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COUNCIL REGULATION (EU) 2015/735

of 7 May 2015

concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No 748/2014

(OJ L 117, 8.5.2015, p. 13)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Implementing Regulation (EU) 2015/1112 of 9 July 2015	L 182	2	10.7.2015
►**M2**	Council Implementing Regulation (EU) 2017/402 of 7 March 2017	L 63	7	9.3.2017

Corrected by:

►**C1** Corrigendum, OJ L 146, 11.6.2015, p. 30 (2015/735)

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COUNCIL REGULATION (EU) 2015/735

of 7 May 2015

concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No 748/2014

Article 1

For the purposes of this Regulation, the following definitions apply:

(a) 'brokering services' means:

(i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, from a third country to any other third country; or

(ii) the selling or buying of goods and technology or of financial and technical services, that are located in third countries for their transfer to another third country;

(b) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

(c) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for that purpose 'contract' includes a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

(d) 'competent authorities' means the competent authorities of the Member States as identified on the websites listed in Annex III;

(e) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

(f) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

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(g) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

(h) ‘funds’ means financial assets and benefits of every kind, including, but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale; and

(vii) documents showing evidence of an interest in funds or financial resources;

(i) ‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including verbal forms of assistance;

(j) ‘territory of the Union’ means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

It shall be prohibited to:

(1) provide technical assistance or brokering services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, directly or indirectly to any natural or legal person, entity or body in, or for use in, South Sudan;

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(2) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical assistance, directly or indirectly to any natural or legal person, entity or body in, or for use in South Sudan.

Article 3

1. By way of derogation from Article 2, the competent authorities may authorise the provision of financing and financial assistance, technical assistance and brokering services related to:

(a) non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, or for institution-building programmes of the UN, the African Union (AU), the European Union (EU) or the Intergovernmental Authority on Development (IGAD);

(b) materiel intended for EU, UN and AU crisis management operations;

(c) demining equipment and materiel for use in demining operations;

(d) support for the process of Security Sector Reform in South Sudan.

2. No authorisations shall be granted for activities that have already taken place.

Article 4

Article 2 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to South Sudan by personnel of the EU or its Member States, by UN or IGAD personnel, or by representatives of the media, humanitarian and development workers and associated personnel for their personal use only.

Article 5

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen. Annex I shall include natural or legal persons, entities and bodies identified by the Committee of the UN Security Council established pursuant to paragraph 16 of UNSCR 2206 (2015) ('Sanctions Committee') as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, in accordance with paragraphs 6, 7, 8, and 12 of UNSCR 2206 (2015).

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2. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex II shall be frozen. Annex II shall include natural or legal persons, entities and bodies which, in accordance with Article 6(1)(b) of Decision (CFSP) 2015/740, have been identified by the Council as being responsible for obstructing the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan, and natural or legal persons, entities or bodies associated with them.

3. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annexes I and II.

Article 6

By way of derogation from Article 5(1), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, provided that the following conditions are met:

(a) the competent authority concerned has determined that the funds or economic resources are:

(i) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(ii) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or

(iii) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

and

(b) the Member State concerned has notified the Sanctions Committee of the determination referred to in point (a) and its intention to grant an authorisation, and the Sanctions Committee has not objected to that course of action within five working days of notification.

Article 7

By way of derogation from Article 5(1), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, provided that all of the following conditions are met:

(a) the competent authority concerned has determined that the funds or economic resources are necessary for extraordinary expenses;

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(b) the Member State concerned has notified the Sanctions Committee of that determination and the Sanctions Committee has approved that determination.

Article 8

1. By way of derogation from Article 5(2), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex II, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or

(d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted at least two weeks prior to the authorisation.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 9

By way of derogation from Article 5(1), the competent authorities may authorise the release of certain frozen funds or economic resources, provided that all of the following conditions are met:

(a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date of adoption of UNSCR 2206 (2015), or of a judicial, administrative or arbitral judgment rendered prior to that date;

(b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the lien or judgment is not for the benefit of a person, entity or body listed in Annex I or II;

(d) recognising the lien or judgment is not contrary to public policy in the Member State concerned;

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(e) the Sanctions Committee has been notified by the Member State of the lien or judgment.

