

SUDAN: HUMAN RIGHTS AND SANCTIONS

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FIFTEENTH CONGRESS

FIRST SESSION

APRIL 4, 2017

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SUDAN: HUMAN RIGHTS AND SANCTIONS

TUESDAY, APRIL 4, 2017

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION
Washington, D.C.

The commission met, pursuant to call, at 1:30 p.m., in Room 2255 Rayburn House Office Building, Hon. James P. McGovern and Hon. Randy Hultgren [co-chairmen of the commission] presiding.

Mr. HULTGREN: We are going to go ahead and get started, if that is alright. It sounds like they are going to call votes in maybe 30 to 45 minutes, so we want to get as much in as we can before we have to leave for votes.

So first of all, I just want to welcome you all. Good afternoon. I am so grateful that you are here at the Tom Lantos Human Rights Commission hearing on the status of human rights and sanctions in Sudan. We have got one more witness who is going to be joining us. We think maybe she is caught in the line coming in. We don't know that for sure but we will find out and hopefully, she will be here in just a few minutes.

I would like to thank our witnesses for coming here today to share their expertise with us. 2017 has already proven to be an important year for the United States foreign policy concerning Sudan. Since 1993, the United States has designated Sudan as a state sponsor of international terrorism and it has imposed a trade embargo since 1997. For the first time in decades, sanctions regulations are changing.

Sanctions against Sudan were justified on the basis of the Sudanese Government's egregious -- excuse me, I can't speak -- human rights violations, including genocide, crimes against humanity and war crimes, especially in Darfur and the states of South Kordofan and Blue Nile, which are known as the Two Areas.

In January, the Obama Administration issued a general license to amend Sudanese sanctions regulation and a new executive order revoking sanctions provisions in two of the three past executive orders, if they sustained positive actions taken since July 2016. These positive actions are categorized in five key areas: rebuilding counterterrorism cooperation; countering the threat of the Lord's Resistance Army; ending negative involvement in South Sudan's conflict; sustaining a unilateral cessation of hostilities in Darfur and the Two Areas; and improving humanitarian access throughout Sudan.

This easing of sanctions allows for a six-month trial period so the U.S. can determine whether the lifting of sanctions should become permanent. This has temporarily lifted the 20-year trade embargo and unblocked over \$30 million in government assets.

The timeliness of this hearing is that we are now halfway through this trial period. Sanctions relief will become permanent on July 12th if it is reported that positive actions have been sustained.

What is the measure of Sudan's progress towards improvement on its human rights record since the easing of sanctions? These recent changes to long-standing U.S. sanctions on Sudan raise questions for Congress, as Members consider U.S. policy towards the country and its government. For more than three decades, Congress has played an active role alongside successive administrations in shaping that policy.

Our concern is broadly focused on the humanitarian suffering caused by Sudan's myriad conflicts, human rights abuses, and the government's historic relationship with terrorist groups.

I look forward to hearing from our panel today on how the United States policy can best serve those in Sudan, who are still suffering under human rights abuses. So, again, thank you all for being here. I want to thank my colleagues and we will turn it over to Co-chairman McGovern.

[The prepared statement of Co-chair Hultgren follows]

**PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS AND
CO-CHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

Sudan: Human Rights and Sanctions

April 4, 2017

1:30 – 3:00 PM

2255 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good afternoon and welcome to the Tom Lantos Human Rights Commission's hearing on the status of human rights and sanctions in Sudan.

I would like to thank our witnesses for coming here today to share their expertise with us.

2017 has already proven to be an important year for United States' foreign policy concerning Sudan. Since 1993 the United States has designated Sudan as a state sponsor of international terrorism, and has imposed a trade embargo since 1997. For the first time in decades, sanctions regulations are changing.

Sanctions against Sudan were justified on the basis of the Sudanese government's egregious human rights violations, including genocide, crimes against humanity and war crimes, especially in Darfur, but also in the states of South Kordofan (Kord-o-fan) and Blue Nile, which are known as the Two Areas.

