



“Sudan’s Human Rights Record and US Sanctions”

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Co-Chairman McGovern, Co-Chairman Hultgren, members of the Commission, thank you for holding this important hearing on Sudan's human rights record. The hearing comes at a critical moment, when the United States has the opportunity to review and redefine the terms of its engagement with Sudan.

We can all agree that Sudan's human rights record has for decades been characterized by massive and systemic violations of human rights and humanitarian law. After the current government came into power by military coup in 1989, the US pursued a policy of isolation. In 1997, it imposed broad economic sanctions in response to human rights abuses during the conduct of the 22-year civil war in the South, [including slavery](#) and denial of religious freedom, among other concerns. Almost a decade later, the US imposed additional sanctions, including targeted sanctions against individual commanders, for atrocities in Darfur.

In recent years, the human rights situation has not fundamentally improved. Although the 2005 Comprehensive Peace Agreement ended the war in the South, by 2003 Sudan's armed forces and allied militia were launching massive attacks on non-Arab populations in Darfur as part of a highly abusive counterinsurgency war that claimed hundreds of thousands of lives, and forced well over 2 million people into squalid camps. That war, labelled a genocide by then-secretary of state Colin Powell, is not over.

In 2011, Sudanese armed forces employed similar tactics in [Southern Kordofan and Blue Nile](#), where fighting started after the leaders' failure to implement the terms of the CPA. There, too, government forces attacked villages and bombed indiscriminately in civilian areas, killing, maiming and terrorizing the population. Hundreds of thousands are displaced, many in refugee camps in South Sudan and Ethiopia. Sudan has blocked access for humanitarian agencies to deliver essential goods to conflict-affected areas as well as access for independent monitors.

Across the country, the Sudanese government continues to use violence and repression to silence dissenters and critics. Its security forces use lethal force to disperse peaceful protests: in 2013, they killed more [than 170 people](#) in Khartoum and Wad Medani in broad daylight. To date, there has been no real justice for those killings. The national security service, with its wide powers of arrest and detention and well-documented use of torture, continues to target civil society leaders, activists, journalists, and student leaders for various forms of harassment and abuse. This includes sexual harassment and violence against [female detainees](#). Authorities tightly restrict freedoms of association and expression, through controlling, intimidating and interfering in civil society organizations, and by censoring independent media. They have continued to restrict [religious freedoms](#) in various ways.

Sudan's government has not made essential legislative reforms, such as bringing the National Security Act of 2010 in line with human rights norms, or repealing criminal code penalties like stoning and flogging, punishments prohibited under international law. Sudan criminalizes dress code and other private and personal choices, and discriminates [against women and girls](#), particularly from marginalized communities. The government has not made meaningful progress on accountability for grave crimes in Darfur and elsewhere, and its laws still contain immunities for crimes by security forces.

These practices and the impunity that allows them, are firmly entrenched, despite years of promises to reform.

In the international arena, Sudan has pursued new alliances and promised cooperation on counterterrorism, migration, and other matters of great importance to the United States and European Union. Indeed, the [Executive Order](#) on January 13, 2017, which suspended the US's comprehensive economic sanctions in response to "sustained progress" on several fronts, focused on some of these priorities. However, that order did not provide guidance on how to measure Sudan's continued progress or explicitly include improvements to the human rights situation – a remarkable oversight considering that human rights concerns were among the factors driving the imposition of sanctions.

The US now has an opportunity to re-assert the importance of human rights improvements in Sudan. It should not squander this. Given Sudan's record of grave, systemic abuses and impunity, a determination of "progress" needs to include human rights improvements. The United States should, as a first step, include human rights benchmarks in its assessments going forward, whether in relation to the permanent revocation of sanctions, or other decisions. Regardless of decisions on broad economic sanctions, US relations should not be normalized without significant progress on human rights.

There may be good reasons to suspend comprehensive economic sanctions, while maintaining targeted sanctions against individuals about whom there is credible evidence of responsibility for the abuses. However, the order is clear that the suspension should only become *permanent* with Sudan's continued progress. Yet meaningful progress takes longer than the six months prescribed in the executive order. It is not sufficient time to determine the effectiveness of the ceasefire, or of Sudan's promises to grant better access to humanitarians. And it is certainly not time enough for Sudan to make meaningful progress on other human rights areas.

We propose key human rights benchmarks include progress in eight areas:

- 1.) an end to attacks on civilians including by aerial bombardment;

- 2.) sustained and unfettered access by humanitarian agencies to conflict-affected areas;
- 3.) an end to arbitrary detentions, ill-treatment and torture;
- 4.) ending excessive use of force against protesters, including lethal force;
- 5.) increased respect for freedoms of association, expression and religion;
- 6.) essential reforms to the National Security Act and other key legislation;
- 7.) improving Sudan's cooperation with international institutions, including UN and independent human rights organizations; and
- 8.) steps toward accountability for grave crimes, including cooperation with the International Criminal Court cases pending against President Omar al-Bashir and others.

In some areas, Sudan has acted or made promises to act, but more time is needed to assess its commitment. And it has not begun to dismantle the architecture of these abuses, such as through reforms to the national security service, the public order regime, or steps to end the culture of impunity for human rights violations.

In closing, we recommend the US take more time to monitor Sudan's progress including on human rights. The relevant actors should also review the sanctions policy, with an eye on more effective measures, while continuing to enforce existing individual targeted sanctions against those deemed responsible for serious abuses and consider additional designations, particularly in light of the overwhelming evidence of abuses by the Rapid Support Forces and National Intelligence and Security Service.

Thank you.