Article 10

1. By way of derogation from Article 5(2), the competent authorities may authorise the release of certain frozen funds or economic resources, provided that all of the following conditions are met:

(a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 5(2) was listed in Annex II, or of a judicial or administrative decision rendered in an Member State, or a judicial decision enforceable in the Member State concerned, prior to or after that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I or II;

(d) recognition of the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 11

By way of derogation from Article 5(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body had been designated by the UN Security Council or the Sanctions Committee, the competent authorities may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined all of the following:

(a) that the funds or economic resources are to be used for a payment by a natural or legal person, entity or body listed in Annex I;

(b) that the payment is not in breach of Article 5(3);

(c) that the Sanctions Committee has been notified by the relevant Member State of the intention to grant an authorisation 10 working days in advance.

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Article 12

1. By way of derogation from Article 5(2) and provided that a payment by a natural or legal person, entity or body listed in Annex II is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex II, the competent authorities may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined all of the following:

(a) that the funds or economic resources are to be used for a payment by a natural or legal person, entity or body listed in Annex II;

(b) that the payment is not in breach of Article 5(3).

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 13

1. Articles 5(3) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

2. Provided that any such interest, other earnings and payments are frozen in accordance with Article 5(1) and (2), Article 5(3) shall not apply to the addition to frozen accounts of any of the following:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 5 has been included in Annex I or II.

3. With respect to natural or legal persons, entities or bodies listed in Annex II, Article 5(3) shall not apply to the addition to frozen accounts of payments due under judicial, administrative or arbitral decisions rendered in an Member State or enforceable in the Member State concerned, provided that any such payments are frozen in accordance with Article 5(2).

Article 14

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately any such information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 5, to the competent authority of the Member State where they are resident or located, and shall transmit such information, directly or through the Member State, to the Commission; and

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(b) cooperate with the competent authority in any verification of this information.

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 15

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Articles 2 and 5.

Article 16

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith and on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 17

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

(a) designated natural or legal persons, entities or bodies listed in Annex I or II;

(b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

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Article 18

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation in particular information in respect of:

(a) funds frozen under Article 5 and authorisations granted under Article 3 and Articles 6 to 12;

(b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 19

The Commission shall be empowered to amend Annex III on the basis of information supplied by Member States.

Article 20

1. Where the UN Security Council or the Sanctions Committee lists a natural or legal person, entity or body and has provided a statement of reasons for the designation, the Council shall include that natural or legal person, entity or body in Annex I. The Council shall communicate its decision and the statement of reasons to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to present observations.

2. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person, entity or body accordingly.

3. Where the UN decides to de-list a person, entity or body, or to amend the identifying data of a listed person, entity or body, the Council shall amend Annex I accordingly.

Article 21

Annex I shall include, where available, information provided by the UN Security Council or by the Sanctions Committee necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business. Annex I shall also include the date of designation by the UN Security Council or by the Sanctions Committee.

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Article 22

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 5(2), it shall amend Annex II accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

4. The list in Annex II shall be reviewed at regular intervals and at least every 12 months.

Article 23

1. Annex II shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.

2. Annex II shall include, where available, information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 24

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment thereof.

Article 25

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex III. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex III.

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2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex III.

Article 26

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(b) on board of any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Union who is a national of a Member State;

(d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

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Article 27

Regulation (EU) No 748/2014 is hereby repealed.

Article 28

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

▼M1

ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 5(1)

▼M2

A. PERSONS

1. **Gabriel JOK RIAK (alias: a) Gabriel Jok b) Jok Riak c) Jock Riak)**

Title: Lieutenant General

Designation: Sudan People's Liberation Army's (SPLA) Sector One Commander

Date of Birth: 1966

Place of Birth: Bor, Sudan/South Sudan

Nationality: South Sudan

Address: a) Unity State, South Sudan b) Wau, Western Bahr El Ghazal, South Sudan

Date of UN designation: 1 Jul. 2015

Other information: Has commanded SPLA Sector One, which operates primarily within Unity State, since January 2013. In his position as the SPLA Sector One commander, he has expanded or extended the conflict in South Sudan through breaches of the Cessation of Hostilities Agreement. The SPLA is a South Sudanese military entity that has engaged in actions that have extended the conflict in South Sudan, including breaches of the January 2014 Cessation of Hostilities Agreement and the May 9, 2014 Agreement to Resolve the Crisis in South Sudan, which was a re-commitment to the CoHA and has obstructed the activities of IGAD's Monitoring and Verification Mechanism. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5879060

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Gabriel Jok Riak was listed on 1 July 2015 pursuant to paragraphs 7(a), 7(f) and 8 of resolution 2206 (2015) for, 'actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement'; 'the obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including IGAD's Monitoring and Verification Mechanism or of the delivery or distribution of, or access to, humanitarian assistance'; and as a leader 'of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7'.

