). On the section of NSS, the report records 16 separated sources. Out of the 16 sources, one is an online newspaper, and the other source is a Facebook post. The remaining 14 sources are said to be confidential interviews from individuals from undisclosed locations. Furthermore, the report fails to meet a minimum standard for research methodology, suffers in its contextual content and misses crucial facts.

⁹⁸ For example, the UNPOE report refers to the Blue House and Riverside incorrectly as “detention centers”; and identifying personnel from the South Sudan National Police Service (SSNPS), and CID who were brought in to assist as liaison officers as being in charge of the NSS and responsible for the alleged brutalities.

⁹⁹ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#).

¹⁰⁰ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). Blue House and Riverside attracted a reputation for mistreatment from the era of the previous Khartoum regime.

¹⁰¹ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). The building houses the offices of the Director General of the Bureau, Legal Department and Human Resources as well as other relevant offices of ISB.

¹⁰² Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#).

located in a public area, next to a busy immigration service centre and water purification site managed by a foreign company.¹⁰³ Soldiers reside there and conduct routine operations in Juba city.¹⁰⁴ NSS officers who have committed criminal offences, soldiers awaiting court martial and other detainees are treated humanely and are visible roaming freely within the veranda area of the unit.¹⁰⁵ This is not a secret location and its true image does not correspond with the description of the facility (and what allegedly takes place) within the UNPOE Report.

The Blue House, contrary to the allegations, has cells “*fitted to modern standards of comfort and living. The cells are used exclusively for holding individuals awaiting trial. Detainees include suspects who pose a danger to national security and include members of the NSS suspected of criminal offences.*”¹⁰⁶ Regular family and legal visit rights are respected. The building is located within a residential area where NSS staff regularly interact socially with civilians on the adjacent football pitch outside the building.¹⁰⁷ This contrasts with the nefarious reputation of NSS officers that The Sentry recycles from the UNPOE Report and other sources it relies upon.

In January 2019, NSS detained Brigadier General Malual Dhal Muorwel and 25 others at Riverside as a result of allegations of the unlawful detention, harassment and assault of a Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism team.¹⁰⁸ This related to an incident which took place on 18 December 2018 in Luri. However, the UNPOE in filing their report to the UN Security Council on 9 April 2019 failed to include the fact that Brigadier General Muorwel had been detained, charged and sentenced along with other officers for their conduct. The Sentry’s report issued in December 2022 recycles this misleading and incomplete information from the UNPOE without checking or providing the full facts as would be expected of a reliable research organisation.

¹⁰³ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). The water purification site is managed by Japanese development agency, (JICA).

¹⁰⁴ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). Armed robberies, shootings, carjacking, rapes etc.

¹⁰⁵ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#).

¹⁰⁶ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#). Those awaiting investigations, pose danger to national security of the State, NSS violations and high value suspects such as the Terrain case.

¹⁰⁷ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended [Annex 19](#).

¹⁰⁸ S/2019/301, Final Report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018), 9 April 2019, para. 65 (https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2019_301.pdf). This resistance to the implementation of the revitalized peace agreement is well exemplified by a serious incident that took place at the National Security Service training and detention facilities in Luri. On 18 December 2018, a Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism team consisting of three international observers and a local driver travelled to the training centre to conduct an investigation into an alleged violation of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access. After being denied access to the training centre, the team was detained for more than four hours by National Security Service forces. Members of the monitoring team were harassed, seriously assaulted and robbed. A female member of the team was stripped naked during the assault. This constitutes a significant violation of articles 2.1.10.5 and 2.1.10.6 of the revitalized peace agreement and of paragraph 14 (g) of resolution 2428 (2018). The Panel has established that the detention and assault were ordered by Brigadier General Malual Dhal Muorwel, who was the National Security Service commander in charge of the Luri facilities.

Moreover, the ‘prison break’ by detainees held in the Blue House in October 2018 could easily have escalated into a violent and deadly confrontation but was peacefully resolved by the NSS through dialogue. Those involved in the prison break were not arbitrarily punished for their actions – they were prosecuted (publicly) in court with their rights observed.¹⁰⁹

X. Allegations of Illegal Detention

The Report section entitled ‘Illegal Detention’ is supported by **four sources**¹¹⁰ of which only **a single source** is relied on to support these allegations against the NSS. This single source is a Human Rights Watch report¹¹¹ referred to extensively throughout the Report.¹¹²

In the absence of any of its own research, The Sentry attempts to frame the allegations (all of them taken entirely from the Human Rights Watch report) without further verification¹¹³ by claiming that the NSS does not conform with the UN Human Rights Council’s Guide on Good Practice for Intelligence Agencies (“the UN Guide”).¹¹⁴ In doing so, The Sentry selects a few random lines from this source.¹¹⁵ A closer look at this source shows however that these quotes are taken out of context. The Report claims that the powers to arrest and detain a suspect bestowed on the NSS by law are a “*breach of international best practice.*”¹¹⁶ The Report refers to the UN Guide which it quotes as stating that intelligence services “*are not given powers of arrest and detention if this duplicates powers held by law enforcement agencies that are mandated to address the same activities.*”¹¹⁷ The actual text of the UN Guide makes it clear that intelligence agencies do not have powers of arrest and detention where “*they do not have a mandate to perform law enforcement functions.*”¹¹⁸ This vital line was omitted by The Sentry and confirms that powers of arrest and detention are legitimate where an intelligence service

¹⁰⁹ Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301), 27 May 2020 appended Annex 19.

¹¹⁰ This includes: (i) South Sudan National Security Service Act 2014 (<https://paanluelwel2011.files.wordpress.com/2016/04/national-security-services-nss-act-2014.pdf>), (ii) United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010 (<https://fas.org/irp/eprint/unhrc.pdf>), (iii) Human Rights Watch report, “‘What Crime Was I Paying For?’: Abuses by South Sudan’s National Security Service,” December 14, 2020 (<https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>), and (iv) African Charter on Human and People’s Rights,” (<https://www.achpr.org/legalinstruments/detail?id=49>).

¹¹¹ Human Rights Watch report, “‘What Crime Was I Paying For?’: Abuses by South Sudan’s National Security Service,” December 14, 2020 (<https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>).

¹¹² There are 12 references to this single Human Rights Watch report see Report, FNs 1, 2, 7, 15, 19, 20, 22, 36, 48, 51, 52, 129.

¹¹³ Human Rights Watch report, “‘What Crime Was I Paying For?’: Abuses by South Sudan’s National Security Service,” December 14, 2020 (<https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>)

¹¹⁴ United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010 (<https://fas.org/irp/eprint/unhrc.pdf>)

¹¹⁵ Report, p. 8.

¹¹⁶ Report, p.8.

¹¹⁷ United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010, p. 24 (<https://fas.org/irp/eprint/unhrc.pdf>)

¹¹⁸ United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010, p. 24 (<https://fas.org/irp/eprint/unhrc.pdf>)

has a legal mandate, which is the case in relation to the NSS.¹¹⁹ The UN Guide also acknowledges that “*The functions of intelligence services differ from one country to another*”.¹²⁰ The allegation that the NSS’s authority to arrest and detain suspects is “*a breach of international best practice*” is incorrect and baseless.¹²¹

The Sentry also attacks the mandate of the NSS by suggesting that it has no, or insufficient, legislative oversight¹²² to ensure compliance “*with international human rights standards on rights to liberty and fair trial, as well as the prohibition of torture and inhuman and degrading treatment*”.¹²³ In doing so, it fails to make any reference to the specific oversight protections contained in the National Security Service Act 2014.¹²⁴

The Report makes generic allegations with no specificity or particularity in respect of the actual offences alleged by the NSS. It concludes simply by stating that “*the NSS has been found to routinely make arbitrary arrests and detain people without access to legal counsel or a timely trial.*”¹²⁵ Again, it offers no evidence, examination, verification (or even page reference) of the single source on which it bases these allegations (i.e. the Human Rights Watch report).¹²⁶

The Report then moves on to the best practice guidelines on the operation of detention centres.¹²⁷ It accuses the NSS of operating its own, unlawful detention centres where “*detainees are often held without trial for a prolonged period with limited access to food, clean*

¹¹⁹ See South Sudan National Security Service Act 2014, Section 13(15) (<https://paanluelwel2011.files.wordpress.com/2016/04/national-security-services-nss-act-2014.pdf>)

¹²⁰ United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010, p. 5, para. 9 (<https://fas.org/irp/eprint/unhrc.pdf>)

¹²¹ A review of the guidelines in the UN Guide suggests that the NSS generally comply with international best practice. For example, (i) Practice 2, 3 and 27. The mandates and powers and competences of intelligence services are narrowly and precisely defined in a publicly available or national law” (see National Security Service Act 2014, in particular, section 13(15)); (ii) Practice 5 and 15. “Intelligence services are explicitly prohibited from undertaking any action that contravenes the Constitution or international human rights law.” (see National Security Service Act 2014 Chapters VIII and IX); (iii) Practice 6, 7 and 9 regarding complaints and oversight mechanisms – see National Security Service Act 2014, Chapter IV).

¹²² United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010, p. 24 (<https://fas.org/irp/eprint/unhrc.pdf>), “Practice 7. Oversight institutions have the power, resources and expertise to initiate and conduct their own investigations, as well as full and unhindered access to the information, officials and installations necessary to fulfil their mandates [page 30]. See also Chapter IX of the Act which provides for the separate criminal tribunals to try NSS members for violations of any criminal law and human rights.

¹²³ Report, p. 8.

¹²⁴ See National Security Service Act 2014, Chapter IV on NSS oversight mechanisms. Moreover, Article 18 of South Sudan’s 2011 Transitional Constitution prohibits torture, cruel, inhumane, and degrading punishment (https://www.constituteproject.org/constitution/South_Sudan_2011.pdf). South Sudan is also a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples’ Rights.

¹²⁵ Report, p. 8.

¹²⁶ Human Rights Watch report, “‘What Crime Was I Paying For?’: Abuses by South Sudan’s National Security Service,” December 14, 2020 (<https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>).

¹²⁷ United Nations General Assembly Human Rights Council, “Compilation of Good Practices on Legal and Institutional Frameworks and Measures That Ensure Respect for Human Rights by Intelligence Agencies While Countering Terrorism, Including on Their Oversight,” May 17, 2010, p. 24, (<https://fas.org/irp/eprint/unhrc.pdf>) “Practice 30. Intelligence services are not permitted to operate their own detention facilities or to make use of any unacknowledged detention facilities operated by third parties” [at p. 26].

*water, medical care, or communication with the outside world” and subjected to “human rights abuses committed by the NSS”.*¹²⁸ While it is accepted that some detainees charged with offences relating to national security are held pending trial at the Blue House and Riverside buildings, neither are designated detention centres. The Blue House and Riverside serve as the Internal Security Bureau (ISB) headquarters and offices. Further information is provided in the section above on Detention. While both contain a small number of cells for holding detainees prior to trial, these are fitted to modern standards of comfort and living with human and fair trial rights of detainees respected. Moreover, the allegations of poor detention conditions, abuse of detainees and violation of fair trial rights are lifted directly from the Human Rights Watch report. These allegations are simply a repetition of others’ work and a blanket delegation of responsibility to conduct its own research to challenge and/or verify serious allegations.

XI. Allegations of Silencing the Opposition

In the section ‘Silencing the Opposition’, The Sentry alleges that *“the NSS is frequently used to arrest and detain political opponents and dissidents for no more than expressing an opinion or their political affiliations.”*¹²⁹ The Report cites several individuals, observations in respect of which are set out below.

The Sentry’s allegation of silencing the opposition takes no account of the fact that the Revitalised Transitional Government of National Unity (‘R-TGoNU’), formed on 22 February 2020 following the signing of the Revitalised Agreement on Resolution of Conflict in South Sudan (‘R-ARCSS’) on 18 September 2018 is a power-sharing government formed with former rebels which expressly incorporates opposition and dissident views within its ministries. This Revitalised Transitional Government was formed following two attempted coups in 2013 and 2016. The R-TGoNU consists of twenty ministers nominated by President Kiir, nine ministers nominated by SPLM-IO’s Riek Machar, three ministers nominated by the South Sudan Opposition Alliance (SSOA), two ministers nominated by Former Detainees and one nominated by other opposition political parties.

In respect of the specific allegations, this response provides context to the incomplete and inaccurate information published by The Sentry and makes no concessions as to the allegations against the NSS.

The Report refers to James Gatdet Dak, a south Sudanese journalist and former spokesperson to Dr Riek Machar Teny. During the second attempted coup in 2016, Mr Gatdet Dak wrote a Facebook post that caused incitement to violence and a rapid deterioration of the situation, leading to a shootout at the Presidential Palace and an attack by Riek Machar’s bodyguards on the Republican Guard. These details are not set out in The Sentry’s Report. Mr Gatdet Dak was detained and taken to court but was later released pursuant to a Presidential pardon after the signing of the Revitalized Peace Agreement in 2018.

The Report also refers to Kuel Aguer Kuel alleging incorrectly that he is still detained in South Sudan. Mr Kuel is an academic and former Governor of Northern Bahr el Ghazal State. He was detained in relation to his involvement with the People’s Coalition for Civil Action (PCCA) where he was a signatory to a declaration calling for the resignation of both the President and the First Vice President. Mr Kuel and others were arrested and charged with subverting

¹²⁸ Report, p. 9.

¹²⁹ Report, p. 9.

constitutional government and attempting to overthrow the government by unconstitutional means. After two months of trial, the case against him was withdrawn for lack of evidence. He was cleared of all charges in December 2022 and continues to live in South Sudan. For more information, see the ‘Freezing of Assets’ section above.

In respect of Kanybil Noon, he is a representative of civil society organizations on the Strategic Defence and Security Review Board (‘SDSR’) of the RTGoNU from Tonj, Warrap State. He was charged with defamation in 2019 in respect of articles he wrote about General Akol Koor Kuc, the Director General of the Internal Security Bureau (‘ISB’), of the NSS. The civil case against him was later withdrawn following discussions between his family members and General Akol Koor Kuc.

Concerning Michael Wetnhailic, he is a South Sudanese Social Media activist from Tonj, Warrap state, and often addresses local leadership issues. Most recently, his posts have been directed against the work of the Director General of the Internal Security Bureau, General Akol Koor Kuc. He lives in Juba.

Joseph Bangasi Bakosoro is a South Sudanese politician from Yambio, Western Equatoria state. He is the current National Minister of public service and served as governor of Western Equatoria from 26 May 2010 until August 2015, at which point he was arrested by security officials on suspicion of mobilisation on behalf of the SPLM-IO. He was later released in early 2016 and pardoned by the President. He re-joined the SPLM on 15 July 2021 and is currently the Minister of Public Service of the Republic of South Sudan.

In respect of Samuel Dong Luak and Aggrey Idri, referred to in The Sentry Report,¹³⁰ both men disappeared in the Republic of Kenya. The Republic of South Sudan has no information as to their whereabouts or how they disappeared. The Sentry’s allegations that the ‘ISB reportedly worked with the Kenyan intelligence service to kidnap’ them are denied.

XII. Inaccurate Allegations of Political Instrumentalization

Taking yet another example of inaccuracy, The Sentry incorrectly states that “*as early as 2013, the agency [of the NSS] was expanded in response to concerns that the then-army Chief of Staff General Paul Malong, with whom Kiir and Kuc have had a long-running political rivalry, was becoming a threat to Kiir’s power. Although Malong is no longer army chief of staff, he still holds significant influence, having command of rebel forces.*”¹³¹ Such a statement reveals The Sentry’s lack of knowledge of recent historical facts. Up until May 2017, General Malong worked alongside the Government and was the Governor of Northern Bahr et Ghazal state until April 2014. In its Report, the Sentry appears to be espousing the cause of an individual, Paul Malong, who continues to be engaged in armed conflict.

XIII. Conclusion

The failings of this Report reveal a serious lack of investigative rigour and misjudgement by making serious allegations of wrongdoing on the basis of misleading and false information. The Sentry has failed to properly apply the laws of South Sudan in respect of dormant companies and makes allegations of corruption with no evidence in support. The anonymous

¹³⁰ Report at p.19.

¹³¹ Report, p. 7.

authors have even failed to grasp that even if individuals have shareholdings in start-up companies, it does not mean that those companies have engaged in any trading activity. A significant number of individuals have issued letters of complaint direct to The Sentry, providing corrective information. These letters, many of which threaten legal action, are appended to this response.

The only reasonable conclusion to be drawn from the substantial number of inaccuracies is that the report is an exercise in confirmation bias.

In respect of the recommendation of sanctions, international policies and strategies are being devised from sources that are not capable of being carefully scrutinised to establish the truth of their assertions. The knock-on effect is an undermining of attempts by the Government of South Sudan to establish law, peace and development in its own territory. This type of report is capable of causing unfounded distrust in government agencies and stoking conflict adding to the problems of a government having to deal with factions seeking to undermine it. Organisations such as The Sentry that seek to rely upon very narrow sources to justify its far-reaching conclusions without examination or disclosure of the bias of their source are dangerous provocateurs in a society attempting to be at peace.

The GoSS calls on The Sentry to withdraw “Undercover Activities” from circulation and to issue corrective statements and public apologies in relation to the individuals and companies referred to herein.