In January, the Obama administration issued a General License to amend Sudanese sanctions regulations, and a new Executive Order revoking sanctions provisions in two of the three past Executive Orders if they sustain positive actions taken since July 2016.

These positive actions are categorized in five key areas:

- Rebuilding counterterrorism cooperation
- Countering the threat of the Lord's Resistance Army
- Ending "negative involvement" in South Sudan's conflict
- Sustaining a unilateral cessation of hostilities in Darfur and the Two Areas, and
- Improving humanitarian access throughout Sudan.

This easing of sanctions allows for a six-month trial period so the U.S. can determine whether the lifting of sanctions should become permanent. This has temporarily lifted the 20-year trade embargo and unblocked over \$30 million in government assets.

The timeliness of this hearing is that we are now halfway through this trial period. Sanctions relief will become permanent on July 12 if it is reported that positive actions have been sustained.

What is the measure of Sudan's progress towards improvements on its human rights record since the easing of sanctions?

These recent changes to longstanding U.S. sanctions on Sudan raise questions for Congress as Members consider U.S. policy toward the country and its government. For more than three decades, Congress has played an active role, alongside successive administrations, in shaping that policy.

Our concern is broadly focused on the humanitarian suffering caused by Sudan's myriad conflicts, human rights abuses, and the government's historic relationship with terrorist groups.

I look forward to hearing from our panel today on how United States policy can best serve those in Sudan who are still suffering under human rights abuses. Thank you.

Mr. McGOVERN: Well, thank you and I want to thank Co-Chair Hultgren for his opening remarks and I want to welcome all of you here, and especially our witnesses, to this hearing entitled Sudan Human Rights and Sanctions.

Today marks our sixth hearing on the human rights situation in Sudan over the past nine years. In spite of the best efforts of bipartisan majorities in Congress undertaken for more than a decade, internal conflict continues in Darfur, Southern Kordofan and Blue Nile, and observers continue to report that human rights abuses are rampant throughout the country.

Millions of Sudanese, mainly from Darfur, survive in refugee camps in neighboring countries, while millions of others live in the camps for the displaced inside Sudan or are constantly displaced and vulnerable due to attacks against their villages from Sudanese ground forces, militias, and aerial bombardments.

What looked like an important victory a few years' back, the successful separation of South Sudan from Sudan after decades of war did not resolve conflicts in other outlying areas of Sudan. Although the unilateral cease fire that President Bashir's Government announced last year does not seem to coincide with a reduction in armed confrontation, the U.N. continues to implicate government forces in violent attacks on internally displaced persons and attacks by non-state militias against civilians over resources have also continued. In those areas of Darfur under effective military control by the Central Government, I wonder if whether there is an actual cessation of hostilities or whether we are just witnessing the peace of the dead.

I remain deeply committed to the Sudanese people and to making sure that we in Congress are doing as much as we can to protect the fundamental rights of the Sudanese people and to make sure that their basic needs are provided for. There has been strong bipartisan support and pressure for the unimpeded delivery of humanitarian aid throughout Sudan, including areas of conflict. Members of Congress, including myself have even engaged in civil disobedience and been arrested in front of the Sudanese Embassy to shine the light on the continuing humanitarian crises in Darfur, South Kordofan, and Blue Nile.

In the past, I have authored bipartisan legislation to expand sanctions against the Bashir regime and to close loopholes in existing sanctions. I have also authored legislation that levied very targeted sanctions against government officials, such as those in Russia or China who engage in human rights abuses or corruption. So I do believe that sanctions have a place in U.S. foreign policy, in particular, when they arise out of a universal consensus in condemnation of egregious human rights abuses and crimes.

Sanctions against the Government of Sudan arose out of just such a global condemnation of its human rights abuses, crimes against humanity, and genocidal acts. In addition, the International Criminal Court has indicted President Bashir and members of his government and military for these same crimes. The United States was not alone

in imposing strong sanctions against President Bashir and his government, sanctions that were authored and approved by Congress and written into law. I am deeply concerned about whether the international consensus to condemn and sanctions should end for its criminal and genocidal acts is breaking down and what the consequences of that might be for the Sudanese people who have suffered so terribly at the hands of President Bashir and for those who have bravely organized and called for greater democratic freedoms and basic human rights.