Gabriel Jok Riak is the commander of the Sudan People's Liberation Army's (SPLA) Sector One, a South Sudanese military entity that has engaged in actions that have extended the conflict in South Sudan, including breaches of the January 2014 Cessation of Hostilities Agreement (CoHA) and the May 9, 2014 Agreement to Resolve the Crisis in South Sudan (May Agreement), which was a re-commitment to the CoHA.

▼**M2**

Jok Riak has commanded SPLA Sector One, which operates primarily within Unity State, since January 2013. SPLA Divisions Three, Four, and Five are subordinate to Sector One and its commander, Jok Riak.

Jok Riak and SPLA Sector One and Three forces under his overall command engaged in several actions, as detailed below, that violated the January 2014 CoHA's commitments to cease all military actions aimed at opposing forces, as well as other provocative actions, freeze forces in their current locations, and refrain from activities such as movement of forces or ammunition resupply that could lead to military confrontation.

SPLA forces under Jok Riak's overall command breached the CoHA agreement several times through outright hostilities.

On January 10, 2014, an SPLA force under the overall command of Sector One commander Jok Riak captured Bentiu, which had previously been under Sudan People's Liberation Army in Opposition (SPLM-IO) control since December 20, 2013. SPLA Division Three ambushed and shelled SPLM-IO fighters near Leer soon after the signing of the January 2014 CoHA and in mid-April 2014 captured Mayom and killed more than 300 SPLM-IO troops.

On May 4, 2014, an SPLA force led by Jok Riak again recaptured Bentiu. On state television in Juba, an SPLA spokesman said that the government army commanded by Jok Riak had captured Bentiu at four in the afternoon, adding that Division Three and a special SPLA taskforce were involved. Hours after the May Agreement was announced, SPLA Third and Fourth Division forces engaged and repelled opposition fighters who had earlier attacked SPLA positions near Bentiu and in the northern oil regions of South Sudan.

Also after the signing of the May Agreement, SPLA Division Three troops recaptured Wang Kai, and the division commander, Santino Deng Wol, authorized his forces to kill anyone carrying weapons or hiding in homes, and ordered them to burn any homes containing opposition forces.

In late April and May 2015, SPLA Sector One forces led by Jok Riak conducted a full-scale military offensive against opposition forces in Unity State from Lakes State.

In violation of the terms of the CoHA as detailed above, Jok Riak reportedly sought to have tanks repaired and modified for use against opposition forces in early September 2014. In late October 2014, at least 7 000 SPLA troops and heavy weapons from the Third and Fifth Divisions were redeployed to reinforce Fourth Division troops bearing the brunt of an opposition attack near Bentiu. In November 2014, the SPLA brought new military equipment and weaponry, including armored personnel carriers, helicopters, artillery guns, and ammunition into Sector One's area of responsibility, likely in preparation for fighting against the opposition. In early February 2015, Jok Riak reportedly ordered armored personnel carriers to be sent to Bentiu, possibly to respond to recent ambushes by the opposition.

Subsequent to the April and May 2015 offensive in Unity State, SPLA Sector One denied requests by the Intergovernmental Authority on Development Monitoring and Verification Team (IGAD-MVM) in Bentiu to investigate this violation of the CoHA; thereby denying the IGAD-MVM freedom of movement to carry out its mandate.

Additionally, in April 2014, Jok Riak expanded the conflict in South Sudan by reportedly assisting in arming and mobilizing as many as 1 000 Dinka youths to supplement traditional SPLA forces.

▼M2

2. **Simon Gatewech DUAL (alias a.k.a.: a) Simon Gatwich Dual b) Simon Getwech Dual c) Simon Gatwec Duel d) Simon Gatweach e) Simon Gatwick f) Simon Gatwech g) Simon Garwich h) General Gaduel i) Dhual**

Title: Major General

Designation: Chief of General Staff, SPLA in Opposition

Date of Birth: 1953

Place of Birth: a) Akobo, Jonglei State, Sudan/South Sudan b) Uror County, Jonglei State, Sudan/South Sudan

Address: Jonglei State, Sudan/South Sudan

Date of UN designation: 1 Jul. 2015

Other information: Is the SPLM-IO Chief of General Staff and was previously the commander of opposition forces in Jonglei State. His forces conducted an early February 2015 attack in Jonglei State, and as of March 2015, he had tried to destroy the peace in Jonglei State through attacks on the civilian population. Photograph available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5879066

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Simon Gatwech Dual was listed on 1 July 2015 pursuant to paragraphs 6, 7(a), 7(d), and 8 of resolution 2206 (2015) as, 'responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan'; 'actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement'; 'the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law'; and as a leader 'of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7'.