List of Annexes

- Annex 1 MOJCA public statement dated 4th January 2023
- Annex 2 Letter from Mr Bernard Amour Makeny, the Managing Director of NILEPET dated 11th February 2023
- Annex 3 Two letters from Manasa Machar Bol’s lawyers Kogweno and Bubi to The Sentry dated 14th and 24th November 2022
- Annex 4 Statement/Letter from Ter Tongyik Majok to The Sentry
- Annex 5 Directorate of Registration of Businesses’ letter dated 20th December 2022

Directorate of Registration of Businesses response to False Allegations in Sentry Report about Ministry of Justice and Constitutional Affairs dated 22nd December 2022
- Annex 6 Statement/Letter from Deng Malual Leek to The Sentry dated 9th January 2023
- Annex 7 Statement/Letter from Kuac Atuer Wieu to The Sentry dated 17th December 2022
- Annex 8 Statement/Letter from Emmanuel Akol Ayii Madut dated 6th December 2022

Letter from Dier Tong Ngor, Governor of the Bank of South Sudan to Chairman of Board of Directors of Alok Forex Bureau, dated 4th February 2019
- Annex 9 Statement/Letter from Napoleon Adok Gai to The Sentry dated 6th January 2023
- Annex 10 Letter from Professor Moses Macar Kacuol dated 4th January 2023
- Annex 11 Statement/Letter from Jubek John Noel to The Sentry dated 10th January 2023
- Annex 12 Statement sent to The Sentry dated 9th January 2023 from Miss Anne Rutere’s lawyers
- Annex 13 Incorrect NSS Structure Used in The Sentry Report

Correct Official Structure of NSS

Correct Sentry-Style Structure of NSS
- Annex 14 Letter from Moses Makur Deng, Director General of Bank of South Sudan dated 6th October 2021 to All Commercial Banks Operating in South Sudan

Order of Attachment of Accounts and Properties of the Following Accused Person (See Section 98 Code of Criminal Procedure Act, 2008), dated 20th December 2021

Report of the State Legal Administration and Public Prosecution Attorney on the Outcome of Investigation into a Criminal Case No 3980 Under Sections 48/66/67/74/76 and 80 of Penal Code, 2008 Opened Against Accused Kuel Aguer and Others

Establishment of Special Court in Juba for the trial of suspects/accused persons Kuel Aguer and others [FIR No.3980/2022] and Abraham Chol and Others [FIR No. 3536/2022] dated 9th September 2022

- Annex 15 Letter/Statement from Jalpan Obyce to The Sentry dated 10th February 2023
- Annex 16 Table summarising Cases Before ISB's Summary and Non-Summary Tribunals from July 2022-February 2023
- Annex 17 Two National Security Non-Summary Service Tribunal Judgements and a Judgement of the NSS Service Tribunal
- Annex 18 Example of a Complaint Form re NSS Complaints Procedure
- Annex 19 Minister of Foreign Affairs and International Cooperation of the Republic of South Sudan, Response of the RTGoNU to the UNPOE re (S2020/342) and (S2019/301) dated 27th May 2020

ANNEX 1

MOJCA public statement dated 4th January 2023

REPUBLIC OF SOUTH SUDAN
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS



Office of The Undersecretary

Date: 4/1/2023

Public Statement

Re: Respond to false Allegations in Sentry Report about Ministry of Justice & Constitutional Affairs

The recent Sentry Report dated December, 2022 (undercover activities) in which they made various allegations to National Security Service officials has a citation of the Ministry of Justice and Constitutional Affairs in their footnotes as one of their sources of information.

It is true that the Ministry of Justice and in particular the Directorate of Business Registrations is the custodian of companies' database. However, there is no any official or unofficial request made by the Sentry to the Ministry of Justice and Constitutional Affairs to provide any information regarding any of the companies mentioned as stated.

Therefore, the Ministry of Justice and Constitutional Affairs want to categorically deny and deplore such false allegations made by Sentry in citing the Ministry of Justice and Constitutional Affairs as their source of information.

Best regards,


4/1/2023


Dr. Gabriel Isaac Awad
Chief Registrar and Acting Undersecretary
Ministry of Justice and Constitutional Affairs
Juba, South Sudan

Cc: Hon. Minister
Cc: Hon. Deputy Minister
Cc: SSBC
Cc: All Media Houses
Cc: File

ANNEX 2

**Letter from Mr Bernard Amour Makeny, the Managing Director
of NILEPET dated 11th February 2023**



Nile Petroleum Corporation

Managing Director

To:
SENTRY HQ
CC:
Director General of Internal Security
Bureau
Republic of South Sudan

RSS/NILEPET/MD/023/008
11/02/2023

**Subject: Nile Petroleum Corporation (NILEPET) Reply to Sentry Report
“Undercover Activities; the National Security Service’s Profitable
Playbook” released December 2022**

NILEPET categorically denies allegations made in The Sentry report “Undercover Activities; the National Security Service’s Profitable Playbook” that it diverted oil revenues to the National Security Service of South Sudan. The allegations by The Sentry are false and misdescribe the legitimate structure of NILEPET, which is a government owned entity incorporated under the laws of the Republic of South Sudan. The **NILEPET Act 2019** and the National Petroleum Act 2012 stipulate the government’s 100% ownership of NILEPET’s shares. NILEPET is regulated by law and its day-to-day affairs are managed by a specialist management team headed by a Managing Director appointed by the President.

Hon. Akol Koor Kuc as the Director General of the Internal Security Bureau is lawfully a non-Executive member of the Board of Directors of NILEPET, and this does not represent a personal or preferential interest. As a government owned entity, NILEPET has other government agencies appointed as non-Executive directors, including the Ministry of Finance and the Ministry of Petroleum. The Internal Service Bureau of the National Security Services has a seat on the board as the protection of South Sudan’s oilfields and foreign workforce is vital to the national interest. The statutory mandate of the NSS is to protect national security interests and strategic infrastructure under the National Security Act 2014.

The Sentry has never requested NILEPET to describe the purpose and nature of its relationship with its non-Executive directors. The Sentry has instead made allegations of malpractice by the NSS and NILEPET without conducting its own investigations and has relied upon the biased sources of others. The Sentry’s failure to accurately describe and record the role of the Internal Security Bureau’s relationship with NILEPET reflects a bias and its own campaign against important institutions of the Republic of South Sudan. The Sentry is asked to retract its allegations against NILEPET and withdraw its report from the public domain with immediate effect to avoid legal action for the reputational damage it has caused individuals and entities, stemming from unfounded claims.

Please accept the assurance of highest regard and understanding

Yours Sincerely,

BA 11/2/2023
Eng. Bernard Amour Makeny
Managing Director NILEPET

CC: Chairman, Board of Directors



ANNEX 3

Two letters from Manasa Machar Bol's lawyers Kagweno and Bubi to The Sentry dated 14th and 24th November 2022

ANNEX 3

Two letters from Manasa Machar Bol's lawyers Kogweno and Bubi to The Sentry dated 14th and 24th November 2022

Our Ref: 1/189/01/C

Date: 14th November 2022

The Sentry Team

Via Email: research@thesentry.org

Dear Sirs,

RE: REQUEST FOR COMMENT ON MANASA MACHAR BOL

We act for Manasa Machar Bol in relation to your email dated 8th November 2022 requesting for information on a report that The Sentry plans to publish on the National Security Service (NSS) and its activities.

Our instructions are to respond to your questions as follows:

1. We confirm that Manasa Machar Bol is the Director of Oil Security in the Ministry of Petroleum representing the National Security Services. The roles of Manasa Machar Bol in this capacity are defined under the provisions of Section 57 of the Petroleum Act 2012 and includes without limitation, to providing adequate security measures for the protection of petroleum infrastructure, equipment, facilities and operations.
2. Mr. Manasa Machar Bol is not a shareholder or a director in both Kush Petroleum Ltd and Transco Energy Ltd.
3. Further to our response in 2 above, we confirm that Mr. Manasa Machar Bol does not hold brief for Kush Petroleum Ltd and Transco Energy Ltd and cannot comment of the business affairs of the said companies. Mr. Manasa Machar Bol has nothing to do with business activities of private companies in his position as The Director of Oil Security in the Ministry of Petroleum.
4. In view of 3. above Mr. Manasa Machar Bol, therefore, has no knowledge of the clients of the businesses you are investigating.

YOUR RELIABLE LAW PARTNERS

Partners:
Josephine Kogweno - Mbori
Deborah Bubi - Mwangi

Email: info@kbadvocates.co.ke
kmbori@kbadvocates.co.ke / dbubi@kbadvocates.co.ke
Office Tel: +254 20 3349787
Mobile: 0720 728 428 / 0722 452 343

Lower Hill Duplex Apartments, 1st Floor,
Suite Number 5 Upper Hill Road.
(Next to UAP Tower)
P.O Box 14908-00400, Nairobi

Web: www.kbadvocates.co.ke

5. The NSS operates within the provisions of the Petroleum Act, 2012 The Provisions of Section 57(1) of the Petroleum Act 2012 provides as follows:

“The South Sudan Police Service and the National Security Service shall be responsible for the protection of the licensee or contractor’s personnel, infrastructure, equipment, facilities and operations within the contract areas.”

Accordingly, NSS offers security in the oil sector for public entities only as mandated by the law and are not involved in the operations of private companies

6. We reiterate that Mr. Manasa Machar Bol has no knowledge of the business affairs of Kush Petroleum Ltd. Mr. Machar Bol cannot therefore confirm any business information in relation to Kush Petroleum Ltd. In particular, Mr. Manasa Machar Bol cannot confirm whether Kush Petroleum Ltd got any letters of credit and how they undertook their businesses.

We trust that we have adequately answered all your questions. However, we are instructed that Manasa Machar Bol will be happy to provide you with additional information should you require any. Manasa Machar Bol would like to thank the Sentry team for reaching out and allowing him to clarify the correct position as relates the matter under investigation.

This letter is limited to the matters stated herein and does not extend to and is not deemed to be extended by implication to any other matter. This letter speaks only as of its date and is given solely for the benefit of The Sentry (www.thesentry.org) in connection with the matters herein.

Yours faithfully,

FOR: KOGWENO & BUBI ADVOCATES, LLP



JOSEPHINE KOGWENO

YOUR RELIABLE LAW PARTNERS

Partners:
Josephine Kogweno - Mbori
Deborah Bubi - Mwangi

Email: info@kbadvocates.co.ke
kmbori@kbadvocates.co.ke / dbubi@kbadvocates.co.ke
Office Tel: +254 20 3349787
Mobile: 0720 728 428 / 0722 452 343

Lower Hill Duplex Apartments, 1st Floor,
Suite Number 5 Upper Hill Road.
(Next to UAP Tower)
P.O Box 14908-00400, Nairobi

Web: www.kbadvocates.co.ke

Our Ref: 1/189/01/C

Date: 24th November 2022

The Sentry Team Via Email: research@thesentry.org

Dear Sirs,

RE: REQUEST FOR COMMENT ON MANASA MACHAR BOL

I refer to your email dated 18th November 2022.

Our instructions are that Manasa Machar Bol is neither a director nor a shareholder in Zamaan Ltd and Nile Investments Partners Ltd.

Yours faithfully,

FOR: KOGWENO & BUBI ADVOCATES, LLP



JOSEPHINE KOGWENO

ANNEX 4

Statement/Letter from Ter Tongyik Majok to The Sentry

Ter Tongyik Majok, PhD
Hai Baraka Residential Area
Juba, Republic of South Sudan

Personal Response to Alleged Sentry Report published in December 2022

As per Sentry Report, entitled Undercover Activities inside the National Security Service's Profitable Playbook published in December 2022. I have been alleged as a beneficial owner of **Prosperity Petroleum Ltd and Zalzal Petroleum Ltd** through my shares in **Raise Group** as a Director.

However, I would like to state it abundantly that as an individual, I do not own a company nor registered any company in South Sudan that is associated with such names and I do not have shares as alleged.

Therefore, I request corrections or apology from the Sentry. Otherwise, I will protect my legal right to challenge these false allegations.

Sincerely yours,



Ter Tongyik Majok, PhD

South Sudan

ANNEX 5

**Directorate of Registration of Businesses' letter dated 20th
December 2022**

**Directorate of Registration of Businesses response to False
Allegations in Sentry Report about Ministry of Justice and
Constitutional Affairs dated 22nd December 2022**

REPUBLIC OF SOUTH SUDAN

Ministry of Justice & Constitutional Affairs



DIRECTORATE OF REGISTRATION OF BUSINESSES

OFFICE OF THE CHIEF REGISTRAR

Your Ref:

Date: 20/12/2022

Our Ref: RSS/MOJ&CA/J/DR/2022

Hon. Acting Undersecretary
Ministry of Justice and Constitutional Affairs
Juba, South Sudan

Dear Sir,

RE: Companies Linked to NSS as Alleged in Sentry Report

Reference to letter dated December, 2022 from National Security Service (NSS) in which you directed me to take the necessary, find here below the list and their details:

S/No	COMPANY NAME	Reg. No.	Date of Reg.	Directors/Shareholders
1	Vukanni Aviation Ltd	22746	18-Dec-2014	<ul style="list-style-type: none">• Vukani Aviation CC (South African) with 69%• Hon. Obuto Mamur Mete (SSD) with 31% Annual returns: Dormant since 2014
2	Nile Petroleum Corporation (NILEPET)	6719	01-Jun-2009	<ul style="list-style-type: none">• Government of South Sudan (SSD) with 99%• Southern Sudan Electricity Corporation (SSD) 1% Annual Returns: 2019
	Nile Drilling and Services Co. Ltd	25152	27-Nov-15	<ul style="list-style-type: none">• NILEPET rep by MD Bol Ring (SSD) with 55%• Avastro Oil & Gas Ltd rep by Dayanand Mandre with 45% Annual Returns: 2021



	Eastpet Oil Services Ltd	22040	08-Sep-14	<ul style="list-style-type: none"> • Ayuel Parmena Bulkoch (SSD) with 51% • Anthony Wahome Githinyi (Ken) with 49% <p>Annual Returns: Dormant since 2015</p>
3	Zamaan Ltd	21048	06-mar-14	<ul style="list-style-type: none"> • Esther Nyariak Angelo (SSD) with 75% • Abeny M. Marual (SSD) with 25% <p>Annual Returns: Dormant since 2015</p>
	Nile Investment Partners Ltd	7299	03-Dec-09	<ul style="list-style-type: none"> • Alfonse Anei Deng (SSD) with 70% • Ajak Panek Biar (SSD) with 30% <p>Annual Returns: Dormant since 2014</p>
	Transco Energy Ltd	21688	08-Jul-14	<ul style="list-style-type: none"> • Abeny Marual Mangok (SSD) with 75% • William Deng Bol (SSD) with 25% <p>Annual Returns: 2018</p>
	Kush Petroleum Ltd	799	2007	<ul style="list-style-type: none"> • Sunrise Petroleum Ltd rep by Kuer Dau Diing (SSD) with 40% • Nile Investment Partners Ltd (SSD) with 30% • Sprint Petroleum Ltd (SSD) 30% <p>Annual Returns: Dormant since 2012</p>
4	Conex Energy Co. Ltd	15061	28-Jun-12	<ul style="list-style-type: none"> • Akot Lual Arech (SSD) with 45% • Nazret Amara Awut Gebreyehu (SSD) with 45% • Belay Abere (Ethiopian) 10% <p>Annual Returns: 2019</p>
	South Gas Energy Ltd			Does not exist in our database
5	Jumpstart South Sudan (NGO)			Does not exist in our database
6	Owned Properties Texas			Does not exist in our database
7	Harvest Trade & Development Bank	18524	2013	<ul style="list-style-type: none"> • Chol Machar Ajuong Nyonga (SSD) with 14% • Napoleon Adok Gai (SSD) with 13%



				<ul style="list-style-type: none"> • Jok Paulino Nyok Dut (SSD) with 12% • Acienkoc Aciek Adak (SSD) with 13% • Stephen Abraham Kuom (SSD) with 12% • Moses Machar Kachuol (SSD) with 20% • Buom Andrew Makur (SSD) with 15% <p>Annual Returns: Dormant since 2013</p>
8	Sue Drilling Limited	15211	13-Jun-12	<ul style="list-style-type: none"> • James Mbikoyo Aquila (SSD) with 75% • Jubek John Noel (SSD) with 25% <p>Annual Returns: 2022</p>
9	Junubna Oil Co. Ltd	23098	10-Feb-15	<ul style="list-style-type: none"> • Kuac Atuer Wieu (SSD) with 50% • Gabriel Thaloka Top (SSD) with 50% <p>Annual Returns: Dormant since 2015</p>
10	Acacia Oil Limited	21451	23-Mar-14	<ul style="list-style-type: none"> • Gieth Abraham Dauson (SSD) 40% • Abui Alfred Akwoch (SSD) 20% • Deng Malual Leek (SSD) 20% • Stuart Gerald Cullinan (SSD) with 20% <p>Annual Returns: 2015</p>
11	Raise Group Ltd	16131	29-Sep-12	<ul style="list-style-type: none"> • See the attached long list of Red Army representatives as shareholders (SSD) 100% <p>Annual Returns: Dormant since 2012</p>
	Prosperity Petroleum Ltd	21018	25-Feb-14	<ul style="list-style-type: none"> • Raise Group Ltd (SSD) with 51% • Prosperity Development Co. Ltd rep by Deng Bol Aruai (SSD) with 41% <p>Annual Returns: 2012</p>
	Zalzal Petroleum Ltd	22393	29-Oct-14	<ul style="list-style-type: none"> • Raise Group Ltd (SSD) rep by Deng Bol Aruai with 31% • Edwin Mugo Wanyoike (Ken) with 69%



				Annual Returns: Dormant since 2016
12	Alok Forex Bureau PLC	6971	24-Aug-09	<ul style="list-style-type: none"> • Garang Deng Aguer (SSD) 25% • Akol Emmanuel Ayii (SSD) 20% • Dr Akon Aduol Akon (SSD) 15% • Akot Lual Arech (SSD) 15% • Arek Mou Giir (SSD) 15% • Mary Nyareu Akok (SSD) 5% • Aduol Aduol Akon (SSD) 5%
13	Ayen Model Forex Bureau	8176	27-Jul-12	Annual Returns: Dormant since 2012 <ul style="list-style-type: none"> • Gregory Vasilis (SSD) 50% • Adhal Augustino (SSD) 50%
14	Trinity Energy Ltd	18370	20-Mar-13	Annual Returns: 2021 <ul style="list-style-type: none"> • Trinity Holdings Ltd (SSD) rep by Lual Kur Wiir 99% • Emmanuel Akol Ayii (SSD) with 1%
15	Lugman Oil			Annual Returns: 2021 Does not exist in our database
16	Sudd Security Services Co. Ltd changed to DAMS Services & Investment Co. Ltd	11206	25-Aug-11	<ul style="list-style-type: none"> • Mawien Mawien Ariik (SSD) with 40% • Mbale Joseph Kanyikwa (SSD) 30% • Salvatore Nyang Mapul (SSD) 30%
17	Deway Security Services Ltd changed to Ancheng Security Ltd	24325	23-Jul-15	Annual Returns: 2022 <ul style="list-style-type: none"> • Song Zhen (Chinese) with 69% • SAFINASS Co. Ltd rep by Ariik Kuol Mawien (SSD) with 31%
18	Pinnacle Security Ltd	25950	12-Apr-16	Annual returns: 2021 <ul style="list-style-type: none"> • Vincent Kayebma (Ugandan) with 49% • Aluong Gier Chuang (SSD) 31%
	The Dawn Newspaper (Business Name/sole proprietor)	1648	10-Dec-15	<ul style="list-style-type: none"> • Annual Returns: 2022 • News Corporation Ltd (SSD) rep by director Emmanuel Monychol Akop



Best regards,



Madol Anyuat Madol
20/12/2022
Madol Anyuat Madol
Deputy Chief Registrar
Ministry of Justice & Constitutional Affairs
Juba, South Sudan

Cc: File



4. The share capital of the company is US\$ 500,000 (Five hundred thousand US Dollars) divided into 500 ordinary shares of \$ 5,000 USD each with power for the company to increase or reduce the said capital increased with or without any preference, priority or special privilege or subject to any postponement rights or to any conditions or restrictions and so that unless the conditions of issue shall otherwise expressly declare every issue of shares whether declared to be preference or otherwise shall be subject to the power hereinafter contained.