So today's hearing has a very specific focus. On January 13, 2017, after years of both legislative and Executive Branch sanctions imposed against Sudan, President Obama signed Executive Order 13761, in effect, lifting the U.S. trade embargo and unblocking frozen assets. This easing of sanctions could become permanent in a few months' time. The Obama administration decided to ease the sanctions after determining that Sudan had made progress over a six month period in several areas, including cooperation with counterterrorism efforts and tracking the LRA, halting its interference in South Sudan, ceasing hostilities in conflict zones, and improving humanitarian access. And for the record, I oppose that decision. I strongly oppose that decision. I told that to the Obama administration and I said that to the government officials from Sudan.

So today we are going to examine the decision to ease sanctions from the perspective of its impact on human rights and humanitarian access. This is not so much about re-litigating the Obama administration's decision as it is about whether the easing of sanctions should be made permanent this summer. What criteria should we be looking at to make this next decision? What changes must we see on the ground in the conflict in terms of the well-being of the long-suffering Sudanese people to even consider taking the pressure off of Sudan? What are the prospects that we will see the needed progress? So I very much look forward to this hearing and I will again welcome those who will testify and look forward to the discussion.

And I yield back.

[The prepared statement of Co-chair McGovern follows]

**PREPARED STATEMENT OF THE HONORABLE JAMES P. McGOVERN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
MASSACHUSETTS AND CO-CHAIRMAN OF THE TOM LANTOS HUMAN
RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

Sudan: Human Rights and Sanctions

April 4, 2017

1:30 – 3:00 PM

2255 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good afternoon. I join my esteemed colleague and Commission Co-Chair Randy Hultgren in welcoming you and our distinguished witnesses to the Tom Lantos Human Rights Commission hearing on “Sudan: Human rights and Sanctions.”

Today marks our sixth hearing on the human rights situation in Sudan over the past nine years. In spite of the best efforts of bipartisan majorities in Congress undertaken for more than a decade, internal conflict continues in Darfur, Southern Kordofan and Blue Nile, and observers continue to report that human rights abuses are rampant throughout the country. Millions of Sudanese, mainly from Darfur, survive in refugee camps in neighboring countries, while millions of others live in camps for the displaced inside Sudan, or are constantly displaced and vulnerable due to attacks against their villages from Sudanese ground forces, militias and aerial bombardments.

What looked like an important victory a few years back, the successful separation of South Sudan from Sudan after decades of war, did not resolve conflicts in other outlying areas of Sudan. Although the unilateral ceasefire that President Bashir’s government announced last year does seem to coincide with a reduction in armed confrontation, the UN continues to implicate government forces in violent attacks on internally displaced persons, and attacks by non-state militias against civilians over resources have also continued. In those areas of Darfur under effective military control by the central government, I wonder whether there is an actual cessation of hostilities or whether we are witnessing the peace of the dead.

I remain deeply committed to the Sudanese people, and to making sure that we in Congress are doing as much as we can to protect the fundamental rights of the Sudanese people and to make sure that their basic needs are provided for. There has been strong bipartisan support and pressure for the unimpeded delivery of humanitarian aid throughout Sudan, including areas of conflict. Members of Congress, including myself, have even engaged in civil disobedience and been arrested in front of the Sudanese

Embassy to shine a light on the continuing humanitarian crises in Darfur, South Kordofan and Blue Nile.

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Sanctions against the Government of Sudan arose out of just such a global condemnation of its human rights abuses, crimes against humanity and genocidal acts. In addition, the International Criminal Court has indicted President Bashir and members of his government and military for these same crimes. The United States was not alone in imposing strong sanctions against President Bashir and his government, sanctions that were authored and approved by Congress and written into law. I am deeply concerned about whether the international consensus to condemn and sanction Sudan for its criminal and genocidal acts is breaking down and what the consequences of that might be for those Sudanese who have suffered so terribly at the hands of President Bashir and for those who have bravely organized and called for greater democratic freedoms and basic human rights.