Simon Gatwech Dual (Gatwech Dual) has engaged in actions or policies that threaten the peace, security or stability of South Sudan and is a leader of the Sudan People's Liberation Movement in Opposition (SPLM-IO), an entity that has engaged in: actions that threaten the peace, security or stability of South Sudan; and targeted civilians, including women and children, through the commission of acts of violence.

Gatwech Dual is the SPLM-IO Chief of General Staff and was previously the commander of opposition forces in Jonglei State.

In 2014 to 2015, Gatwech Dual had a large number of troops under his command and operated somewhat autonomously in leading attacks. Gatwech Dual oversees the deployment of SPLM-IO and likely the deployment of some White Army (a Nuer youth militia) forces as well.

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In late April 2014, forces under Gatwech Dual's overall command were gaining territory in Jonglei State as they marched on the state capital of Bor. Gatwech Dual may have used the news of the April 17, 2014 attack on Nuer internally displaced persons at the UN compound in Bor to incite his troops to seek revenge. The IGAD Monitoring and Verification Mechanism in Upper Nile, Unity and Jonglei states also cited forces under Gatwech Dual in its August 14, 2014 summary of ceasefire violations.

Gatwech Dual's forces conducted an early February 2015 attack in Jonglei State. As of March 2015, Gatwech Dual had tried to destroy the peace in Jonglei State through attacks on the civilian population.

In late April 2015, Gatwech Dual was involved in planning and coordinating surprise attacks against South Sudanese government forces in Upper Nile State. The IGAD Monitoring and Verification Mechanism summary report of cessation of hostilities violations from May 12-31, 2015 lists breaches by opposition forces under Gatwech's control, including an attack on government forces in Ayod.

SPLM-IO forces under Gatwech Dual's command targeted women, children and civilians. Gatwech Dual reportedly ordered units under his command to kill Dinka prisoners of war (POWs), women, and children, and officers under his command stated that opposition forces should not make any distinctions between different Dinka tribes and should kill all of them.

3. **James Koang CHUOL (alias: a) James Koang Chol Ranley b) James Koang Chol c) Koang Chuol Ranley d) James Koang Chual**

Title: Major General

Date of Birth: 1961

Nationality: South Sudan Passport no: R00012098, South Sudan

Date of UN designation: 1 Jul. 2015

Other information: Appointed commander of the Sudan People's Liberation Army in Opposition (SPLAIO) Special Division in December 2014. His forces have been engaged in attacks against civilians. In February 2014, forces under his command attacked United Nations camps, hospitals, churches, and schools, engaging in widespread rape, torture, and the destruction of property, in an attempt to flush out civilians, soldiers, and policemen allied with the government. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5879069

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

James Koang Chuol (Koang) was listed on1 July 2015 pursuant to paragraphs 6, 7(a), 7(d) and 8 of resolution 2206 (2015) as, ‘responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan’; ‘actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement’; ‘targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations

▼M2

where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law'; and as a leader 'of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7'.

James Koang Chuol (Koang) has threatened the peace, security, or stability of South Sudan in his position as a leader of anti-government forces in Unity State, South Sudan, whose members targeted civilians, including women and children, with killing, sexual violence, and committed attacks on schools, hospitals, religious sites, and locations where civilians were seeking refuge.

Koang defected from his position as the Sudan People's Liberation Army (SPLA) Fourth Division commander in December 2013. Taking orders from Koang, defecting soldiers executed as many as 260 of their on-base counterparts before targeting and killing civilians in the state capital of Bentiu.

Koang was appointed commander of the Sudan People's Liberation Army in Opposition (SPLA-IO) Special Division in December 2014. In his new position, Koang led attacks on government forces in Upper Nile State's Renk and Maban counties in January 2015 that were cited by the Inter-governmental Authority on Development Monitoring and Verification Mechanism as violations of the CoHA.