We, the several persons whose names, contacts and descriptions are hereunto subscribed are desirous of being formed into a Company in pursuance of the Memorandum of Association and being bound by this Article of Association; we respectively agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Postal address and Descriptions of Subscribers.	Nationality	Number of shares taken by each Subscriber	Signatures of Subscribers
1. Peter Biar Ajak Chairperson +211920677870 ogutdau@gmail.com	South Sudanese	6.25%	
2. Gatdet Reath Thon Deputy Chairperson +211955866482 juba.garden.city@gmail.com	South Sudanese	6.25%	
3. Madut Maduot Madut Secretary-General +211955425312 madutmaduot@yahoo.com	South Sudanese	6.25%	
4. Achol Jok Mach Deputy Secretary-General +211955849222 acholofmarkmobile.com	South Sudanese	6.25%	
5. Peter Mathiang Bior Secretary for Finance and Economic Affairs	South Sudanese	6.25%	



Page 2

+211957319616 mathiangbior@yahoo.com			
6. Karbino Kolen Dhulo Secretary for Information and Public Relations +211956431164 k.karbino@yahoo.com	South Sudanese	6.25%	
7. Simon Mori Okony Secretary for Health Affairs +211957165002 okonymori@yahoo.ca	South Sudanese	6.25%	
8. Moses Kur Kucha Secretary for Social Affairs +211955715994 mose-skuch@yahoo.com	South Sudanese	6.25%	
9. Deng Bol Aruai Bol Secretary for Red Army Peace Corps +211955579833 dengmedi@yahoo.com	South Sudanese	6.25%	
10. Abraham Kuai Chengkou Secretary for Academic Affairs +211955813048 abrahamkuai@yahoo.com	South Sudanese	6.25%	
11. John Jock Gatlok Deputy Secretary for Finance and Economic Affairs +211955648332 jockg@yahoo.com	South Sudanese	6.25%	
12. John Penn de Ngong Deputy Secretary for Information and Public Relations +211955235997 penndengong@gmail.com	South Sudanese	6.25%	



13. Gieth Abraham Dau Deputy Secretary for Health Affairs +211955019420 g.dauson@mapam.goss.org	South Sudanese	6.25%	
14. Peter Atem Ngor Deng Deputy Secretary for Social Affairs +211955275435 atem_peterngor@yahoo.com	South Sudanese	6.25%	
15. Martine Ojok Kennedy Yolam Lee Deputy Secretary for Academic Affairs +211955662212 martinateke@yahoo.com	South Sudanese	6.25%	
16. Jacob Dot Ngueny Director for Protocol (Chairperson's Office) +211955741352 sportsdotnguyen@yahoo.com	South Sudanese	6.25%	

DATED this 21st day of September, 2012

WITNESS to the above Signatures:

SIGNATURE:

NAME IN FULL:

Benjamin Sogora Moses

OCCUPATION:

Advocate

REPUBLIC OF SOUTH SUDAN

Ministry of Justice & Constitutional Affairs



DIRECTORATE OF REGISTRATION OF BUSINESSES OFFICE OF THE CHIEF REGISTRAR

Your Ref:

Date: 22/12/2022

Our Ref: RSS/MOJ&CA/J/DR/2022

Hon. Acting Undersecretary
Ministry of Justice and Constitutional Affairs
Juba, South Sudan

Your Honour,

Sub: Respond to False Allegations in Sentry Report about Ministry of Justice & Constitutional Affairs

The recent Sentry Report dated December, 2022 in which they made various allegations to National Security Service officials has a citation of the Ministry of Justice and Constitutional Affairs in their footnotes as one of their sources of information.

It is true that the Ministry of Justice and in particular the Directorate of Business Registrations is the custodian of companies' database. However, there is no any official or unofficial request made by the Sentry to the Ministry of Justice and Constitutional Affairs for any information regarding any of the companies mentioned as alleged.

The Ministry also would like to state that once companies are registered, the copies are given to law firms that facilitate the registration process and shareholders of that particular company. These companies can also apply for different types of contracts using their incorporation documents such as certificate, memorandum and articles of association which has a shareholders' page to various Non-Governmental Organization, UN Agencies, Oil companies or even other Government departments.

The other way company information may be obtained is through official request from commercial banks for account opening, Public Prosecution Attorneys investigators for cases, Judiciary for cases, law firms for cases and lease agreements, individual for rentals purposes, Ministry of Foreign Affairs through Interpol etc.

Therefore, the information is not only kept by the department but copies are out there where the department has no control or knowledge. This is risky for the public and individuals as well.

It is to be noted that, in their report, they have mentioned non-existence companies which are not registered or in our database. There is also adverse mentioning of some individuals who are not shareholders completely or has no link to such companies.

Therefore, as department, we want to categorically deny and deplore such false allegations made by Sentry in citing the Ministry of Justice and Constitutional Affairs as their source of information.

Best regards,

AMM
23/12/2022
Madol Anyuat Madol
Deputy Chief Registrar
Ministry of Justice and Constitutional Affairs
Juba, South Sudan



Cc: File

ANNEX 6

**Statement/Letter from Deng Malual Leek to The Sentry dated 9th
January 2023**

TO WHOM IT MAY CONCERN

REF.NO: DML001/01/2023

Date: 9th /01/2023

Statement by Deng Malual “Upon Allegations by The Sentry in Report “Undercover Activities Inside the National Security Services’s Profitable Playbook”

Deng Malual Leek is a South Sudanese national and a businessman in South Sudan. The Sentry report in December 2022 alleged I am a member of the NSS whilst holding shares in Acacia Oil Ltd. My businesses and I have no link, connection and association with the National Security Service of South Sudan.

Acacia Oil Ltd is a private company incorporated under the Laws of South Sudan in which I have some shares. Acacia Oil Ltd and its shareholders are business persons and have no relationship, link or association with the intelligence services of South Sudan.

Acacia Oil Ltd has not transacted any business since its incorporation and this data is available in public records.

The Sentry report is inaccurate, unreliable and lacks credibility. The Sentry has provided no evidence that even supports its allegations and has misrepresented the ownership and links of a dormant company.

Best regards,

Deng Malual Leek



ANNEX 7

**Statement/Letter from Kuac Atuer Wieu to The Sentry dated 17th
December 2022**

Response to Sentry Report titled “the Undercover Report, the National Security Service’s profitable playbook”

A report by Sentry published in December 2022, started that I own and run a company in the oil sector as part of the National Security Service. I would like to state here that indeed in 2014 myself and a colleague registered a company (Junubna Oil Co. Ltd) so that we can bid for contract in the energy sector in hope to supplement our meagre government salary. However, such attempt could not go beyond the registration due to lack of capital to operationalize the company. The fact that we also worked full time as civil servants never afforded us the chance to fully engage the company in seeking out for potential contracts. Therefore, the company operational documents could not be renewed and ceased to function three months after registration.

I would have loved the Sentry to reveal any contract awarded to this company and the full status of company. It’s important to state here that since 2014 the company ceased to exist because legal documents were never renewed, which is a mandatory in South Sudanese for any company to remain legally viable and transaction business with any one.

In light of the above, I feel Sentry did not do a faire job. They have never reached out to me to seek my side of the story and to give them full details about the company and my personal involvement. As I have now confirmed, Sentry never sought details of the company from the registrar of companies where they would have obtained functional details of the company. According to their report, it’s alleged that I represent the NSS in the company. This is not true as the company was a personal initiative that has nothing to do with NSS whatsoever.

I strongly demand the Sentry to retract their statement about my personality and the none existing company. Because this report has damaged my reputation and standing among my community and the world at large without substantial evidence pertaining to the details of the company or myself.

Should the sentry fail to issue retraction of their report and public apology, I will be justify to consider legal action for the libel and damage caused.

Yours faithfully,

Kuac Atuer Wieu
17th December 2022



ANNEX 8

**Statement/Letter from Emmanuel Akol Ayii Madut dated 6th
December 2022**

**Letter from Dier Tong Ngor, Governor of the Bank of South
Sudan to Chairman of Board of Directors of Alok Forex Bureau,
dated 4th February 2019**

Response to The Sentry Report, titled “Undercover Activities: Inside the National Security Service’s Profitable Playbook.”

By

Emmanuel Akol Ayii Madut

1. Introduction

On December 8, 2022, The Sentry, which purports to be an investigative and policy organization based in the United States of America, published a report, titled “**Undercover Activities: Inside Security Service’s Profitable Playbook.**” This report (here after “The Report”) is part of a series of reports that The Sentry has published on South Sudan in recent years. The reports aim to expose individuals and institutions that allegedly engage in human rights violations, promote corruption, hinder political and economic reforms or undermine democratic progress and good governance or, where they are not principals of the impugned offense, operate to aid and abet the commission of the said offenses and, therefore, considered as accessories to such offenses under the laws of South Sudan and/or international law and best practices.

The Subjects of the Report

Whereas the Report largely incriminates the alleged subversive role of South Sudan’s National Security Service (“NSS”), it also therein, directly, or indirectly, implicates several South Sudanese public institutions and over 125 corporations associated with individuals or officials. The intent of the Report is allegedly to not only to shame but to also brand such entities or individuals as political exposed persons (PEP’s).

Among the individuals the Report has adversely made mention of myself. The mention of my name in the Report did not, however, come as a surprise to me, due to the fact that that, Sentry have been previously publishing reports mentioning entities in South Sudan. Sentry does this through agencies and local proxies who do not fully understand the local contextual dynamics in the country leading to misleading information.

I wish to clear the record as follows:

Specific False Allegations Against Myself

While I do not intend to speak for the Head of State and other South Sudanese compatriots against whom serious allegations have been levelled against, the Report erroneously accuses me in the following instances:

- (a) the Report claims I, own shares in **Alok Forex Bureau** together with Akot Lual Arech alongside his wife, Mary Kuel Arech and Garang Deng Aguer.
- While I did participate as a shareholder in **Alok Forex Bureau** upon the formation of the company, the company no longer exists.
- The company ceased its operations, and the Central Bank of the Republic of South Sudan revoked the license of the company, in accordance, with their respective regulations on **February 4, 2019.**

- I subsequently relinquished my shareholding in **Alok Forex Bureau**. I further wish to place on record that **Alok Forex Bureau's** operations had no direct or indirect shareholding or affiliation with the National Security Service ("NSS") or any of its members.

As an established South Sudanese businessman engaged in the private sector of the country's economy, The Sentry Report attempts to insinuate in its report that I hold shares in a private sector company together with members of the National Security Service ("NSS") with the objection to create perception that I am in some way either directly or indirectly affiliated with the ("NSS"). This is factually incorrect.

I have established myself through my own journey comprised of a combination of hard work, struggle, consistency over years of honest impactful work to achieve my career objectives. These are values I uphold highly and I shall continue to adhere to until I achieve my life's mission. Today I find myself a self-made South Sudanese businessman with a clean track record and reputation that I will not allow anyone to tarnish through false and ill reporting like the Sentry Report. For this reason, I urge The Sentry researchers that if they want to engage in genuine and impactful reporting, they should strive to report truthfully and honestly.

Deliberate and willful reporting founded in falsehoods amounts to defamation and can bring The Sentry and its associates into disrepute. An investigative and policy institution like The Sentry should not be reminded why ill-will and spite are no attributes of the organization of its kind.

Approaches that seek to tarnish the reputation of members of good standing in society attract legal actions. The Sentry should, forthwith, cease and desist from engaging in character assassination.

2. Remedy

In light of the foregoing, the least that The Sentry could do is to cure the damage to my reputation. More specifically, The Sentry should do as follows:

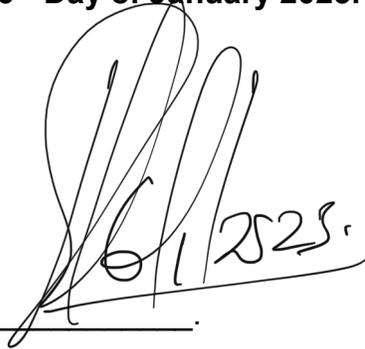
- (a) Publicly retract every element of its false and frivolous allegations it has levelled against me,
- (b) Undertake additional research work, including examining corporate records to verify the corporate ownership or status of the companies in which I am said to hold shares, and
- (c) Such other practical steps as it may deem necessary to remedy any injury to and restore my spotless reputation.

3. Conclusion

The Sentry Report was published in willful and wanton disregard for truth and good faith. The Report only sought to tarnish my reputation, quite in contradiction to its lofty claims that it objectively seeks to investigate facts and publish that which it has been able to verify even on balance of probabilities. Because The Sentry has failed to lived up to the basics of its *raison d'etre*, it should do everything it can to redeem its image. It must issue a public apology to me and conduct additional searches to dig out facts in respect of the

ownership or status of the corporate entity/s in which I am alleged to hold shares.

Signed on this 06th Day of January 2023.



Emmanuel Akol Ayii Madut

Former Shareholder and Director

Alok Forex Bureau.



BANK OF SOUTH SUDAN (BSS)
Office of the Governor

Date: 04th February 2019

To:
Chairman Board of Directors,
Alok Forex Bureau PLC
RSS_Juba

Subject: Revocation of Foreign Exchange Business License

In accordance with the provision of section 70 of the Bank of South Sudan Act 2011; and pursuant to sections 7(4) and 8(1) of the Foreign Exchange Act 2012; and section 4 of the Bank of South Sudan Regulation No. 19-2012 "The Licensing and Supervision of Foreign Exchange Bureaus"; and as your Forex Bureau license expired on the 24/06/2018 and was not renewed despite the fact that Bank of South Sudan (BSS) called for all Forex Bureaus to renew their licenses.

Accordingly, I would like to inform you that the Bank of South Sudan (BSS) has decided to revoke the license of your Forex Bureau effective from 04th February 2019.

Banking Supervision Department will make all necessary measures to complete the process following the revocation of your license according to BSS regulation.

Thanks


Dier Tong Ngor
Governor,
Bank of South Sudan



Cc: First Deputy Governor for Policy & Banking
Cc: Ag. DG for Banking Supervision and Research
Cc: Ag. DG for Currency & Banking Operations
Cc: BSS Head of Legal Administration
Cc: File

Plot No. 1, Block D 6, P. O. Box 136, Juba Market, Juba, South Sudan
Telephone Number: +2(191235)191

ANNEX 9

**Statement/Letter from Napoleon Adok Gai to The Sentry dated
6th January 2023**

To:
The Sentry
1929 K Street, NW, Suite 300
Washington, DC 20006
info@thesentry.org

06/01/2023

RESPONSE BY NAPOLEON ADOK GAI TO THE MISLEADING AND FALSE PUBLICATION BY THE SENTRY: "UNDERCOVER ACTIVITIES – INSIDE THE NATIONAL SECURITY SERVICE'S PROFITABLE PLAYBOOK"

The report by The Sentry "*The Undercover Activities: Inside the National Security Service's Profitable Playbook*" falsely accuses me of corruption and human rights abuses. The report alleges I own shares in the **Harvest Trade and Development Bank** and that this reflects the influence of myself and the NSS in the banking sector of South Sudan.

The Facts

The **Harvest Trade and Development Bank** was a business proposed by my family and my name was included as one of the shareholders by my maternal uncle **Hon. Professor Moses Macar Kacuol, Former Vice President of the Republic of Sudan (2001-2005)**.

The bank never secured a license from the Central Bank of South Sudan and was not established and has never traded. The registration of the company was not renewed after 2014. The Sentry report misrepresents that as an employee of the NSS I have operated within the banking sector of South Sudan.

The Central Bank of South Sudan and Ministry of Justice have confirmed the following information about **Harvest Trade and Development Bank**:

- The Central bank, in a letter dated 30th December 2022 (*annex 1*), confirmed that **Harvest Trade and Development Bank** is not registered by the Central Bank of South Sudan.
- The Ministry of Justice and Constitutional Affairs, by letter dated 30th December 2022 (*annex 2*), confirmed that the entity registered as **Harvest Trade and Development Bank** has been dormant since its registration.
- The Ministry of Justice and Constitutional Affairs in a letter dated 4th January 2023 state it was not contacted by The Sentry to access the Registry of company records as claimed in the report (*Annex 3*).
- Prof. Moses Macar Kacuol, elder of my family who was the initiator of the business idea issued a letter dated 4th January 2023 (*annex 4*) confirming the bank was never established.

The report referred to my current role as the Director General (DG) of the National Communication Authority (NCA) and falsely alleged the perpetration of corruption and human rights abuses. The NCA is the government agency established by law to regulate the telecommunications sector in the country. As the Director General is part of the civil service my duties as DG of the NCA are to serve the nation by bringing services to the people of South Sudan through growing the

telecommunication sector as an enabler of economic growth and national development. Moreover, the leadership of the NCA is held accountable by an active, independent, multi-stakeholder governance Board.

The Sentry has called for targeted sanctions against those it has named based on misleading and false information. The publication by The Sentry is defamatory and has caused me considerable distress and embarrassment and brought my name into public scandal and odium. I demand the immediate retraction of the published report and its removal from all online sources and platforms forthwith. This retraction should receive the same online prominence as the report's release and publication. I also demand that The Sentry publishes an unqualified apology. If the demanded apology, retraction and removal is not complied with, I will proceed with legal action against The Sentry.



Napoleon Adok Gai

gaijok@yahoo.com

06/01/2023, Juba, South Sudan

ANNEX 10

**Letter from Professor Moses Macar Kacuol dated 4th January
2023**

Juba, 04/01/2023

TO:
THE SENTRY
1629 STREET, NW, SUITE 300
WASHINGTON, DC 20006

Annex: (4)

Subject: Clarification on the Harvest Trade and Development Bank

Reference to the above.

It has come to my attention that Sentry reported that the above bank is linked to the National Security Service (NSS). Such a statement is not true and is a misrepresentation of facts.