Today's hearing has a very specific focus. On January 13, 2017, after years of both legislative and executive branch sanctions imposed against Sudan, President Obama signed Executive Order 13761, in effect lifting the U.S. trade embargo and unblocking frozen assets. This easing of sanctions could become permanent in a few months' time. The Obama Administration decided to ease the sanctions after determining that Sudan had made progress over a six-month period in several areas, including cooperation with counterterrorism efforts and tracking the LRA; halting its interference in South Sudan; ceasing hostilities in conflict zones; and improving humanitarian access. For the record, I opposed the decision.

Today, we're going to examine the decision to ease sanctions from the perspective of its impact on human rights and humanitarian access. This is not so much about re-litigating the Obama Administration's decision, as it is about whether the easing of sanctions should be made permanent this summer. What criteria should we be looking at to make this next decision? What changes must we see on the ground, in the conflict, in terms of the well-being of the long-suffering Sudanese people, to even consider taking the pressure off Sudan? What are the prospects that we will see the needed progress?

So I very much look forward to hearing the testimonies of our distinguished witnesses, and to the discussion that will follow.

I yield back my time.

Mr. HULTGREN: Thank you, Co-Chairman.

I will recognize our colleague, Sheila Jackson Lee for a quick opening statement, if she wishes.

Ms. JACKSON LEE: Thank you to both co-chairs and thank for this hearing. I am here to listen and I know that the definition of the Tom Lantos Human Rights Commission, which I have had the privilege of serving on since Congressman Lantos was here as a member of Congress is Human Rights. And we can make excuses. We can delay. We can be friends. But if we do not have effective tools to promote human rights and the saving of human life, then we are not being effective.

So I am here, particularly, to address the U.S. Government policies and the impact of the sanctions or the easing of sanctions and the ultimate question of whether the sanctions should be permanent.

But what I will say is to the witnesses is I would be interested in you saying or you indicating what way the Sudan Government, what way the Sudan people can be effective engagers in answering these questions.

We are here in Washington. What should be done so that the next hearing we have, as Co-Chairman McGovern has indicated, that we can determine whether or not the decision to ease or to make permanent is the decision to make? It is my goal, Mr. Chairman and Mr. Chairman, to be part of saving lives and promoting the human rights as we need to do.

I yield back.

Mr. HULTGREN: Thank you very much. We are going to invite our witnesses up to the table, if they would join us, and then I will just do a very brief introduction. I want to thank our witnesses for being here today. I think the order that we will go, if that is all right, is on the notice of the hearing today. So first, Omer Ismail, Senior Advisor, The Enough Project is with us; then Ken Isaacs, Vice President of Programs and Government Relations for Samaritan's Purse; Miles Windsor, Advocacy and Development Director for Middle East Concern; and then -- is it Jehanne?

Ms. HENRY: Jehanne.

Mr. HULTGREN: Jehanne Henry, Senior Researcher, Africa Division, Human Rights Watch.

Again, thank you all so much for being here. We are going to recognize each of you for about five minutes or so, maybe a little bit more, but then we will have questions following that.

So first, Mr. Ismail, if I can recognize you first.

STATEMENTS OF OMER ISMAIL, SENIOR ADVISOR, THE ENOUGH PROJECT; KEN ISAACS, VICE PRESIDENT, PROGRAMS AND GOVERNMENT RELATIONS, SAMARITAN'S PURSE; MILES WINDSOR, ADVOCACY AND DEVELOPMENT DIRECTOR, MIDDLE EAST CONCERN; AND JEHANNE HENRY, SENIOR RESEARCHER, AFRICA DIVISION, HUMAN RIGHTS WATCH

STATEMENT OF OMER ISMAIL, SENIOR ADVISOR, THE ENOUGH PROJECT

Mr. ISMAIL: Co-Chairs McGovern and Hultgren, members of the commission, thank you for your continued focus on Sudan and for inviting me to testify today. And I would like to request that my full testimony, which is available, can be admitted into the record.