In February 2014, after Koang was given command of anti-government forces in Unity State, those forces attacked United Nations camps, hospitals, churches, and schools, engaging in widespread rape, torture, and the destruction of property, in an attempt to flush out civilians, soldiers, and policemen allied with the government. On April 14-15, 2014, Koang's forces captured Bentiu after heavy fighting and engaged in attacks against civilians. In separate incidents at a Bentiu mosque, church, and abandoned food compound, forces separated civilians who were taking shelter by their ethnicity and nationality before engaging in targeted killings, leaving at least 200 dead and 400 wounded. In mid-September 2014, Koang reportedly ordered his forces to target Dinka civilians during an attack in Upper Nile State.

4. **Santino Deng WOL (Alias: a) Santino Deng Wuol b) Santino Deng Kuol**

Title: Major General

Designation: Commander of the SPLA's Third Division

Date of Birth: 9 Nov. 1962

Place of Birth: Aweil, Sudan/South Sudan

Date of UN designation: 1 Jul. 2015

Other information: Has led and directed military actions against opposition forces and conducted confrontational troop movements in violation of the CoHA. During May 2015, forces under his command killed children, women and old men, burned property, and stole livestock as they advanced through Unity State towards Thorjath oil field. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5879071

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Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Santino Deng Wol was listed on 1 July 2015 pursuant to paragraphs 7(a), 7(d) and 8 of resolution 2206 (2015) for, 'actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement'; 'the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law'; and as a leader 'of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7'.

Santino Deng Wol (Deng Wol) is a Sudan People's Liberation Army (SPLA) Major General and commander of the SPLA's Third Division, a South Sudanese military entity that has engaged in actions that have extended the conflict in South Sudan, including breaches of the January 2014 Cessation of Hostilities Agreement (CoHA) and the May 9, 2014 Agreement to Resolve the Crisis in South Sudan (May Agreement), which was a re-commitment to the CoHA.

Deng Wol led and directed military actions against opposition forces and conducted confrontational troop movements in violation of the CoHA.

Soon after negotiators from both sides agreed to cease hostilities, DENG WOL prepared his forces to advance on the Unity State town of Leer. They subsequently ambushed and shelled rebel fighters near Leer.

In mid-April 2014, Deng Wol's forces reportedly prepared to recapture Bentiu from anti-government forces. Later that month, Deng Wol's forces captured Mayom following a fierce battle in which they killed over 300 opposition forces. Then, in early May 2014, Deng Wol's forces captured Tor Abyad, killing opposition forces in the process. Shortly thereafter, SPLA forces, including Deng Wol's forces, attacked and recaptured the Unity State town of Wang Kai. Deng Wol authorized his forces to kill anyone carrying weapons or hiding in homes, and ordered them to burn any homes containing opposition supporters.

Deng Wol's SPLA Third Division participated in the April-May 2015 offensive in Unity State, during which the SPLA launched a coordinated offensive to take opposition strongholds in Mayom, Guit, Koch, Mayendit, and Leer counties. Deng Wol's forces killed children, women and old men, burned property, and stole livestock as they advanced through Unity State towards Thorjath oil field during May 2015. Additionally, early that month, Deng Wol reportedly pushed for the execution of captured opposition soldiers.

5. **Marial Chanuong Yol MANGOK (Alias: a) Marial Chinuong b) Marial Chan c) Marial Chanoung Yol d) Marial Chinoum**

Designation: a) Sudan People's Liberation Army Major General b) Commander, Presidential Guard Unit

Date of Birth: 1 Jan. 1960

Place of Birth: Yirol, Lakes State

▼M2

Nationality: South Sudan, Passport no: R00005943, South Sudan

Date of UN designation: 1 Jul. 2015

Other information: His Presidential Guard led the slaughter of Nuer civilians in and around Juba, many who were buried in mass graves. One such grave was purported to contain 200-300 civilians. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/72684667

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Marial Chanuong Yol Mangok was listed on 1 July 2015 pursuant to paragraphs 7(a), 7(c), 7(d) and 8 of resolution 2206 (2015) for, 'actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement'; 'planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan'; 'targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law'; and as a leader 'of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7'.

Mangok is the commander of the South Sudanese Government's Presidential Guard, which led the operations in Juba following the fighting that began December 15, 2013. He executed orders to disarm Nuer soldiers and then ordered the use of tanks to target political figures in Juba, killing 22 unarmed bodyguards of opposition leader Riek Machar and seven bodyguards of former Minister of the Interior Gier Chuang Aluong.