The idea of starting a bank was a family idea of venturing into business. The selection of directors was based on family and the presence of Mr. Napoleon Adok Gai as board member is on family ground since he is my nephew along with other immediate family members.

However, the idea could not take off due to the lack of capital to meet the mandatory requirements of registering with Central Bank of South Sudan. Therefore, Sentry team report should have done better research to ascertain full details of the above bank before going to publication with incomplete facts.

The bank does not exist since we failed to fulfil the requirements. There is no link to NSS as alleged in your report. I appeal to the Sentry to correct their report and include accurate facts about such private initiatives and serious allegations.

I write this reply in my capacity as the elder of the family and the initiator of the idea of the Harvest Trade and Development Bank. The bank has never taken off.

sincerely,


Prof. Moses Macar Kacuol
Former Vice President of the Republic of the Sudan

January 4, 2023, Juba

CC: Mr. Napoleon Adok Gai

Received
4/1/2023



ANNEX 11

**Statement/Letter from Jubek John Noel to The Sentry dated 10th
January 2023**



SUE DRILLING COMPANY LTD

10th January 2023

To: The Sentry
USA

Reference: Statement by James Mbikoyo Aquila further to the Allegations in The Sentry Report "Undercover Activities - Inside the National Security Service's Profitable Playbook" (Sentry Report).

To Whom It May Concern:

James Mbikoyo Aquila is the majority shareholder (75%) and the CEO in Sue Drilling Ltd (the Company), incorporated under the laws of South Sudan to operate drilling operations and related business in South Sudan and internationally.

The Company was referred to at page 15 in the Sentry Report in a diagram that misrepresented it was connected with the National Security Service of South Sudan (NSS) because there was a shareholder named Jubek John Noel (Noel). Noel is a member of the NSS and was to be a minority shareholder in the Company but failed to pay his share capital. Noel has never been an active member of the Company or consultant to the Company.

The Company has had no contractual relationship or business dealings with the NSS or the Government of South Sudan.

The allegation in the Sentry Report is misleading and false.

I, and the Company deny all the allegations made against the Company and demand The Sentry retract the false allegations it has made and issue a public apology to our company and to Mr. Jubek John Noel for the reputational damage suffered, otherwise the Company will be forced to take legal action.

Sincerely,

James Mbikoyo Aquila
CEO Sue Drilling Ltd

CC. File
CC. National Security
CC. Ministry of Justice



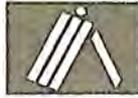
Tel: +211921114244
+211916332735
Email: suedrilling211@gmail.com

We offer services like

Drilling boreholes | Rehabilitation
Water yards | Water Sanitation Training
Test pumping | General Supply

ANNEX 12

Statement sent to The Sentry dated 9th January 2023 from Miss Anne Rutere's lawyers



ARTHUR INGUTYA & CO.

Advocates • Commissioners For Oaths • Notaries Public • Certified Public Secretaries

Our Ref: AA/CIV/AR/723/2022 Your Ref: TBA. Monday, 9th January 2023

The Sentry Research Organization,
UNITED STATES OF AMERICA.

Dear Sirs,

RE: DEFAMATION OF CHARACTER- ANN KATHURE RUTERE

We act for **Ann Kathure Rutere.**

Your report named "Inside the National Security services profitable playbook" has been placed in our hands with instructions to write to you as follows:

In your report, you make several allegations on human rights abuses, corruption, racketeering, conspiracies, international crime syndicates and the like. On page 16 of your report, you allege that our client gave you information to the effect that all companies in South Sudan have personnel from the NSS or relevant institutions attached. This allegation is made within the context of the serious allegation that the National Security Service(South Sudan) controls and profits from several oil companies, including Trinity Energy.

Our instructions are that whereas you interrogated our client vide several interrogatories sent to her electronically, she never made any admission either directly or impliedly, that the NSS controls or benefits from private enterprise in South Sudan or elsewhere.

To the contrary, our client stated that the officers who were attached to Trinity Energy were so attached as a matter of National security and in the context of Government

providing support to private enterprises by ensuring and enforcing law and order. And this was not unique to Trinity Energy

We have instructions to notify you that your publication is defamatory of our client being without any basis or justification. It is calculated to cast our client in bad light and to result in our client being shunned and held in contempt by all right thinking members of society.

The fact that the report is widely published means that the devastating effects of your false allegations have a wide international reach to the disadvantage of our client.

In particular, please note that your publication:

- (a) Means and is understood to mean that our client is an outlaw who has no respect for the constitution and other laws.
- (b) Means and is understood to mean that our client is a rogue business lady who has no regard for the law and is out to make a profit at all cost.
- (c) Means and is understood to mean that our client is in a conspiracy with the Government of South Sudan to promote breach of the constitution and fund war crimes and Human rights abuses.
- (d) Means and is understood to mean that our client has no business morals and is prepared to skirt the law to make a profit.

Note that all your allegations and the attendant innuendos are false, baseless and unjustified.

Consequently, we have instructions to demand, as we hereby do, that you tender a written unqualified apology to our client duly published and circulated in the same manner as

the false allegations. Secondly, we demand of you to admit liability to enable us quantify damages. You will want to know that if we do not hear from your end and if you do not comply with our demands herein within 21 days of this letter, we shall have to litigate.

Yours faithfully,



ARTHUR INGUTYA & CO.

C.C. Ann Kathure Rutere

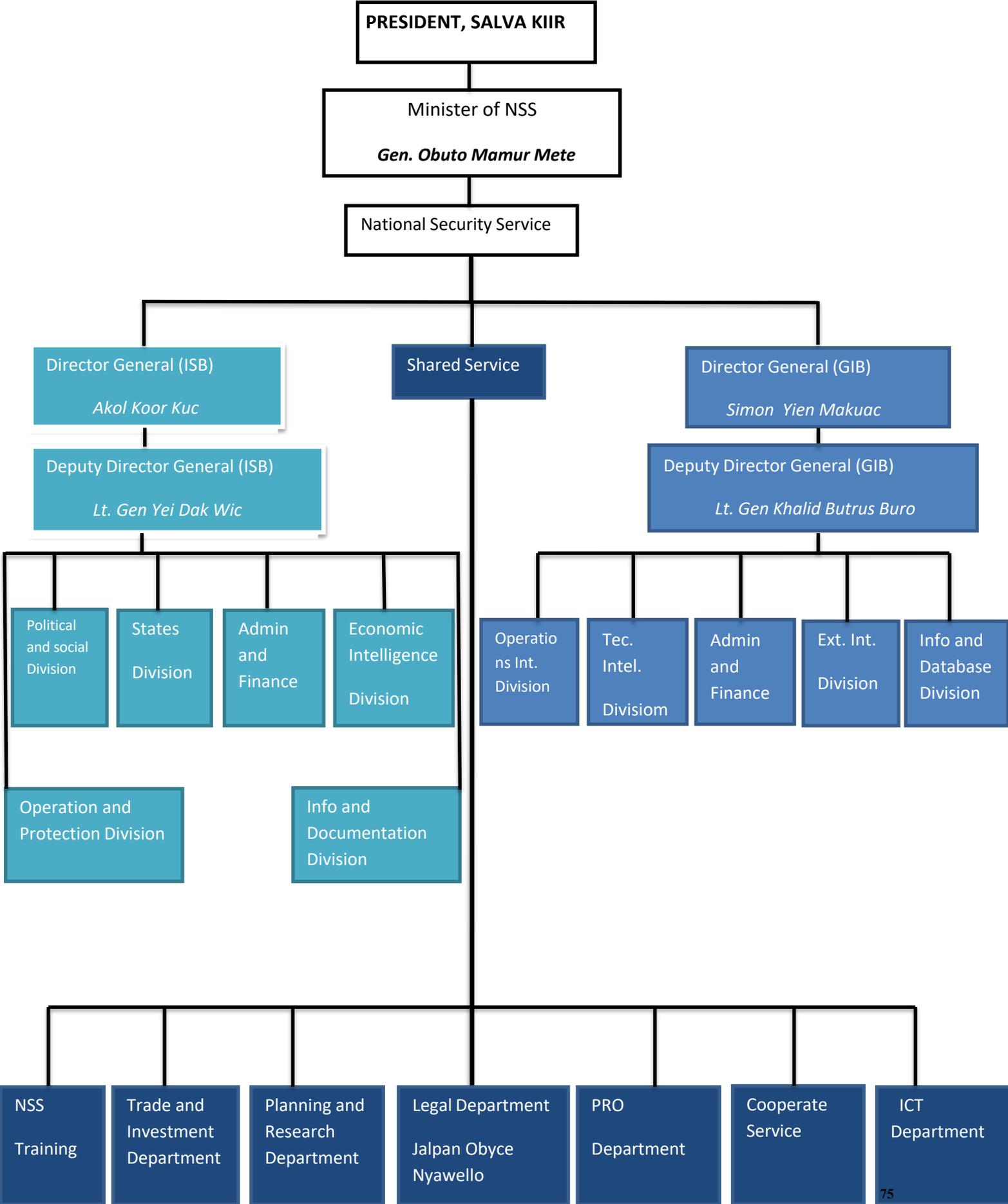
ANNEX 13

Incorrect NSS Structure Used in The Sentry Report

Correct Official Structure of NSS

Correct Sentry-Style Structure of NSS

NATIONAL SECURITY STRUCTURE IN THE SENTRY REPORT (Page 6)





GIB STRUCTURE

DIRECTOR GENERAL (DG)

D/DG FOR ADMINISTRATION & FINANCE

D/DG FOR OPERATIONS

ADMINISTRATION & FINANCE DIVISION (AFD)

COUNTER INTELLIGENCE DIVISION (CID)

INFORMATION & DATA BASE DIVISION (IDD)

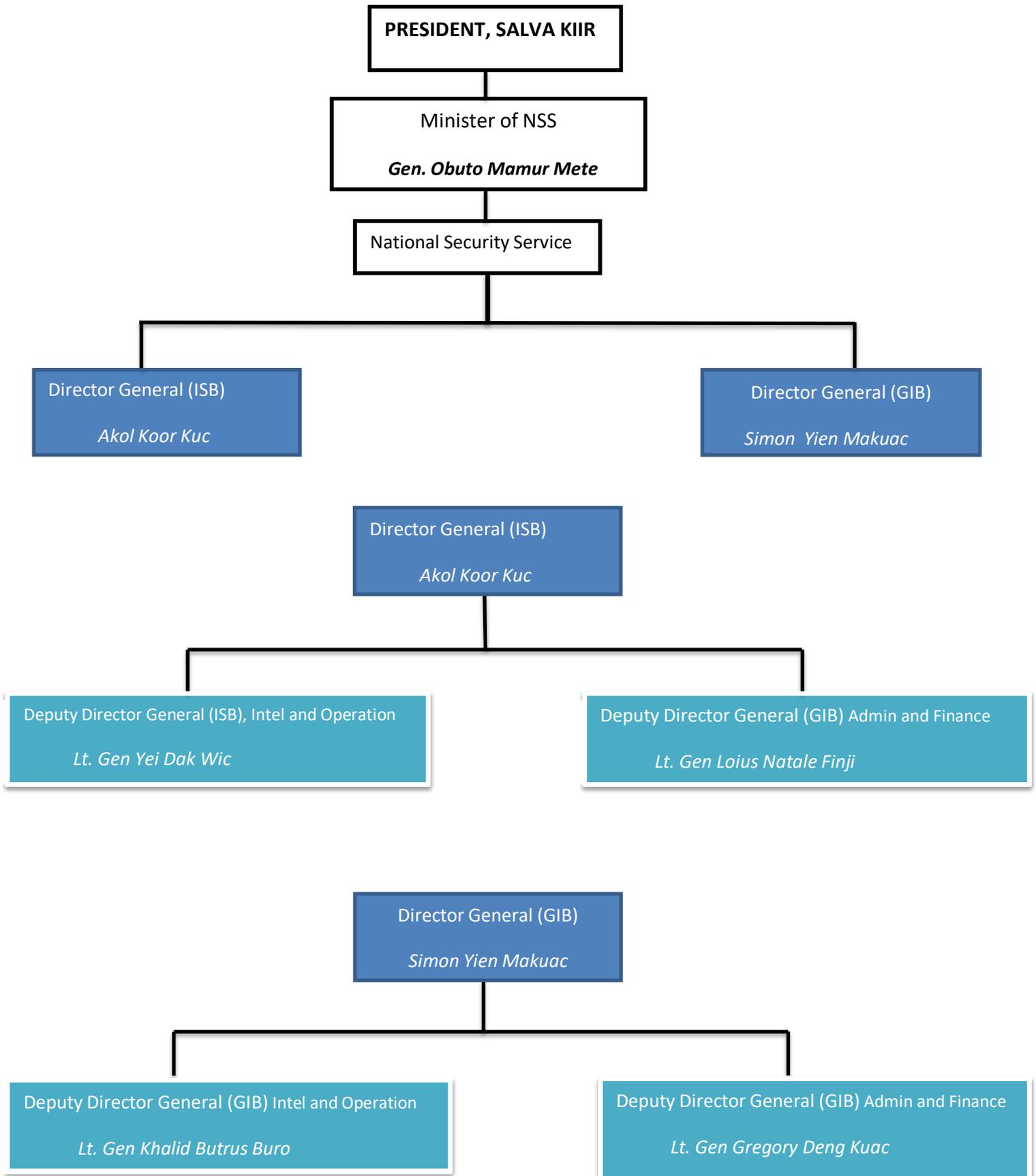
TECHNICAL INTELLIGENCE DIVISION (TID)

CRISIS MANAGEMENT DIVISION (CMD)

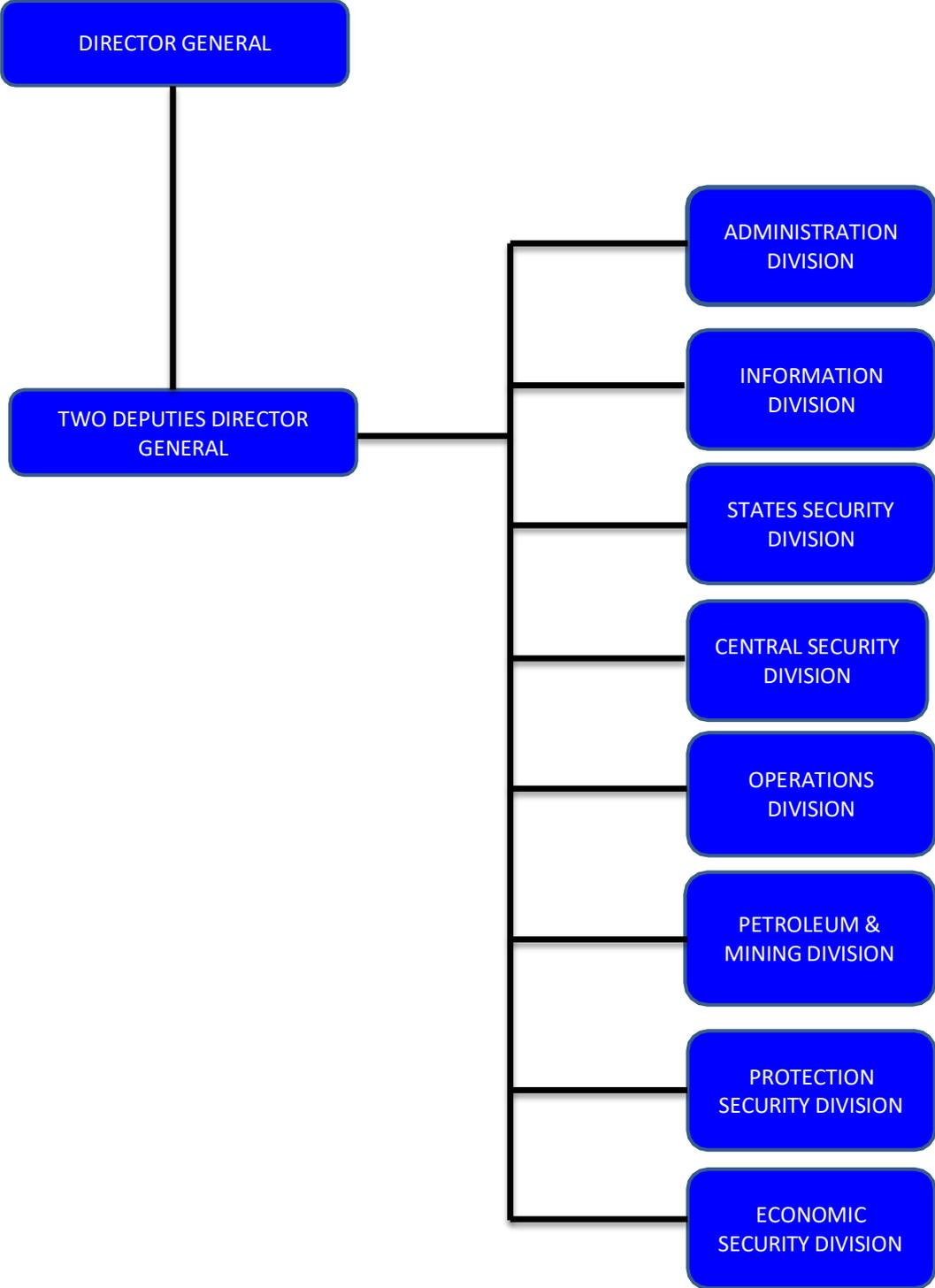
EXTERNAL INTELLIGENCE DIVISION (EID)

COUNTER TERRORISM DIVISION (CTD)