Mr. HULTGREN: Without objection, all the testimonies will be included in the record.

Mr. ISMAIL: Thank you, sir.

On January 13th of this year, the Obama administration eased almost all U.S. sanctions on Sudan. It said the Sudanese Government had made improvements in five areas or tracks. It said that easing U.S. sanctions would give the Sudanese Government reasons to keep improving conditions in the country.

But there are three big problems with what the Obama administration did. First, it removed one of the greatest sources of leverage the U.S. Government has to achieve its policy objectives with Sudan by the time when the sanctions were beginning to work. Second, the executive order was issued as a last-minute gesture by an outgoing administration that would have no control over what happens next.

Third, the Sudanese Government didn't deserve such a gesture. It has not made meaningful progress on the five tracks. It still not has made the kind of progress to justify the easing or the lifting of sanctions.

Two key things were missing from the Obama administration's five tracks: one, improvement of the internal human rights condition incident; and number two, a genuine comprehensive peace effort to permanently end Sudan's conflicts.

This was a deeply flawed policy decision in both design and execution. It undermines U.S. foreign policy objectives. It gives away U.S. leverage for nothing beyond a potential short-term counterterrorism gain. It goes nothing to address the structural issues in Sudan. The human rights protections and democracy demands of the

Sudanese people were not even part of the plan. War, repression, human rights violations, and dictatorship have continued in the months since the Sudanese Government's supposed positive actions that justify the sanctions easing first began.

In Darfur, for example, the government and its militia have launched violent attacks, including some involving chemical weapons in Jebel Marra that Amnesty International documented. Militias terrorize people throughout Darfur and even though there is no ground offensive, at the moment, in South Kordofan and Blue Nile but the Antonovs continue to circle overhead. They halt all activities below. They send people running for shelter and they re-traumatize the population as they remind everyone that the bombs dropping can start again at any time. It is a chilling and terrible effect.

Everywhere else in Sudan, students, journalists, religious minorities, independent thinkers face crushing life-threatening repression by the regime on a daily basis. We can do better for the people of Sudan.

We need a more concerted approach and you can help in five three ways. First, support efforts to revoke the executive order from January that eases.

Second, push forward legislation for anti-money laundering measures and a modernized sanctions program because a modernized sanctions program targets the assets of wrongdoers and the sectors of the economy that are most directly tied to conflict and corruption. Combining sanctions with anti-money laundering tools is essential.

Third, ensure U.S. Government agencies that carry out these measures have the sources and direction they need.

Fourth, press FinCEN to counter any money laundering by the Sudanese regime and its corporate network. Under Section 314(a) of the Patriot Act, FinCEN can request that banks and other financial institutions report on transactions that may have involved the Sudanese regime. Some of these activities might be declared primary money laundering concerns that FinCEN could further address.

Fifth, urge the Trump administration to use the Global Magnitsky Human Rights Accountability Act to place sanctions on corrupt Sudanese officials.

Mr. McGovern, Mr. Hultgren, and honorable members of the commission, I thank you for the honor and the privilege of this opportunity to testify. I thank you for all of the previous opportunities that I have had to testify before you and before the honorable Tom Lantos, himself. His focus on human rights and your focus today on human rights in Sudan has never been as important to the people of Sudan as it is now.

My repeated appearances before you are, themselves, evidence of the great problems that persist, despite our years of shared efforts and concerted attention. We can do and must do better together and we will. The leadership of Congress is essential for

anti-money laundering measures and sanctions and it will bring new U.S. leverage with a regime that is not otherwise interested in ending war, protecting human rights, and building an inclusive representative government. You can show them why it is important.

Thank you.