In the initial operations in Juba, by numerous and credible accounts, Mangok's Presidential Guard led the slaughter of Nuer civilians in and around Juba, many who were buried in mass graves. One such grave was purported to contain 200-300 civilians.

6. **Peter GADET (alias: a) Peter Gatdet Yaka b) Peter Gadet Yak c) Peter Gadet Yaak d) Peter Gatdet Yaak e) Peter Gatdet f) Peter Gatdeet Yaka**

Title: a) General b) Major General

Date of Birth: Between 1957 and 1959

Place of Birth: a) Mayom County Unity State b) Mayan, Unity State

Date of UN designation: 1 Jul. 2015

Other information: Appointed the SPLA-IO's Deputy Chief of Staff for Operations on December 21, 2014. Forces under his command targeted civilians, including women, in April 2014 during an assault on Bentiu, including targeted killings on the basis of ethnicity. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5879076

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Peter Gadet was listed on 1 July 2015 pursuant to paragraphs 7(a), 7(d), 7(e) and 8 of resolution 2206 (2015) for, 'actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement'; 'the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law'; 'the recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan'; and as a leader 'of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7'.

Additional information

Peter Gadet is the commander of Sudan People's Liberation Army in Opposition (SPLA-IO) forces that have engaged in actions that have extended the conflict in South Sudan, including breaches of the January 2014 Cessation of Hostilities Agreement (CoHA).

Forces led by Gadet attacked and captured Kaka, Upper Nile State from the Sudan People's Liberation Army (SPLA) in late March 2014. Gadet was subsequently transferred from Jonglei State to Bentiu, where he was named military governor of Unity State, to assist the anti-government forces' efforts to mobilize the predominantly Bol Nuer population. Subsequently, Gadet led SPLA-IO attacks in Unity State. Gadet's forces were responsible for damaging a partially constructed oil refinery in Unity State being built by a Russian firm. Gadet's forces also took control of the Tor Abyad and Kilo 30 areas in Unity State's oil fields.

As of mid-April 2014, 50 000 anti-government forces troops surrounded Malakal in preparation for an assault on Bentiu. On April 15, 2014, Gadet's forces attacked and took control of Bentiu, before subsequently losing control of the city. Forces led by Gadet targeted civilians, including women, in April 2014 during the assault on Bentiu, including targeted killings on the basis of ethnicity.

In June 2014, Peter Gadet issued a directive to SPLA-IO commanders to recruit youths in all of the rebel-held counties.

From October 25-29, 2014, forces under Gadet's command surrounded and attacked Bentiu and Rubkona, briefly seizing the city of Bentiu on October 29 before withdrawing.

On December 21, 2014, Gadet was appointed the SPLA-IO's Deputy Chief of Staff for Operations. Subsequent to this appointment, SPLA-IO forces were cited by the IGAD Monitoring and Verification Mechanism for multiple violations of the CoHA in Unity, Upper Nile, and Jonglei States.

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B. LEGAL PERSONS, ENTITIES AND BODIES

▼B

ANNEX II

List of natural and legal persons, entities and bodies referred to in Article 5(2)

	Name	Identifying information	Reasons	Date of listing
▼M1 —				

▼B

ANNEX III

Websites for information on the competent authorities and address for notification to the European Commission

BELGIUM

http://www.diplomatie.be/eusanctions

BULGARIA

http://www.mfa.bg/en/pages/135/index.html

CZECH REPUBLIC

http://www.mfcr.cz/mezinarodnisankce

DENMARK

http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/

GERMANY

http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

http://www.dfa.ie/home/index.aspx?id=28519

GREECE

http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html

SPAIN

http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Documents/ORGANISMOS%20COMPETENTES%20SANCIONES%20INTERNACIONALES.pdf

FRANCE

http://www.diplomatie.gouv.fr/autorites-sanctions/

CROATIA

http://www.mvep.hr/sankcije

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt/sanctions

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LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://2010-2014.kormany.hu/download/b/3b/70000/ENSZBT-ET-szankcios-tajekoztato.pdf

MALTA

https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Boards/Sanctions-Monitoring-Board-.aspx

NETHERLANDS

http://www.rijksoverheid.nl/onderwerpen/internationale-sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

http://www.mzv.sk/sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

https://www.gov.uk/sanctions-embargoes-and-restrictions

ADDRESS FOR NOTIFICATIONS TO THE EUROPEAN COMMISSION:

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 02/309
B-1049 Brussels
Belgium
E-mail: relex-sanctions@ec.europa.eu