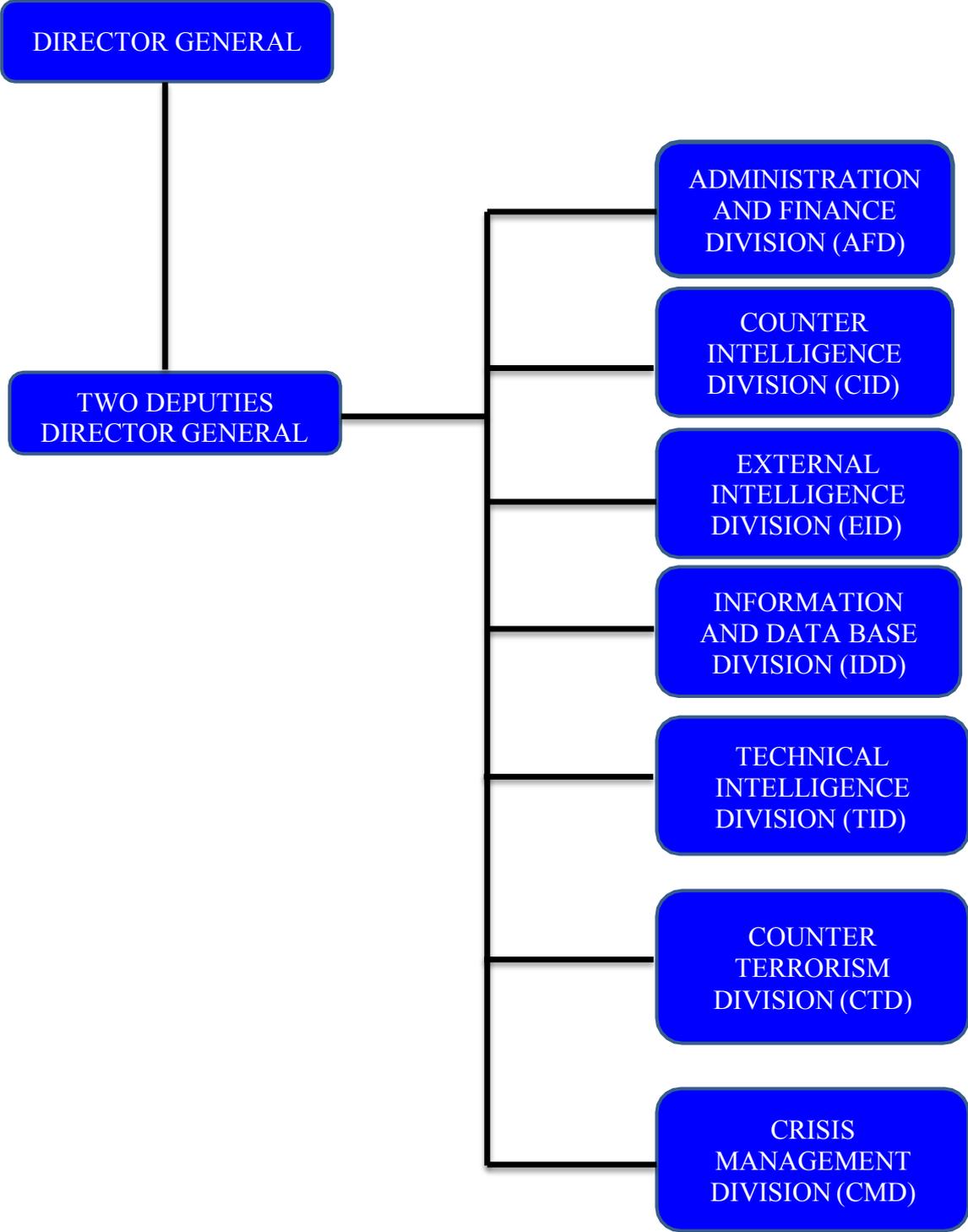
NATIONAL SECURITY STRUCTURE



ISB DIVISION STRUCTURE;



GIB DIVISION STRUCTURE;



ANNEX 14

Letter from Moses Makur Deng, Director General of Bank of South Sudan dated 6th October 2021 to All Commercial Banks Operating in South Sudan

Order of Attachment of Accounts and Properties of the Following Accused Person (See Section 98 Code of Criminal Procedure Act, 2008), dated 20th December 2021

Report of the State Legal Administration and Public Prosecution Attorney on the Outcome of Investigation into a Criminal Case No 3980 Under Sections 48/66/67/74/76 and 80 of Penal Code, 2008 Opened Against Accused Kuel Aguer and Others

Establishment of Special Court in Juba for the trial of suspects/accused persons Kuel Aguer and others [FIR No.3980/2022] and Abraham Chol and Others [FIR No. 3536/2022] dated 9th September 2022



BANK OF SOUTH SUDAN (BSS)
Directorate of Supervision, Research & Statistics
Plot No. 1, Block D 6, P. O. Box 136, Juba Market, Juba, South Sudan

Date: 06th October, 2021

To: All Commercial Banks Operating in South Sudan

ATT: Managing Directors

Dear Sir/Madam,

Subject: DIRECTIVE TO FREEZE AND BLOCK ALL BANK ACCOUNTS OF PCCA MEMBERS.

In reference to the above mentioned subject, you are hereby directed to freeze and block all the bank accounts of the below individuals with immediate effect.

- 1) Abraham A. Awolic
- 2) Rajab Mohandis
- 3) Wani Michael Saki Lotio
- 4) James David Kolok
- 5) Kuel Aguer Kuel

Hence, in light of the above, all their personal bank accounts held at the respective banks must be blocked and frozen.

Your usual cooperation is highly appreciated.

Yours Sincerely,

Moses Makur Deng
Director General,

Banking Supervision, Research and Statistics (BSS)



- Cc: Hon. Governor, BSS
Cc: Hon. 1st Deputy Governor, BSS
Cc: Minister of National Security Service
Cc: Acting Director of Banking Supervision Department
Cc: Regulations Division
Cc: File

THE REPUBLIC OF SOUTH SUDAN
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS



LEGAL ADMINISTRATION AND PUBLIC PROSECUTION ATTORNEY
CENTRAL EQUATORIA STATE (CES)

Date: 20th December, 2021

Ref: LA/PPA/CES/J.4A.1

**ORDER OF ATTACHMENT OF ACCOUNTS AND PROPERTIES OF THE
FOLLOWING ACCUSED PERSON (SEE SECTION 98 CODE OF CRIMINAL
PROCEDURE ACT, 2008)**

To: Any Police or National Security Service.

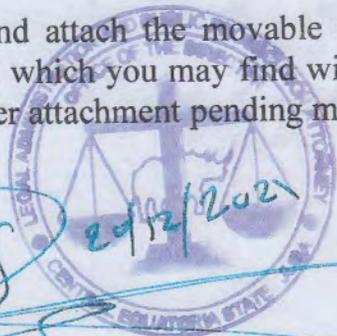
Whereas complaint has been made before the Public Prosecution Attorney of Northern Police Division on date, 3rd August, 2021 By Daw El Bit Adam. Representing the South Sudan Police Service that, the under mention accused persons

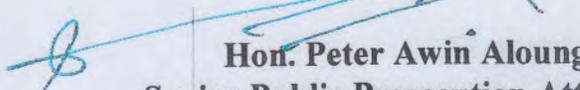
1. Rajab Mahandis
2. Wani Michael
3. James David Korok
4. Manasah Mahang
5. Daniel Mwak
6. Abraham Awolich
7. Edward Andoro Achiek

Had committed an offence of Crime against State of South Sudan under sections 48/66/67/74/75 and 76 of Penal Code, 2008 and it has been return to a warrant of arrest there upon issued that, the said accused person cannot be found, and where it was shown to my satisfactions that the said accused person has absconded, or concealing, the themselves to avoid the execution of the said warrant and there upon was duly issued and published requiring the said accused persons to appear to answer the said charges within (7) days and whereas they have not appeared.

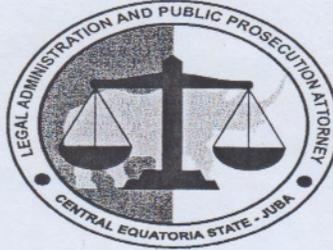
This is to authorized and require you to seize and attach the movable and immovable Properties, belongings to the said accused persons, which you may find within the Central Equatoria State and to hold the said Properties under attachment pending my certifying that manner of it execution.

Dated the 20th day of December, 2021.




Hon. Peter Awin Aloung
Senior Public Prosecution Attorney
Central Equatoria State –Juba.

THE REPUBLIC OF SOUTH SUDAN
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS



LEGAL ADMINISTRATION AND PUBLIC PROSECUTION ATTORNEY
CENTRAL EQUATORIA STATE (CES)

26/7/2022

Hon. Director of Public Prosecutions

Ministry of Justice and Constitutional Affairs

Subject: Report of the State Legal Administration and Public Prosecution Attorney on the outcome of investigation into a Criminal Case No. 3980 Under Sections 48/66/ 67/74/74/76 and 80 of Penal Code, 2008 Opened Against Accused Kuel Aguer and Others

Introduction

The criminal case No. 3980 was initiated on August 3rd 2021 under sections **48/66/ 67/74/74/76 and 80 of Penal Code, 2008** opened by complainant *DawouAlbeed Adam Dawoulbeed* on behalf of the Ministry of Interior against the accused *Kuel Aguer and others*. Upon the initiation of the criminal

case statements of complainant was taken on pages 1, 2 and 3 as well as statements of prosecution witness **Lemi Alex** on pages 3 to 5 of the case diary.

On date **August 11, 2021** accused **Kuel Aguer** was arrested under record **198** and his statements was taken on pages 12,13,14,15, and 16 of the Case Diary. Thereafter, being detained in the National Prison.

In the course of the investigation the accused right to be treated on his he cost under section **93** of Code of Criminal Procedure Act, 2008 had been adhered to by the investigation authority, in which the investigation authority approved for the accused to be treated in Promise Private Hospital and further his special doctor to follow up his health condition and provide the required medicine inside the Prison facilitates. See attached medical reports of the accused health condition and types of treatment afforded.

On October 27th, 2021 the directives issued by the Head of State Legal Administration and Public Prosecution Attorney rejecting the defense request to separate charges against the absconded accused persons and referral of the whole case to the Court was appealed against before the Director of Public Prosecutions and the case immediately sent on **October 28th, 2021** as directed. The appealed was determined by the Director of Public Prosecution on **November 3rd, 2021** and decision of Head of State Legal Administration and Public Prosecution was set aside and the investigation authority was directed to separate charges against the absconded accused and referred the case to the court, but the decision was appealed against by the complainant before the Acting Undersecretary and the case was re sent again as directed and the appeal was determine on **November 23rd, 2021**, in which the Decision of Director of Public Prosecutions was repealed and the investigation authority was directed to continue with its investigation as decided by the Head of State Legal Administration and Public Prosecution Attorney.

On December 30th, 2021 the exhibits related to this case handed to the investigation authority by Interna Security Bureau (ISB) in comply with the request made by the Public Prosecution Attorney and these Exhibits are compose of; **Laptop Mac Pro, 3 Mobile Phones, 3 Flesh Desks and Adopter** and upon the receival of the said exhibits, a committee was formed by the State Legal Administration and Public Prosecution Attorney representing all the relevant authority. Thereafter, assigned to take the impounded exhibits abroad for forensic analysis and expert opinion. The committee was formed **on January 17th,2022**, but due to financial problem, the committee was

failed to travel on time. The committee was managed to travel to Sudan on May 26th; 2022 and submitting the exhibits in question to **Regional Forensic Laboratories Directorate of Sudan** and the forensic analysis result was officially issued out on **June 29th, 2022** and thereafter, submitted to the investigation authority.

Finally, on **July 22nd, 2022** the Expert Opinion on the digital evidence of the said case was submitted to the Investigation Authority. Based on the reports of the Regional Forensic Laboratories Directorate of Sudan and the **Expert Opinion of Directorate of Technical Service (DTS), Department of Cyber Security**, the State Legal Administration and Public Prosecution Attorney of the opinion that, the investigation is completed and the produced evidence are sufficient to charge the accused Kuel Aguer under sections **48/ 52/63/66/ 67/74/74/76 and 80 of Penal Code, 2008**. Therefore, *a previous written sanction of the President or of the person whom he or she authorizes to give such sanction be obtained; provided that the President of the Supreme Court of Southern Sudan, by order, constitutes a Special Court for the trial of any person accused as stipulated under section 44 of the Code of Criminal Procedure Act,2008, since the has been charged under the provisions of Chapters V of the Penal Code, 2008.*

Finding

Based on the produced evidence which are consist of; Online Publications, Post Videos, Audios, Recorded Testimonies, Expert Opinions, Impounded Exhibits, And Digital Evidence (The Established Website, Declarations and The Distributed Circulars, the following facts have been established;

1. **Subverting Constitutional Government**, that was established based on the signed **Revitalized Peace Acord** by setting up an alliance with an aim of overthrowing or attempting overthrowing the government by un constitutional means, such as impeachment, change of policies, repeal of Legislations...etc. See the contents of 12xpages document *PCCA Declaration, the audio clip from voice of America* South Sudan in focus and the *distributed publications and circulars*.
2. **Causing Disaffection Among Police Force or Defense Forces** with intention or realizing that there is *a real risk*, causing any member of police force or defense force to withhold

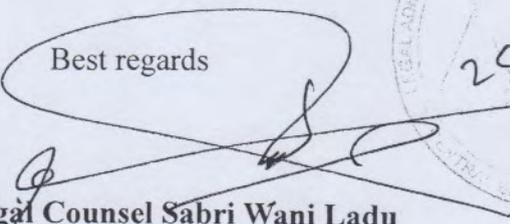
his or her service loyalty or allegiance, and commit breach of discipline. See the publication and distributed curriculars and information opened against those who respond to the declaration made. See publications which were distributed. Audios released.

3. **Publication and Communication of False Statement Prejudicial to South Sudan** with intention of realizing that there is a real risk and possibility of incitement ad promoting public disorder and violence which may endanger public safety. See publications which were distributed. Audios released and posts on social media and established website of PCCA Declaration.
4. **Undermining Authority of the President with knowledge of realizing that there is a real risk and** possibility that statements was false and may endanger feeling of hostility or cause hatred contempt or ridicule. PCCA Declaration
5. **Participating in Gathering with Intent to Promote Public Violence, Breaches of the Peace or Bigotry.**

Conclusion

In conclusion, it is the opinion of the prosecution authority that, the accused be charged under sections 48/52/63/66/67/74/74/76 and 80 Penal Code,2008, and the absconded accused persons in absentia and the case be referred to honorable Minister of Justice and Constitutional Affairs in order to obtained , a previous written sanction of the President or of the person whom he or she authorizes to give such sanction, as well as, advise on the constitution of a Special Court by Chief Justice for the trial accused persons as required under section 44 of Code of Criminal Procedure Act, 2008.

Best regards


Senior Legal Counsel Sabri Wani Ladu

Head of Legal Administration and Public Prosecution Attorney,

Central Equatoria State

REPUBLIC OF SOUTH SUDAN
THE JUDICIARY



OFFICE OF CHIEF JUSTICE

OUR REF: RSS/JOSS/CJ&PSC/J/2022

9th September, 2022

YOU REF: RSS/MPA/OM/MOJ&CA/J/2022/11

Establishment of Special Court in Juba for the trial of suspects/accused persons Kuel Aguer and others [FIR No. 3980/2022] and Abraham Chol and Others [FIR No. 3536/2022].

Reference to the letter of the Hon. Minister of the Ministry of Presidential Affairs No RSS/MPA/OM/MOJ&CA/J/2022/08/11 dated August, 11th 2022 concerning the above-mentioned subject and the letter from the Hon. Minister of Justice and Constitutional Affairs No. RSS/MOJ&CA/J/OM/2022 for the trial of suspects mentioned above, and pursuant to the powers conferred upon me under section 44 of the Code of Criminal Procedure, 2008, I, Chan Reec Madut Chief Justice and President of the Supreme Court hereby order the Establishment of a Special Court in Juba for the trial of the suspects mentioned above.

Composition of the Special Court:

The Special Court shall be composed of:

- 1) Judge Sumeya Saleh Abdalla President
- 2) Judge Duoth Kulang Bichiok Member
- 3) Judge Obac Denyong Anyong Member

Powers:

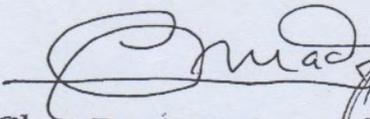
The Special Court shall have the powers of a High Court as specified under section 12 of the Criminal Procedure, 2008.

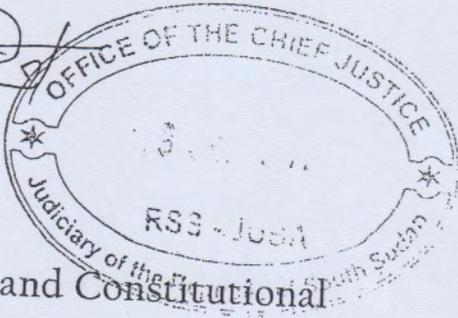
Appeals against the decisions of the Special Court:

Appeals [if any] against the decisions of the Special Court shall lie to the Court of Appeal of Greater Equatoria Circuit as provided under section 11(b) of the Code of Criminal Procedure, 2008. Following the decision of the Court of Appeal, any

aggrieved person may appeal to the Supreme Court for redress as provided under section 10(f) of the Code of Criminal Procedure, 2008.

Given under my hand and seal this 9th day of September, 2022.


Chan Reec Madut
Chief Justice



C.c: H.E. Minister of Justice of Justice and Constitutional
Affairs
C.c: File

ANNEX 15

**Letter/Statement from Jalpan Obyce to The Sentry dated 10th
February 2023**



National Security Service
Internal Security Bureau
Office of the Director General
Legal Affairs Directorate



The Sentry
629 K Street NW
Suite 300
Washington
DC 20006
USA

Date: 10th February 2023

BY REGISTERED POST AND EMAIL

To Whom it May Concern

Statement by Mr. JALAPAN OBYCE NYAWELLO KIR

I, Mr. Jalpan Obyce Nyawello Kir, make this statement concerning an unjustified, maliciously made and wrongful recommendation that I be the subject of international sanctions as made by an organisation called The Sentry, in "*Undercover Activities inside the National Security Service's Profitable Playbook*" (Report) (references attached), published in December 2022. I am the Director of Legal Affairs in the Legal Affairs Directorate of the Internal Security Service (ISS) for the Republic of South Sudan. I am aware that The Sentry report contains many false and misleading allegations and that the authors have made no attempt to properly research and provide truthful information.

My name appears in an incorrect and outdated National Security Service (NSS) organigram at page 6 of the Report, under Shared Services Legal Department of the NSS. I can confirm that there is no Shared Services Legal Department in existence.

I am a senior professional, civil servant of the Republic of South Sudan, and a law-abiding citizen of the United States of America. In 2003 and before the independence of South Sudan in 2011 I lawfully purchased a property with my wife in Texas, United States of America (USA) as an ordinary American citizen. The Report in the Executive Summary at page 4 and reiterated at page 23, makes recommendations to the international community for the imposition of sanctions upon me, placing reliance on a LexisNexis Person Report, a Human Rights Watch Letter for Request of Appointment, and a Collin Central Appraisal District Property file. The context in which the recommendation is made is against a background of allegations of corruption and human rights abuses, none of which have any foundation against me. There is a plain attempt by The Sentry to construct a false and misleading context to defame my character and reputation. The level of inaccuracy within the report is such that no bona fide human rights organization would issue such poorly researched and defamatory material, unless they had an insincere motive to cause harm, distress and incite conflict.

