Council Implementing Regulation (EU) 2017/402 of 7 March 2017 implementing Article 20(3) of Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan

COUNCIL IMPLEMENTING REGULATION (EU) 2017/402

of 7 March 2017

implementing Article 20(3) of Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 20(3) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 7 May 2015, the Council adopted Regulation (EU) 2015/735.

(2) On 12 January 2017, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 2206 (2015) updated the information relating to six persons subject to restrictive measures.

(3) Annex I to Regulation (EU) 2015/735 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2015/735 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2017/402. (See end of Document for details)*

Done at Brussels, 7 March 2017.

For the Council

The President

L. GRECH

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2017/402. (See end of Document for details)*

ANNEX

The entries concerning the persons listed below are replaced by the following entries:

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.

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

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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.

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2017/402. (See end of Document for details)*

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.

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,