[The prepared statement of Omer Ismail follows]

PREPARED STATEMENT OF OMER ISMAIL



**Testimony of Omer Ismail
Senior Advisor, Enough Project**

Tom Lantos Human Rights Commission

April 4, 2017

“Sudan: Human Rights and Sanctions”

Co-Chairs McGovern and Hultgren, members of the commission, thank you very much for your ongoing commitment to the people of Sudan. Thank you for examining Sudan’s human rights record in the time that has passed since U.S. sanctions were eased in January 2017. Thank you for giving me the opportunity to describe the urgent human rights crises that continue to make life a living hell today for my family and friends in Darfur and for the many people whose existence is under siege today in so many different parts of Sudan.

On January 13 of this year, the Obama administration conditionally eased almost all U.S. sanctions on Sudan, claiming that the Sudanese government had made improvements in five tracks* and arguing that the easing of sanctions would create incentives for the Sudanese regime to further improve conditions.¹ There are three major problems with the Obama administration’s executive order to ease sanctions. First, it removed one of the greatest sources of leverage the U.S. government has to achieve its policy objectives with Sudan—at a time when the sanctions were beginning to work more effectively. Second, the executive order was issued at the end of the Obama administration’s tenure in office, and the Trump administration has not put in place the personnel needed to properly track and make use of the potential opportunity provided by the conditional easing of sanctions. Third, the Sudanese government had not made such meaningful progress on the five tracks to warrant an easing of sanctions, and the Sudanese government has not made further progress to justify further easing or lifting of U.S. sanctions.

Conspicuously absent from the five tracks were (1) improvements of the internal human rights situation in Sudan; and (2) the Sudanese government’s engagement in a genuine comprehensive peace effort to permanently end Sudan’s conflicts in South Kordofan, Blue Nile, and Darfur.

This was a deeply flawed policy decision, in both design and execution. The five tracks lacked two vitally important elements. The easing of sanctions undermines U.S. foreign policy objectives and gives away the one point of U.S. leverage for nothing beyond potential short-term

* The five tracks were (1) de-escalation of the violence in conflict areas; (2) improving humanitarian access to populations in need within these areas; (3) refraining from destabilizing the peace process in South Sudan; (4) cooperation in containing threats from the remnants of the Lord’s Resistance Army (LRA); and (5) supporting the U.S. counterterrorism efforts.

counterterrorism gains. The decision does nothing to address the structural issues in Sudan that have led to war, dictatorship, and further repression of many groups.

To pursue a more constructive approach with Sudan, U.S. policymakers should implement anti-money laundering measures and a modernized sanctions program that is targeted and robust enough to fundamentally change the calculations of Sudan's ruling elite. U.S. leaders should create leverage to support revitalized efforts to bring armed and unarmed Sudanese parties together to end the war, create a new constitution, and construct a viable path to a more representative, inclusive, transparent government.

Bipartisan congressional leadership has always been essential in helping to shape U.S. policy with Sudan. Congress can now lead again in supporting new legislation that restores U.S. leverage with the Sudanese leadership through the use of financial pressure tools, particularly anti-money laundering measures and modernized sanctions, to support a revitalized comprehensive peace process in Sudan. Congress can also ensure that the Treasury and State Departments, along with other government agencies that administer sanctions and anti-money laundering statutes and programs, have the resources they need to prioritize implementation and enforcement of these financial pressure measures.

U.S. sanctions on Sudan: The effect and the regime's story

The United States imposed sanctions on Sudan in November 1997 with Executive Order 13067 in response to the Sudanese regime's support for international terrorism.² Executive Order 13067 also justified sanctions on the basis of the "prevalence of human rights violations, including slavery and the denial of religious freedom."³

At this time last year, U.S. sanctions on Sudan and tighter sanctions enforcement globally had managed to help financially isolate the Sudanese regime and increase the pressure it was under to make concessions in return for financial relief. Sudan had become financially isolated because international banks were becoming clearer and more rigorous in ensuring they were not doing any business with Sudan. These financial institutions wanted to limit their exposure to risky accounts after they had to pay heavy fines for sanctions violations involving both Iran and Sudan. They had had to pay \$8.9 billion in 2015 in the well-known case of BNP Paribas.⁴ Banks wanted to avoid accounts and parties that might also be involved with money laundering. As banks pulled away, the top military, security, and civilian officials associated with the regime in Khartoum felt the chill in their commercial activities, investments, and finances.⁵ Sudan's top leaders could not as easily access accounts and hard currency to do business. They struggled more to access the cash that enriches them and helps fund horrific violence against Sudanese people.