I am seeking legal advice from counsel with respect to defamation, and in the interim I demand a public letter of apology, a retraction of what has been alleged and a withdrawal of the Report.



Yours sincerely,

Jalpan Obyec Nyawello Kir
Address: Juba -South Sudan
E-mail: jalonkir63@yahoo.com
Phone: 211 91580117



References in The Sentry Report

- Page 4 under the heading Key Recommendations
 - The United States, United Kingdom, European Union, Canada, and Australia should urgently investigate and, if appropriate, impose coordinated and targeted network sanctions on the individuals and entities described in this report, particularly the NSS-owned or -controlled commercial enterprises, as well as Akol Koor Kuc, Jalpan Obyce, Akot Lual Arech, and their enablers and support networks, pursuant to their Global Magnitsky-style or South Sudan-specific sanctions authorities.
- Page 23 under the heading Recommendations
 - The United States, United Kingdom, European Union, Canada, and Australia Impose targeted network sanctions. The US, UK, EU, Canada, and Australia should urgently investi- gate and, if appropriate, impose coordinated and targeted network actions on the individuals and entities described in this report, particularly the NSS owned or controlled commercial enterprises, as well as Akol Koor Kuc, Jalpan Obyce, Akot Lual Arech, and their enablers and support networks, pursuant to their Global Magnitsky-style or South Sudan-specific sanctions authorities.
- Page 20 under the heading International Connections
 - In addition to the NSS's range of international shareholders and connections as an agency, two NSS officers also have US addresses, which likely provide them with access to the US financial system and subject them to US law.²⁵⁷
 - FN 257 is LexisNexis, "Person Report- Jalpan Obyce Nyawello," on file with The Sentry.
- Page 20 under the heading International Connections
 - Jalpan Obyce, the director of legal affairs of the ISB and an NSS brigadier general, ^{259,260} has been a US citizen since at least 2012, when he was registered to vote, and has owned property in Texas since 2003.^{261, 262}
 - FN 259 (112) NSS official list, on file with The Sentry.
 - FN 260 is Human Rights Watch, "Letter for Request for Appointment," December 2, 2019, on file with The Sentry
 - FN 261 (FN 257) 257 LexisNexis, "Person Report- Jalpan Obyce Nyawello," on file with The Sentry.
 - FN 262 is Collin Central Appraisal District, "Property ID: 2502556," on file with The Sentry.

ANNEX 16

Table summarising Cases Before ISB's Summary and Non-Summary Tribunals from July 2022-February 2023



National Security Service
Internal Security Bureau
Office of the Director General
Legal Affairs Directorate



Date:10/02/2023

**Subject: Being the Summary of the Cases Prosecute or At Trial before
ISB' Summary and Non-Summary Tribunals as of July2022 to Feb 2023**

S/No	Offence Committed	Trial Time	Outcome of Trial	Type of Tribunal
1.	contravention, abuse of power and position	2022-2023	ongoing	non-summary
2	murder	2022-2023	ongoing	non-summary
3	murder	2023	ongoing	non-summary
4.	offence related property	2023	ongoing	non-summary
5	disposal of weapon	2023	ongoing	non-summary
6	improper and unethical conduct	2023	ongoing	non-summary
7	Disposal Of Weapon	9/11/2022	trial ongoing	non-summary
8	Use Of Criminal Force	2023	ongoing	
9	Unlawful Gains And An Act Related To Property			non-summary
10	Disposal Of Weapon	14/7/2022	trial ongoing	non-summary
11	Act Related To Negligence In Duty			
12	Theft, Indiscipline And Improper Conduct	24/7/2022	sentenced to (3) years in jail and dismissed from the Service	summary



13	Indiscipline Criminal Intimidation and Improper Conduct	2023	ongoing	summary
14	Criminal Use Of Force	2023	ongoing	summary
15	Contraventions, Improper And Indiscipline	Sept/2022	imprisonment for (6) months	summary
16	Dealing In Drugs	21/11/2022	imprisonment for (3) years with dismissal	summary
17	Disposal Of Weapon	2022	imprisonment for (2) years with dismissal	summary

The judges of Non-Summary and Summary Tribunals

Pursuant to the provision of schedule II of the National Security Service Act, 2014, there shall be established Tribunals within the service.

The composition of the Non-Summary Tribunal.

In accordance with stipulation of schedule II (3) of the National Security Service Act, 2014, there shall be established Non-Summary Tribunal to try offences punishable with death or prison terms exceeding five years.

This tribunal is established by the order issued by the president of the Republic and it comprises of panel of four senior officers in addition to the judge of the high court.

Currently the members of this tribunal are:

1. Maj.Gen. Abud Stephen Thiongkol,
2. Maj.Gen, Aciec Kuot Kuot,
3. Justice Garang Ajak Deng
4. Brig.Gen. Aria Loro,
5. Lt. Col. Andrew Ayodi Chol,

The composition of the Summary Tribunal.

In accordance with stipulation scheduled II (2) of the National Security Service Act, 2014, there shall be established Summary Tribunal to try offences punishable not with death but prison terms not exceeding five years.



This tribunal is established by the order issued by the hon. Minister of National Security Service and comprises of panel of three officers of legal backgrounds

Currently the members of this tribunal are:

1. Capt. Legal: Akot Maduok Majok,
2. 1st Lt. Legal: Fouad Wol Charles,
3. 1st Lt. Legal: Paromi Charles Mayik,

Sign.....

Brig Gen. Legal Jalpan Obyec N. Kir,

Director, Legal Affairs Security Directorate ISB

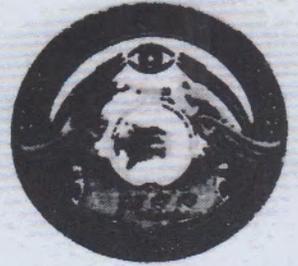


ANNEX 17

Two National Security Non-Summary Service Tribunal Judgements and a Judgement of the NSS Service Tribunal



National Security Service
 Internal Security Bureau
 Office of the Director General
 Legal Affairs Directorate



National security Non-Summary Service Tribunal

16th/Dec/ 2022

Under section 393 and 384 Panel act 2008 and 61 of NSS Act 2014

Between

1. National Security Service -ISB Complainant

Against

Pvt: James Khamis Chuti..... Accused



The Judgement

This case was presented before us, NSS Non-Summary Service Tribunal, in which NSS _ ISB accuses Pvt: James Khamis Chuti for deserting and dealing in Prohibited Drug (Bongo).

The accused is a National Security's Member (Batch 4).

After hearing the prosecution and dependent cases, the National Security Non-Summary Service Tribunal found that two cartoons of Drug (Bongo) were found at the resident of accused by the team that was send to search for him.

The accused, because he failed to do his duty and report the drug, he is guilty for violating section 383 and 384 (dealing and possessing a dangerous drug) of South

Sudan Panel Act 2008, and section 61 of NSS Act 2014 and the following sentence has been enforced against him:

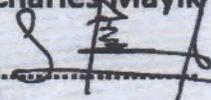
1. three years imprisonment from date of his lawful arrest
2. The accused is dismissed from National Security Service in accordance to section 51 (6) of NSS Act 2014S
3. The drug to be confiscated and annihilated,
4. The accused should hand over all NSS Equipment at his possession to NSS,
5. Both parties have right to appeal within fourteen days,
6. The accused is to obtain a copy of the judgment

Done under our hand (National Security Non-Summary Tribunal) and seal in Juba, on this 16th day of Dec 2022.

1st Lt. Legal: Foad Wol Charles

Member.....

1st Lt. Legal: Paromi Charles Mayik

Member.....

Capt. Legal (LLM): Almadjok Majok

President.....

Non-Summary Service Tribunal – Powers

National Security Service – ISB



National Security Service
Internal Security Bureau
Office of the Director General
Legal Affairs Directorate



National security Non-Summary Service Tribunal

Under section 65 NSSA2014

15/12/ 2022

Between

National Security Service -ISB Complainant

Against

Pvt: ButrusMahjubSlyvestino..... Accused



The Judgement

This case was presented before us, NSS Non-Summary Service Tribunal, in which NSS _ ISB accuses Pvt: Butrus Mahjub Slyvestino for disposing (losing) a Pistol which was assigned to him in Presidency Protection.

The accused is NSS- ISB Personnel, deployed to Presidency Protection.

After hearing the prosecution and dependent cases, the National Security Non-Summary Service Tribunal found that the accused had lost the Pistol No, therefore he is found guilty for violating the Provision of section 65 of NSS act 2014 and passed the following sentences:-

- 1. two years imprisonment from date of his lawful arrested (the accused was arrested on 4th December 2021),**
- 2. The accused is dismissed from National Security Service, accordance to the provision of section 51(6),**

3. The accused should hand over all NSS properties in his possession to National Security,
4. Both parties have right to appeal within fourteen days,
5. the accused to obtain a copy of the judgment.

Done under our hand (National Security Non-Summary Tribunal) and seal in Juba, on this 23rd day of March 2022.

1st Lt. Legal: Foad Wol Charles
Member.....



Capt. Legal (LLM): Akot Maduok Majok
President.....

Non-Summary Service Tribunal - Powers



**National Security Service
Service Tribunal**



Ref NSS/ST/003/021

Date 11th May 2021

REPUBLIC OF SOUTH SUDAN

IN THE SERVICE TRIBUNAL COURT AT JUBA

CRIMINAL CASE N^o 003 OF 2020

**[CORAM: MAJ. GEN. ABUD STEPHEN THIONGKOL, MAJ. GEN. ACIEC
KUOT KUOT, GARANG AJAK DENG, BRIG. GEN. ARIA LORO
LOTHENUM, LT. COL. ANDREW AYODI CHOL, JJ. SERVICE
TRIBUNAL]**

GOVERNMENT OF SOUTH SUDAN PROSECUTOR

- VERSUS -

PVT. CIRILO KAMILO CIRILO ACCUSED

JUDGMENT OF THE SERVICE TRIBUNAL

Reference to the powers and jurisdictions vested to the Service Tribunal Court *in accordance with Section 77(1)(C) National Security Service Act, 2014 read together with Sections 224(2)(k) Code of Criminal Procedure Act, 2008*, which was established by the President of the Republic of South Sudan, Commander in Chief of the South Sudan People's Defence Forces and Supreme Commander of All Other Organized Forces, which by virtue of that the Service Tribunal Court is hereby have jurisdiction and cognizance to try, punish and inflict any sentence or decision against the Accused person Pvt. Cirilo Kamilo Cirilo *(in his name) in accordance with Section 244 of Penal Code Act, 2008 read together with Section 77(1)(C) of National Security Service Act, 2014*, as follow:



(A):

- (i) He is dismissed from National Security Service active list;
- (ii) He is deprive from been paid due post retirement pension of service or after service gratuities, if any; and
- (iii) He is sentence to five (5) years with effect from the date of his arrest as from 13th November 2018 and thereof he shall be sent to civil prison's authority to serve his term of imprisonment.

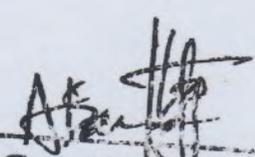
(B) The authority of National Security Service is liable to compensate and pays the medical cost incurred by the victims as follow:

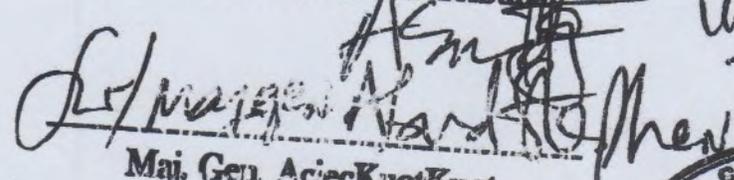
- (i) Paulino Kur Baak (1,553,000 SSP);
- (ii) Garang Deng Yom (1,500,000 SSP);
- (iii) Wieu Gar Baak (1,000,000 SSP);
- (iv) Dut Athian Kuol (1,125,000 SSP);
- (v) Jongkor Malong Jongkor (1,300,000 SSP); and
- (vi) Garang Deng (1, 600,000 SSP), equivalent to sixteen (16) heads of cows.

The right of appeal is deserves to both parties in accordance with the *Section 263 of the Code of Criminal Procedures Act, 2008* read together with *Section 79 (3) of the National Security Service Act, 2014* (Laws of South Sudan).

We so ordered.

Dated and signed at the National Security Service Headquarters, Juba on this 11th day of May 2021.


Maj. Gen. Abud Stephen Thiongkol
President of the Service Tribunal


Maj. Gen. Aciec Kuot Kuot
Member



[Handwritten signature]

Justice Garang Ajak Deng
Member

[Handwritten signature]

Brig. Gen. Aria Loro Lothemun
Member

[Handwritten signature]



Lt. Col. Legal Andrew Ayodi Chol
Member

ANNEX 18

Example of a Complaint Form re NSS Complaints Procedure



**National Security Service (NSS)
Internal Security Bureau (ISB)
Legal affairs Security Directorate**

COMPLAINANT FORM

Criminal [] Civil []

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date

[] in the State of

[] in the [] city /county

/payam/of _____, the defendant(s) Violated:

Code section: []

Complain Description:

[

_____]

This criminal /civil complaint is based on these facts:

[_____

_____]

Continued on the attached sheet.

Complainant's Signature

[_____]

Printed name and title

[_____]

Sworn to before me and signed in my presence:

[_____]

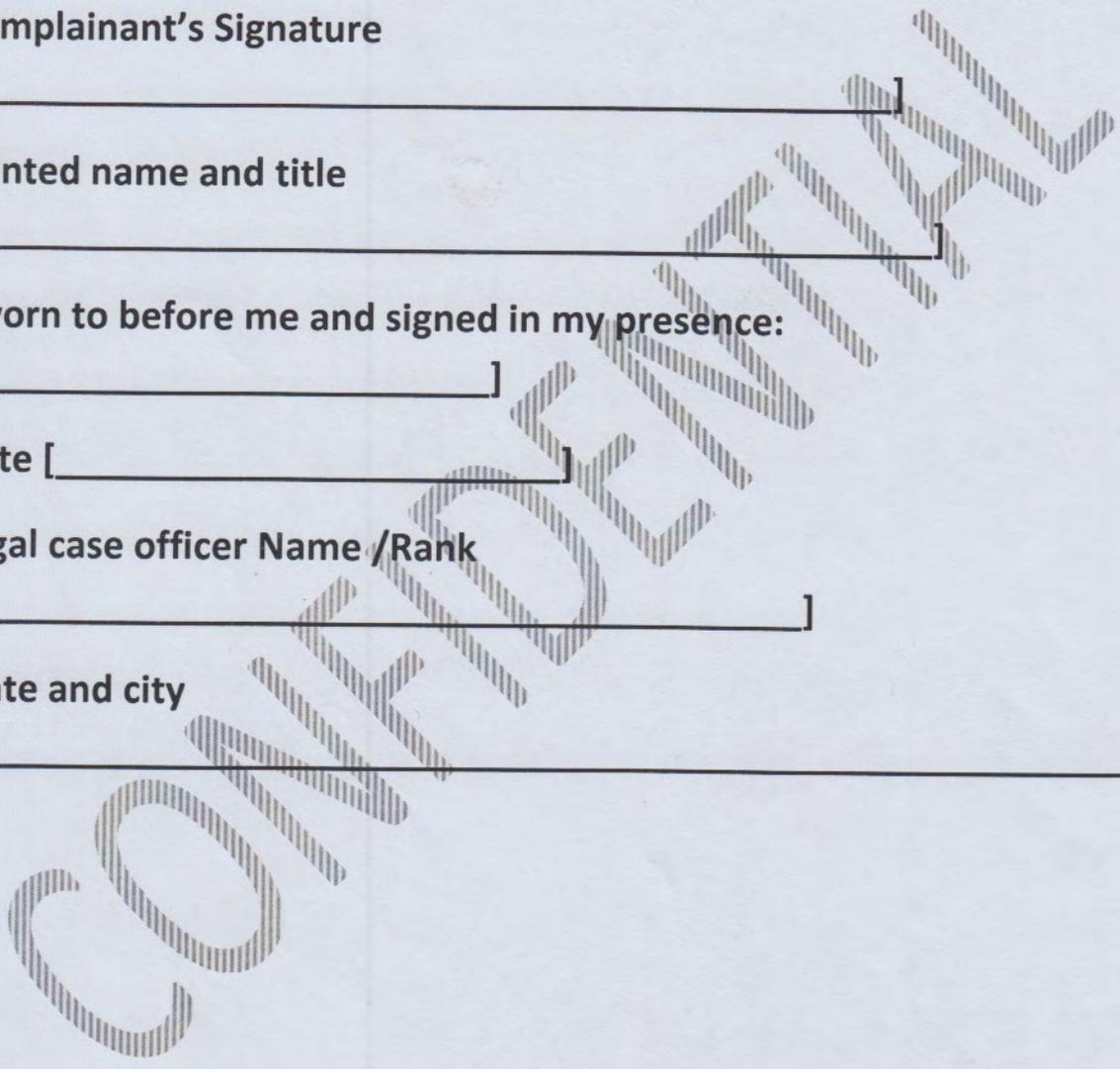
Date [_____]

Legal case officer Name /Rank

[_____]

State and city

[_____]



ANNEX 19

**Minister of Foreign Affairs and International Cooperation of the
Republic of South Sudan, Response of the RTGoNU to the
UNPOE re (S2020/342) and (S2019/301) dated 27th May 2020**

THE REPUBLIC OF SOUTH SUDAN



Ministry of Foreign Affairs and International Cooperation *Office of the Minister*

**Response of the Revitalized Government of National Unity (R-TGoNU)
to the Report of the United Nations Panels of Experts on South Sudan
of the 28th April, 2020.**

By

Beatrice Khamisa Wani

**Minister of Foreign Affairs and International Cooperation of the
Republic of South Sudan - 27th May, 2020, Juba, South Sudan.**

Executive Summary

(Please see the Annexes for details of South Sudan Response to any of the points raised in the report of the panel)

This subtle response has been necessitated by the report by Emilie Manfredi, Laura Bernal, Mark Ferullo, Dean Gillepsie and Andrei Kolmakov- members of the UN Panel of Experts on South Sudan, as prepared and presented to the United Nations Security Council on 28th April, 2020.

While it is not in my forte to interrogate their qualifications, which I assume would be impeccable in their various areas of expertise, I wish to restrict my short presentation to their thoughts and analyses on South Sudan as presented in their report to the UNSC.

We take cognizance that the report is deliberately biased and spun tone, seemingly aimed at using the UNSC platform to undermine the success of the leadership of the Republic of South Sudan to return peace to the country. Given justice and fairness, the report could have offered more salient solutions and constructive tangible recommendations to the UNSC rather than punitive measures.

We stand to invite honest and genuine partners of South Sudan to support South Sudan in its strive to exit the country from war to peace by solving its challenges with your help and assistance.

Background to South Sudan emergence and the return to peace

Unlike many if not all modern Independent African countries, South Sudan upon gaining its political independence and self- rule after a rigorous and bloody war, inherited no functional socio-political

structures; physical infra-structure, governance or administrative systems.

On the contrary, it inherited an armed citizenry, zealously for self-rule benefits with high expectations and goodwill. Unfortunately, the country experienced multi-armed groups, political fallout and power struggle; further aggravated by punitive UNSC Resolutions 2206(2015) that sanctioned top government officials, Resolution 2428(2018) that embargoed arms to the territory of South Sudan and Resolution 2471(2019) that renewed sanctions and arms embargo on South Sudan.

On the 12th September, 2018, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was concluded, in Addis-Ababa, Ethiopia, by the warring parties ending that internal conflict that erupted on the 7th July, 2016. R-ARCSS addresses issues of Cessation of hostilities, Governance, Protection of civilians, Security arrangements and Humanitarian access. It is within this framework that the Intergovernmental Authority on Development (IGAD) and the international community witnessed the establishment of the Revitalized Transitional Government of National Unity (R-TGoNU) in February, 2020, and it is functioning harmoniously and effectively.

UN Panel of Experts Report and Recommendation to the UNSC

1. On the Maintenance of the arms embargo on the entire territory of South Sudan under paragraph 4 to 6 of resolution 2428(2018) and 2471(2019).

South Sudan Response: The Government of South Sudan is choking under FIVE punitive United Nations Security Council resolutions namely: Resolution -2205(2015) on Abyei, Resolution -2290(2016) on Sanctions renewal against South Sudan, Resolution-2353(2017) on

Sanctions, travel ban, asset freeze on 6 South Sudanese, Resolution-2428(2018) Extension of sanctions, two more officials added and Resolution -2471(2019) on Renewal of sanctions against South Sudan.

Currently, all warring parties hitherto involved in the conflict are represented in the R-TGONU and/or have agreed to observe the Cessation of Hostilities Agreement. All parties are committed to building confidence, stoppage of violence and IGAD and the AU are monitoring the implementation of the provisions of the agreement.

South Sudan as a Member State of the United Nations has Defense obligations for its territory, its sovereignty and the protection of its citizens. Sanctions undermine its defense capacity and makes it vulnerable to external incursions by neighbors and rebels in the neighboring countries. The average South Sudanese living near the borders going about their daily business is seriously exposed to attacks by external incursions from armed groups from other countries.

It is, therefore, only reasonable that the UNSC consider positively reviewing the sanctions imposed on South Sudan and its leaders to enable the R-TGONU implement the agreement judiciously and commence delivery of the badly needed services to the people of South Sudan. Sanctions are counter-productive as the country emerges out of war to peace. The UNSC should exercise goodwill and magnanimity.

2. On the Integration of Government Forces and other armed groups into one unified force.

South Sudan Response: The report wrongly accuses the parties to the Agreement of inflating their force numbers in cantonment camps and then it avers in s/no 16 to 18 that of the 83,000 strong personnel expected at the cantonment centers only 45,436 soldiers were present or

offered for the exercise in 17 of the 18 centers. We are pleased to confirm that the forces now in cantonment are the phase-1 group. Phase-2 will start upon integration of the first group into the National Army of the Republic of South Sudan.

3. On Inspection of all Cargoes entering South Sudan.

South Sudan Response: South Sudan is landlocked and it has no sea/ocean international entry port. All its imports and exports come via harbours facilitated through agreements with Sudan and Kenya.

It is important to peruse the various agreements South Sudan has signed with these countries and to appreciate that imports such as medicine and farm hardware, including for use by various NGOs operating in South Sudan, are accessed through Kenyan or Sudanese ports.

South Sudan takes no responsibility for inspection of goods at those ports or enforcement of arms embargo whether for goods from Europe or Asia.

4. On Geneva Convention, International Humanitarian Law, Gender based violence and Child Soldier Recruitment.

South Sudan Response: SSPDF does not conscript child soldiers. Its command structure observes and implements rules and regulations against recruitment of child soldiers. Violations reported, swift retributive and punitive against offender. The panels allegations are based on hearsay and rumors designed to discredit the SSPDF.

5. On Letters to South Sudan development partners, China, India, Malaysia

South Sudan Response: South Sudan maintains the right to unequivocally choose development partners to engage with in business

and trade. As a developing country almost all areas from security, infrastructure, education, water and sewerage, telecommunications, energy to mention but a few require development partners in order to effectively and consistently provide services to its people.

Our development partners are well adjudicated by a very competent panel of experts before a decision is forwarded to cabinet for approval. South Sudan will continue to explore new partners in furtherance of the country of its needs and that of its people.

6. On Grants, donations, loans to South Sudan.

The panel noted and wrote a letter urging all countries offering loans, grants and donations to follow the laid down UNSC committee laws on such in line with the various UNSC resolutions.

South Sudan Response: South Sudan will continue to engage robustly with business partners at diplomatic and other levels in sourcing funds for development in various sectors. The requisite laws in the constitution and other international laws will be followed strictly. South Sudan, therefore, has no objection for any measures for transparency and accountability.

7. On Follow up on Resolution 2028(2018) travel ban, asset freeze, on the eight officials by Ethiopia, Kenya, Uganda and Sudan.

The panel has recommended through a letter to the aforementioned countries information on asset freeze.

South Sudan Response: As early indicated in this presentation, most of the named officials are signatories to the R-ARCSS and signatories to the Cessation of Hostilities Agreement. Regional powers that

guaranteed these agreements have already pronounced themselves on this matter, that as a sign of goodwill and magnanimity this resolution should be adjudicated afresh with a view to starting on a clean slate.

His Excellency President Salva Kiir Mayardit, seven years ago offered an amnesty for other officials who stole public money to return home. This should be recognized and positively emulated by the UNSC for the sake of peace in South Sudan.

CONCLUSION

South Sudan is on the verge of a robust takeoff by all signs and intents. The false start that has characterized this launch is finally almost gone. The many security related hiccups that have delayed this advent are going to be sorted. A few recommendations need to be observed:

1. Cantonment and DDR

South Sudan is still heavily militarized in spite of the signing of the R-ACRSS and formation of the R-TGoNU. In the 36 months of the life of the R-TGoNU, Disarmament, Demobilization and Reintegration will be done as it was successfully done in Sierra Leone and that should be fast-tracked.

Cash for arms depending on caliber of weapon done by United Nations Mission in South Sudan (UNMISS) should be urgently scaled up. No country can go into a civil election with such an armed civil population. United Nations office of Peace keeping Department needs to take this up as a matter of urgency as UNMISS performance contract to successfully carry out the DDR process.

It is only after a successful DDR exercise that the army of South Sudan can perform its conventional defense duty, respect the Geneva

Convention, human rights and become a serious player in the family of defence forces. Reforms in this sector will go a long way in making South Sudan respected among nations while responsive to the country's defence needs. International and regional partners are encouraged to come on board in this endeavor.

2. Sector Reforms in South Sudan.

In order that administration is effective and many corruption loopholes sealed, South Sudan requires technical assistance and its international partners support in order to enhance service delivery in its various institutions: (a) Economic Governance, (b) Law and Administration of Justice, (c) Inclusive Citizenship (Immigration), (d) Infrastructure Development (e) Security and Law Enforcement, (f) Defence, (g) Land Mining and Agriculture, (h) Water and Sewerage, (i) Energy and Petroleum among other sectors as deemed necessary.

Security/Political challenges have stagnated development and stopped South Sudan from taking her rightful place in the region. The time for partnership is now.

3. Finally, the Government of South Sudan would like to highlight that the Revitalized Peace Agreement is holding and is being implemented, for instance:

- The Peace Agreement is holding;
- The R-TGoNU has been formed and is functioning;
- R-ARCSS has been incorporated into the National Constitution;

- Access to humanitarian aid across the country has significantly improved;
- Return of the internal displaced persons and refugees to their areas of origin on the increase; and
- The Government has engaged the holdout groups (SSOMA) who have not signed the R-ARCSS, with objective of joining peace process, culminating into the signing of the Rome Declaration on Cessation of Hostilities on 12th February 2020, mediated by the Community of Saint Egidio.

Therefore, the Government appeals to the members of United Nations Security Council and the International Community to further support its efforts in the implementation of the Peace Agreement and institutional capacity building efforts.

The continued UN emphasis on sanctions and on arms embargo rather than on supporting the full implementation of the R-ARCSS undermines the Government's efforts towards the realization of lasting peace and stability in the country.

END

ANNEXES

Annex-1: Detailed Response of the Revitalized Transitional Government of National Unity (R-TGoNU) of the Republic of South Sudan to the Report of the Panel of Experts Report of the 28th April, 2020.

Released on 28th April 2020

Introduction

The Revitalised Translational Government of National Unity (R-TGoUN) takes this opportunity to respond to the Panel of Experts' Report released and addressed to the President of the Security Council of the United Nations on the 28th April 2020.

After perusal of the Report, the Government regrets and would like to respond to the allegations made therein as follows:

A. Methodology Used in the Report

The Panel of Experts heavily depended on hearsay from unreliable sources which makes it difficult or impossible to accurately respond to the allegations made in the Report. The Government would like to state the following:

- The Panel of Experts' Report completely deviates from normal standard of research methodologies, particularly the mandated operational guidelines of Informal Working Group of the Security Council on General Issues of Sanctions. The Informal Working Group of the Security Council on General Issues of Sanctions emphasizes on transparency and credibility of sources, stating that UNPOE should identify the source of information contained in the reports, ensuring that such information is as transparent and verifiable as possible to protect the credibility of the findings and the integrity of the process, and check and corroborate all citations and facts.
- The Report fails to meet the minimum standard of ensuring integrity and credibility of the research process.

B. Security and Human Rights: Threats to Civilians, Violations and Conflict Dynamics

Paragraphs 13, 14, and 15 of the Report alleged that the R-TGoNU was formed outside of the Agreement Frame-work. Government would like to state the following:

- The Revitalized Transitional Government of National Unity (R-TGoNU) was formed in February 21st 2020, within the framework of the revitalized peace agreement “not outside as the report alleged”. The current COVID-19 pandemic situation is affecting some of the steps in the implementation process of the R-ARCSS;
- The Government would also like to state that Report undermines the efforts of the R-TGoNU in the process of the implementation of the R-ARCSS, including the maintenance of ceasefires; establishment of cantonment areas, and training of the unified forces; and
- In addition, for the sake of peace in the country, the Presidency of the TGoNU agreed to revert the country back to the 10 states and 3 Administrative Areas, despite the fact that 32 states was the overriding political will of the majority of the people of South Sudan.

The Report alleged to have consulted some officers from SSPDF and SPLA/IO, where the experts collected inaccurate information on the security arrangement. The report has further alleged that “there are multiple corroborated testimonies from both SSPDF and SPLM/A-IO, commanders instructed their forces to remain outside of the security reunification process”, which is baseless. Therefore, the Government would like to state the following in response to paragraphs 16,17,18,19, 20 and 21:

- Currently, there are 18 functioning training centers of combined forces of SSPDF, SPLM/A-IO, and other forces parties to the Agreement;
- The overriding goal of training centers was to provide refreshment training for already serving soldiers of the opposition and the SSPDF. Therefore, it is not meant for a new recruitment;

- The Joint Monitoring and Ceasefire Commission (JMCC) had biometric screening system deployed and used at the cantonment and training sites; and
- In the first quarter of 2020, some of the forces left the training centers, fearing possible infection from COVID 19;

C. Forced Recruitment, Including of Children in Unity State

Furthermore, the Report alleged that there was forced recruitment by both SSPDF and SPLA/IO in paragraphs 22, 23, 24, 25, 26, and 27:

- The SSPDF has not made any recruitment in the last five years as per the order of the Commander in Chief;
- The Government categorically rejects the allegation that there is a “forceful recruitments” in the country as stated to the Human Rights Council in September 2019;
- The SSPDF Command has issued directives to all division commanders to investigate any child recruitment and report to the SSPDF General HQs immediately. In addition, the army has been directed to strictly follow and observe the followings:
 1. Sexual violence allegations against women, if any, should be investigated and prosecuted;
 2. As a result of the actions taken, sexual and gender-based violence have significantly reduced due to the concerted efforts made by the parties to engage in the rule of law;
 3. It has never been a policy of the Government to recruit children into the armed forces. Moreover, the parties to the R-ARCSS have put in place mechanisms to discourage recruitment of children; and
 4. The Government is aware of its obligations under the Geneva Convention, which prohibits forceful recruitment of civilians into the armed forces.

D. Serious human rights violations by the SSPDF Military intelligence

There is no any order issued by Chief of the Military Intelligence regarding suppression of dissenting voices as alleged in the report. In response to paragraphs 28, 29, 30, 31, 32, 33, 34 and 35, the Government would like to state the following:

- The SSPDF Military Intelligence has not engaged in any illegal detention or torture of civilians and soldiers, being the SPLA-IO, SSPDF or civilians.
- Any personnel who engages in any illegal detention or torture is investigated and prosecuted accordingly;
- Military clashes happening in Central and Western Equatoria are all perpetrated by NAS, which is currently in offensive against the Government;
- The Government has an obligation to protect civilians and their properties against any military offensive.

Recruitment, training and arming of militias

The Report alleged that the Government is recruiting militias in Lakes and Warrap States. The Report also alleged that the recruitment is part of preparation for a possible attack against areas inhabited by ethnic Nuer communities. In response to paragraphs 36 and 37, the Government would like to state the following:

- There is no any recruitment of militias in Lakes and Warrap States nor diversion of ammunition to these areas; and
- Currently, there is an on-going disarmament of civilians in Lakes, Warrap, Unity and Western Bhar el Ghazal States.

E. Forced displacement, sexual and gender-based violence and attacks against civilian in Central Equatoria

The Government has investigated the alleged concerns in paragraphs 45, 46, 47, 48, 49, 50 51, 52 and 53 of the Report; and therefore, would like to state the following:

- Sexual violence allegations against women, if any, are being investigated and prosecuted; and
- Prosecution of perpetrators of extrajudicial violence by the security forces whether under combat conditions or otherwise are being addressed in accordance with the law.

F. Serious Human Rights Violations, Including Sexual and Gender Based Violence in Maiwut Area

- The Government has not committed any human rights violations including sexual and gender based violence in Maiwut; and
- The conflict among the forces of the SPLA/IO in the former Maiwut State is a sole internal matter.

G. Alleged Human Rights Violations by the National Security

The Report in paragraph 28, acknowledges that the President pardoned and released criminal prisoners in January 2020, it maintains that “other political prisoners remain in custody of NSS.” However, the Government would like to state that the Report fails to justify its allegations with another source, and further fails to even name the cited political prisoners.

In paragraph 29 of the Report, the Panel has nothing to report for this year, but instead, it refers to its previous reports (S/2019/301) and (S/2019/897) “that the National Security Service, through its Internal Security Bureau in particular, had acted outside the rule of law and official State structures.” Even though the Panel claims it has corroborated information in making such claims, in fact, it has not corroborated any substantial information. After all, it is only referencing and referring to previous reports.

The fact is that NSS remains as one of the most disciplined and better organized institution in the country that works within limit of the law that many individuals even across international governmental and nongovernmental institutions can attest to. In fulfillment of the provisions of the National Security Service Act 2014, the

Government has established a tribunal to try its National Security Members, suspected of committing offenses and abuse of human rights while on duty. This fact was broadly acknowledged by other regional and international media houses including the Voice of America (VOA).

In paragraph 30 of the Report it was alleged that the Director General (DG) of the Internal Security Bureau, General Akol Koor Kuc, “issued direct orders to suppress dissenting voices outside the legal due process, including through the arbitrary detention, torture and extrajudicial killings of perceived opponents”.

In response, the Government would like to state that the Report also fails to corroborate the allegation with any other source, evidence or named any single individual who might have been victim of such direct orders.

In paragraph 31 of the Report is a reproduction of the previous Report (S2019/301) which claims the existence of NSS detention facility known as “Blue House” and other detention facilities of NSS across the country. The Government of the view that the Panel of Experts is deliberately confusing and misleading the United Nations Security Council by over using the same source and claiming that it is verifying the veracity of the allegation, while using the same source that made the allegation in the first place. Such tactic is intellectual dishonesty at its best.

The Government would also like to state that the Blue House serves as the headquarters for Internal Security Bureau (ISB) of NSS.

The holding cell in the Blue House is only a tiny section of overall facility structure and layout. It never defines the facility in any major way. The holding cells are fitted to modern standards of comfort and living. The cells are only for in-disciplined members of NSS.

In paragraph 32 of the Report, using its favorite word, the report claims to have yet again “corroborated the existence of a second Internal Security Bureau detention facility in Juba, known as “Riverside”.” Citing confidential source again and absolving itself from producing independent corroborating evidence, the report concludes, “no detainee at Riverside has been charged with a criminal offence and there is no register listing the detainees.” Of course, this conclusion is in direct contradiction to the claim made in the same (paragraph 32) that the “Panel verified

that up to 40 detainees at a time have been detained in the facility” and yet it just claimed there is “no register listing of the detainees.” Confusing, right? So, which one is which, especially using words such as “verified” and “corroborated” to contradict allegations it is trying to advance. The Government would like to state that what has been alleged about the Riverside Detention Facility having no registry is incorrect and misleading. However, the facility is for in-disciplined members of NSS with proper registry.

In paragraph 33 of the Report it was alleged that the Panel has been able to confirm serious torture and even killing taking place in “Riverside” detention facility. The Government affirms nothing else substantiated in the claims in paragraph 33 as there is no corroborative evidence for such allegations.

H. On Recruiting, Training and Arming of Militias by NSS

On paragraph 36 of the Report, it was alleged that during the reporting period, Lieutenant General Kuc “recruited and trained over 10,000 soldiers in Yithkuel, Warrap”. The Government would like to state that the report allegations are baseless and unfounded. As a matter of fact, Yithkuel is a military barrack and not a recruitment center.