This increased pressure was a good thing. This regime does not spend the public's money on the public—for healthcare, education, and other badly-needed services. The regime spends most of the public's money on itself or the military. It spends around 75 percent⁶ of the public's money on war and weapons, like the 170 Russian T-72 tanks it reportedly purchased last September to supplement its other 465 tanks,⁷ that can be used to pulverize communities in the periphery.

The regime spun the story about the terrible conditions within Sudan not as a consequence of its own violent and kleptocratic abuse internally but as an effect of sanctions. Nothing could be further from the truth. But the regime still managed to win that message. It got what it wanted in January and now it expects to clinch the deal for good in July when the sanctions framework can be fully eliminated.

Daud Kodi, a student in Kauda, in the Nuba Mountains said it best at the time: “Khartoum is very clever in dealing with the international community.” “With the lifting of sanctions, [the Sudanese government] will be able to access more hard currency so they can focus on buying weapons for warfare, instead of buying medicine for the people.” ... “How can you lift sanctions because Khartoum has ‘improved?’ Where is the improvement here?” “That is just improvement via the media, but it is not the case on the ground.” A shopkeeper named Haron agreed, adding, “You cannot really trust the Sudan government, unless there are pressures put over them.”⁸

As my friend Nagwa Konda, a civil society leader, has said, “Every Sudanese living in Sudan knows exactly the atrocities the government of Sudan is committing against their own people.” [...] “Sanctions are the only international recognition of the misbehavior of the government of Sudan, especially in the Nuba Mountains and southern Blue Nile.”⁹

My fear, and the fear shared by so many of us is this: the United States has offered rewards to the Sudanese regime instead of using its leverage to check the regime’s deadly, self-serving activities that threaten the lives of Sudanese people in many, many places.

Continuing attacks and worsening humanitarian needs

While the Obama administration justified its actions on the basis of the Sudanese government’s progress on some of the benchmarks—ceasing support for terrorism, refraining from meddling in neighboring countries’ conflicts, and helping in the fight against the Lord’s Resistance Army—the State Department’s own human rights reports on Sudan demonstrate no meaningful recent improvement in the human rights record of the Bashir regime. These reports instead highlight numerous human rights concerns.¹⁰

The Sudanese government has continued leading military offensives that kill, maim, and displace Sudanese people. The regime has not made progress on the benchmarks set forth by the Obama administration overall: the government and government-backed forces have launched violent attacks in Darfur in the past nine months.¹¹ Some of the most horrific and gruesome attacks, documented by Amnesty International, involved the government’s suspected use of chemical weapons against civilians, including very young children, as recently as September 2016.¹²

Some violence in Sudan has eased in some places for now, and the regime has halted its regular offensives in some areas controlled by the armed opposition. But in many cases, this easing is not a result of newfound government restraint but rather the evolving nature of the use of coercive force in the conflict areas. Khartoum has outsourced most of its military activities to militia groups that are offshoots of the Janjaweed. These militias continue to commit egregious human rights abuses in many areas. These abuses, however, are often blamed on “unknown

gunmen,” a hazy term that helps the regime dodge accountability. In reality, these “unknown gunmen” are often known; they are proxies of the government.

There have also been significant attacks and other security incidents in South Kordofan (including in the Nuba Mountains) and in Blue Nile in the last nine months.¹³ The attacks in these areas have continued despite the Sudanese government’s unilateral declaration of a cessation of hostilities. That was another of the Sudanese government’s “positive actions” described in the Obama administration’s executive order easing sanctions. A truly credible cessation of hostilities agreement is negotiated with armed forces in the conflict areas, and all parties honor the agreement. This unilateral deal has none of these qualities.