I. On Arms Embargo Violation by NSS

On the arms embargo, the Report is alleging that the NSS illegally transported shipments of weapons and ammunitions from Khartoum to South Sudan in violation of UN arms embargo against South Sudan. The report also alleged that a Sudanese airline company known as Green Flag Aviation facilitated the transferring of the shipments.

To verify the allegations, the report cited two confidential photographic evidences alleged to be on file of the Panel of Experts. One of the photographs is cited (in paragraph 40) to be of a cargo plane that transported shipments of illegal weapons, mostly AK-47 machine guns and ammunitions from Khartoum to South Sudan. The report alleges that from the photograph, the cargo plane bears clearly feasible registration tail number “ST-BDT.” In uncanny way, the report in the same (paragraph 40), also cites the Face Book (FB) page of Green Flag Aviation Co. Ltd., as a further corroborating piece of evidence. In it, the report further asserts that the very air craft posted on Green Flag Aviation FB profile page is the same air craft

with registration tail number “ST-BDT,” which facilitated the shipments of illegal weapons and ammunition from Khartoum to South Sudan. Besides the problem of the source in this allegation, the obvious and clear problem is that the air craft with the registration tail number “ST-BDT” that UNPOE report points to as a suspect for ferrying shipments is a tiny passenger falcon Jet not even capable to carry any cargo load as alleged by the report. (The image of the plane is attached from the very source that UNPOE report cites).

In the same (paragraph 40), the report claims that the second photograph in file is a corroborative evidence of NSS “Internal Security Bureau, supervising the shipment of weapons and ammunition in Juba”. The fact that the Panels never produced any photographic evidence, and are relying on FB postings for corroborating photographic evidence, begs doubt on why should they be believed on account of producing no photograph and yet claim to possess a photograph on file. We dare them to produce any photographic evidence they have in file.

Another obvious example where UNPOE report misses the fact is that it alleges “Colonel Angelo Kuot Garang Kuot has actively sought to acquire weapons and ammunitions and the panel further verified that Colonel Kuot traveled abroad during the reporting period for this purpose”. The fact is that Lieutenant Colonel Angelo Kuot Garang, not (Colonel Angelo Kuot Garang Kuot as UNPOE wrongly identifies him), like Brigadier General Malual Dhal Muorwel were implicated in the murders of Dong Samuel Luak and Aggrey Idri by UNPOE Report of last year (S/2019/301) and he was subsequently sanctioned by US as a result. Hence, Lieutenant Garang ability to travel is limited. Logically, how can a person facing travel restrictions of all the people engaged in complicated international arms deals? We know very well individuals who give out such wrong information, but unfortunately the Panel fails miserably to do its due diligence in this respect. It is standard anywhere in the world that to indict someone of murder, it requires high burden of evidential proof, but in this case UNPOE already indicted Lieutenant Colonel Garang for two elaborate plots of murders, while the Panel could not even establish accurate identity of him.

In this instant, it is clear, the UNPOE created false hypothesis that NSS received weapons and ammunitions from Khartoum. The Experts, however, found it difficult to prove their false hypothesis with credible evidence, hence, resorting into desperate measures in falsifying evidences and concocting stories to fit with their false hypothesis.

Finally, on page 41 of the Report, the UNPOE designates what it calls “annex 2” of the report with respect to “Riverside facility operated by NSS.” In a normal standard, an annex to a report according to mandate given to UNPOE, supposed to provide additional information in form of hard evidence such as “images, copies of documents and tables containing detailed technical information”¹ so as to supplement what is already discussed in the main body of the report. However, this is not the case, because “annex 2” in UNPOE repeats the same accusations of brutalities, tortures, and killings, where “ISB officials transported the deceased detainees to SSPDF barracks in Juba known as ‘Gaida,’ which includes a cemetery of mass burials of those who died in detention of either the NSS or SSPDF MI.” The annex has no additional any hard evidence, but repeating the same allegations by the same source on hearsay with no any other evidence to corroborate the false allegations.

The only thing, the report does differently in this section of the report is making an attempt in trying to describe the structural layout of ‘Riverside facility.’ Though the attempt is not an accurate descriptive layout of the facility, it is a commendable effort from someone sitting in an air condition office in New York City trying to guess and imagine a horrible facility, where brutalities, tortures, and killings are taking place.

Annex 2 of the UN Panel of Experts Report talks about a Riverside Facility Fantasies and imaginations aside. Historically, like the Blue House, the Riverside facility is also an inherited facility from security agency of the previous Khartoum regime. The only real bad things about these facilities is the stigma of their past notoriety and reputation, which unfortunately still sticks today.

Riverside is official headquarters of Division for Operation of ISB. In 2018, ISB divided this division into operations and training divisions. Major General Gabriel Ayor, who headed the combined divisions of operations and training, has been in charge of Riverside facility, since 2011, until his effect transfer in late 2018. With the successful divisions, Major General Ayor was transferred to be in charge of division for training, which is headquartered in Luri. Major Wol Dhel Thong, who is mentioned in UNPOE report, is not an officer of NSS. Major Dhel is from South Sudan National Police Service (SSNPS), Central Investigation Department (CID). He was brought in during the separation within the operation division as a police

¹ UNSC, *Report of the Informal Working Group of the Security Council on General Issues of Sanctions*, S/2006/997, 22 December 2006.

liaison officer to assist out in sorting criminal cases in Riverside facility. How then is UNPOE current, accurate and credible with its reporting if it is currently placing Major Dhel in charge of “Riverside detention” amidst allegations of brutalities, tortures, and killings when even it misses the obvious identity and crucial facts of individual it is accusing?

The Riverside facility is not that secretive of a site as it is located within busy populated area. The place is sharing fences with a lot of public places. For example, on one side, it shares a wall with immigration service center. The windows of offices in immigration service center are widely open, facing inside Riverside facility. Just imagine, immigration service center is one of the busy public places during working days and hours. Therefore, any noises of torturing people within Riverside facility would automatically draw the attention of crowd from immigration service center.

On the other end, Riverside facility shares a fence with water purification site. The water purification site is actually being managed by Japanese development agency, (JICA), a foreign entity that would have automatically drawn sensitivity from those NSS officials running Riverside facility. Nothing actually blocks the Riverside facility and the water purification site, but only steel fence stands in and between, which one can be able to see every activity in River site. Logically, if some illegal activities are taking place inside Riverside facility, the first thing the officials there would have done is to block off any opening that allow those from outside seeing through, including the office windows of the immigration service center.

The place is also serves as residual quarters for soldiers conducting routine operations within Juba city against armed robberies, shootings, carjacking, rapes etc. The soldiers erect their sleeping tents within the compound and spent leisure time in there. They cook and eat there as that is typical home for them.

The facility consists of one main concrete building and some small houses; most of them are sleeping tents for soldiers. It is this main concrete building that UNPOE in its report trying so hard to portray as a detention room, wrongly describing it as “a large space known as verandah holds most detainees in communal cells.” The building is not a detention facility, but an actual building consisting of a verandah and offices and right in it, stands an imposing statue with inscribed names of NSS members fallen, while on operational duties. In a normally standard English, which eludes the UNPOE, a “verandah” also, spells as “veranda” is simply an opened and raised up and covered up section of the structure attached to main house building.

Normally, the detainees are allowed to relax and sit in the verandah of that main building. Those detainees relaxing in the verandah are not bound or chained down. Usually, any outsider or those seeing through the fence would not even notice that those who relax in verandah are detainees.

There is only one holding cell in the facility and it does not take up to 40 people as the UNPOE claims. Remember, UNPOE also contradicts its own claim that it does not know how many people are detained in the Riverside facility, because it claims that NSS never keeps records of its detainees in Riverside.

The Riverside, by the virtue of it being the headquarters of operations, holds criminals as a result and nature of operations dictate. There are typically two categories of criminals at Riverside. The first category is NSS members who commit offenses and brought in for disciplinary measures and others awaiting further investigation and possibly court martial. Example of such cases is an NSS Brigadier General Malual Dhal Muorwel and 25 other NSS members who are implicated in humiliation and detention of Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) team members in Luri training facility.

It is clear that the Panel of Experts doesn't know what they are writing about or they are deliberately twisting facts to fit with their negative narrative. In their report of April 2019, they stated that they were able to establish through their confidential source that Brigadier General Malual Dhal Muorwel ordered the humiliation and detention of (CTSAMVM) team members. However, by January 2019, the NSS already taken punitive measures against Brigadier General Malual Dhal Muorwel after establishing that through the chain of command, he was indeed accountable for the incident in Luri involving (CTSAMVM) team members, since incident took place under his command, while he was a deputy in charge of the center. Therefore, Brigadier General Dhal Malual and 25 other members of NSS implicated in the incident were effectively transferred to Riverside facility. This incident does not need confidential source or hearsay to be cited, since it is a public knowledge. So, UNPOE could have used any of the verifiable sources from the public or officials of NSS, than desperately resorting to reporting false information by hiding under confidential sources.

Now, the pertinent question is, why would UNPOE focus so much on Riverside facility and miss the fact to identify the NSS officer who was a target of its last year

report, Brigadier General Malual Dhal Muorwel who is under detention there? One must really dismiss the credibility of UNPOE confidential sources and question the judgment and motive of Panel of Experts on in its manner in reporting.

In 2019, the US Treasury Department sanctioned Brigadier General Malual Dhal Muorwel, exactly because UNPOE implicated the general in its report. It is intriguing that the UNPOE was able to uncover an elaborate murder of people who disappeared in another country, but could not discover the mere presence of their suspected murderer in small detention facility that they claim to have thoroughly investigated.

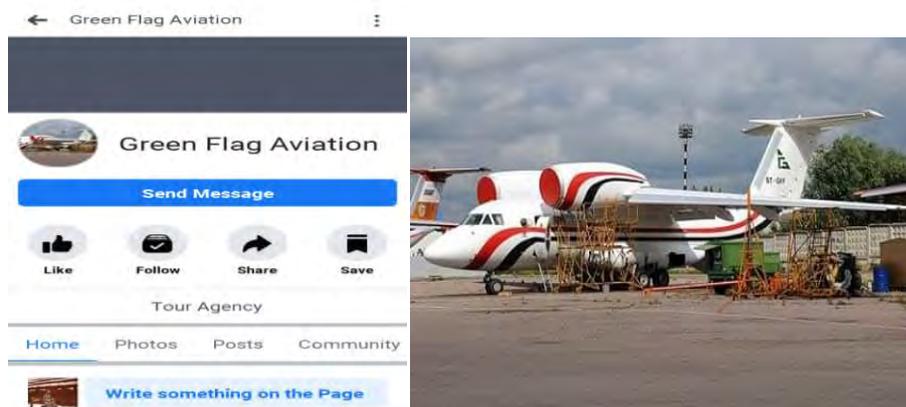
The second category of people detained in Riverside facility includes armed criminals who are caught through NSS operations while engaging in carjacking, robberies, rapes, lootings etc. Most of those armed criminals are soldiers of different units.

Unlike the contradictory claims of UNPOE report that there are no records of detainees of Riverside facility, instead, all criminal are booked according to their offenses. Criminals are quickly sort out and sent where they belong. For example, most of those caught during night patrols in joint operations, but never commit major offenses are released in the morning. Civilians who commit other offenses are taken by police. The soldiers, after sorted out are returned to the custody of their respective units.

The UNPOE report goes on, making some uncreative imaginations of what Riverside is. For example, the report absurdly alleges that the detainees at Riverside are denied drinking water that they have to use “river water through a pipe in the toilet for drinking.” ...but what water pipes and toilets in Riverside?

This is clearly a joke, sounds more like this UNPOE report is outsourced to an American high school student who is completely devoid of living and infrastructural conditions of South Sudan. The fact that this facility is referred to ‘Riverside’ is not by accident of some foreigners’ manipulating names such as French Guiana in South America. The facility lies on the bank of the beautiful mighty River Nile, hence Riverside. In this side of the world, people drink water straight from the river. No existing running water pipes connected to anything like toilets as the writers of UNPOE report are trying so hard in their wrong wildest imaginations.

Riverside facility can never certainly hold members of oppositions in detention as claimed by UNPOE, especially when opposition parties are already in government. Besides, it is not a facility to detain political prisoners. So, the allegations made in UNPOE report about Riverside facility can never reconcile with all factual evidences.



J. Risk of Misallocation of Public Resources Designated for the National Pre-Transitional Committee (NPTC)

Paragraph 69 of the Report alleges that the NPTC did not transparently manage the funds allocated for peace implementation. In response to this allegation, the Government would like to state the following:

- The NPTC fund was managed transparently in accordance with the rules of procedure governing the management of the fund of NPTC.

Paragraph 70 of the Report alleges that based on the procedures for management of the accounts of NPTC at the Bank of South Sudan, the committee Secretary Martin Elia Lomuro or his representative were required to sign special certificates for all payments, that confirmed that amounts and dates of payment. The Government would like to state the following:

- That according to the rules of governing the management of the NPTC fund which we hereby attach, we do not find anywhere stipulating that there would be a certificate signed by the Secretary Martin Elia Lomuro or his representative. The day to day management of the fund is the responsibility of the Head of Secretariat as stipulated in section 5 of the rules. It is unfortunate that the Panel reviewed a document from the BoSS dated 20th November 2019, which is not in conformity with the rules of management of the fund. The Panel did not make an effort to cross check with the NPTC documents.

Paragraph 71 of the Report alleged that the Panel verified from multiple sources that the most senior representative of SPLM/A-IO, Henry Odwar did not receive any documents regarding the release of committee funds and/or payment from the committee accounts in violation of the R-ACRSS. In this matter, the Government would like to state the following:

- It is unfortunate that the various sources of the Panel misinformed the Panel. Henry Odwar the then deputy Chairperson received information about the NPTC funds and its allocation. Besides, in case that he was not in the country on medical treatment which he does every other three months, he has participated in the allocation of the NPTC funds.

Paragraphs 72-75 of the Report, it was alleged the release of funds to NPTC by the Ministry of Finance and Economic Planning. The Panel raises two issues: one about not having seen documents pertaining to the allocation of US\$ 23.5 million out of the US\$ 40 million allocated to NPTC and second is about the US\$ 3.5 million to JDB, claiming that it carries risks of misappropriation or diversion of public funds. In the matter, the Government makes the following:

- The \$23.5 million USD was spent on activities such accommodation of the members of NPTC and members of the parties signatory to the agreement, hire of vehicles and transportation including flights. Besides, there was food and medicines for cantonment, barracks and training centers that was purchased using these funds. On the issue of the JDB \$ 3.5 million USD, these funds were used for various activities of Joint Defense Board. This included purchase and maintenance of vehicles for mobility of the staff and transportation of food to the cantonments. Barracks and training centers,

office running costs and essential Administration costs. This in our view is part of the mandate of the JD Board.

In paragraph 77 of the Report it was alleged that NPTC was given funds to pay for the accommodation of its delegates since December 2018, and that the Committee leadership never decided collectively on the allocation and management of resources for the accommodation of the delegates. The hotel prices varied between US\$ 2,500 to US\$ 3,000 per month. It goes further to state that in August 2019, it had received a letter from Palm Africa where by the delegates were given notice of nonpayment for six months, indicating that the money transferred to pay accommodation might not have reached its destination. On this allegation, the Government would like to make the following:

- The NPTC received funds from the Ministry of Finance and Economic Planning, as presented and approved by the Council of Ministers on the 13th February 2019. In August 2019, NPTC received \$21 million USD and made payment to hotels, rent of vehicles and other contractual obligations. The hotels were paid up to \$3 million USD out of the \$21 million USD as part of their bills. Therefore, the letter from Palm Africa Hotel was not an indication at all of misappropriation of funds as it is suggested by the Panel, nor does it suggest that funds for accommodation did not reach its intended destination.
- It is worth mentioning that the NPTC on its own accord provided copy of the rules of procedure governing management of the NPTC funds and account.

K. Risks of Misappropriation of Public Funds from the Sale of Oil

- In response to the allegations in paragraphs 79-91 of the Report, the Government in mid-2019, introduced reforms in regards to oil sales which significantly improved transparency as the oil sales continued to gain more value because of the open tender processes which were strictly followed and has resulted in South Sudan crude oil being sold at premium for the first time throughout the remaining portion of 2019 and earlier 2020, because buyers have been winning the bids are always awarded accordingly the government

has also embarked on the construction of two major roads projects that were funded by the government in the absence of support from anywhere.

- Liabilities that have accumulated over the years were also paid through oil proceeds, 2 % and 3 % of the producing states were paid for the first time, Oil Revenue and Stability Account (ORSA) was activated and received payment that were deposited, including future generation funds was activated also no in kind support was provided to oil protection except food rations.

L. Illicit Extraction of Gold

- Concerning the issues raised by the Panel of Experts in paragraphs 95-101, the Government would like to reiterate the following:
- It is unfortunate that the Experts did not get all the information from the right sources in the Ministry of Mining leading to contradictions in some cases as well as mixing up artisanal mining with small scale mining.
- There are two legal documents governing the exploration and mining in the country: Mining Act 2012 and Mining (Mineral Title) Regulations 2015.
- The Mineral Titles are given with the help of Flexi-Cadastre System that is internationally corruption free. It computes the size of the concession and the payable fees leading to the title award on first come, first served bases, no favoritism and many countries in Africa still do not use this system.
- In view of the fairness of the Cadastre System, 63 exploration concessions have been registered in South Sudan, and some other applications still being evaluated. The registered exploration companies come from Africa, Australia, Asia, Europe and USA to name a few.
- A Council of Ministers Resolution in June 2016 directed the Ministry of Mining to fast tract gold mining operations and the Ministry of Finance to avail the funds required.

- Artisanal gold mining is not illegal in South Sudan, it is only unregistered and unregulated because it involves almost all the able-bodied in respective gold areas for their livelihood.

- Most artisanal miners are illiterate, adding to that, artisanal miners are usually secretive about their gold production; for these reasons they do not record the amounts of the gold they produce. They sell the gold to whoever can afford the price at the time. This is the nature, produce, and end results of artisanal gold mining in South Sudan that the Panel needs to know. Under these circumstances neither the Ministry of Mining nor the Ministry of Trade has any data on the artisanal gold production or trade. Sadly enough, as the Panel correctly noted, the non-collection of taxes from this mining is not helpful to the Government drive to raise the standard of living of its people. Plans are under way to correct this.

- The Ministry of Mining only gives certificates of no objection for sending geological samples for analysis outside South Sudan after getting details of the samples from the registered mineral title holders. Therefore, it does not issue any export licenses.