Access to urgently-needed humanitarian care has not improved. In fact, it has gotten much worse.¹⁴ People living in opposition-controlled areas in the Nuba Mountains and Blue Nile states have not received humanitarian assistance, at a time of severe food shortages resulting from years of humanitarian blockades imposed by the government and the deliberate bombing of local farmland and food stocks. These war tactics are meant to weaken the resilience of local communities and undermine the mechanisms they have developed to cope with extended drought and crop failures. Some would point to the Sudan People’s Liberation Movement-North (SPLM-N), the armed opposition in South Kordofan and Blue Nile, for its part in the limited reach of humanitarian aid.¹⁵ But the SPLM-N continues to maintain that it is open to resuming discussions with the Trump administration on the U.S. proposal to have USAID bring medical supplies to SPLM-N-controlled areas.

Conditions in Darfur

Almost five million people in Sudan need humanitarian assistance today.¹⁶ Around half of them are in Darfur. The United Nations calls Darfur an “epicenter of large-scale protracted displacement,” and highlights the new displacement in 2016.¹⁷ Humanitarian providers remind us that most internally displaced people in these areas cannot independently meet basic needs.¹⁸ Many have been denied access to assistance. The people in Jebel Marra, a mountainous region that straddles North Darfur, Central Darfur, and South Darfur, are experiencing a food security crisis that is expected to deteriorate into a food security emergency as the displaced people have been unable to farm, insecurity has hampered trade, and staple food prices are higher than normal.¹⁹ This degree of displacement, need, and dependence is a crushing, humiliating state of affairs for a fiercely independent and self-sufficient people who are otherwise accustomed to thriving in the harsh terrain. It suits the government of Sudan to perpetuate this dependence and relegate to the international community and local volunteers the cost of providing for the needs of these populations. The U.S. government has been and continues to be a major donor for this large-scale relief operation.²⁰

At around this time last year, the U.N. peacekeeping chief, Hervé Ladsous briefed the U.N. Security Council in New York on violence in Jebel Marra, which displaced an estimated 138,000 people in January 2016.²¹ Today, tens of thousands of those people live in precarious conditions in a place of rampant criminality where abuses are committed with impunity and with the tacit complicity of the government. Militias roam freely, terrorizing the population, attacking and raping people, plundering property, cutting off travel routes, and engaging in unchecked

extortion. The government says it does not command and control these militias. There is plenty of evidence to challenge that claim.

What is not disputed is that the survival and defining ways of life for many Darfuris has depended on free movement across rural expanses and living off of the land with livelihoods like farming and herding. The people of Darfur have been rounded up, chased off these lands, and ghettoized for years now into the crowded, tense, increasingly violent enclaves that are IDP camps. The government prevents the construction of new IDP sites as it eliminates existing IDP sites, squeezing the people of Darfur—most recently the newly displaced people of Jebel Marra—into increasingly small, confined, cage-like spaces. People who are famed for their resilience, their resourcefulness, their fighting spirit, and their stubborn self-sufficiency now depend completely on others, including the regime that has preyed on them, for their survival.

Conditions in Blue Nile and South Kordofan (including the Nuba Mountains)

Conditions are also urgent in parts of South Kordofan and Blue Nile. The Sudanese government has, for the moment, suspended some of the aerial attacks by Antonov bomber planes. But there are reports from these areas that Antonovs continue to fly overhead, suggesting a kind of psychological warfare.²² The sounds and sights of these flying runs halt all activity below and send people running for shelter, re-traumatizing the population with each pass. By staying in practice and continuing the passes overhead, the government forces remind the population on a daily basis that the bomb-dropping can resume at any time, with little to no advance notice—to the detriment of anyone who fails to run for cover every time.

Humanitarian sources in opposition-controlled areas in South Kordofan and Blue Nile say some 545,000 people are displaced.²³ There are particularly grave concerns about the condition of people struggling in isolated areas along the Sudan-South Sudan border that are caught between multiple active conflict zones. As with Jebel Marra in Darfur, parts of South Kordofan face food security crises that are expected to deteriorate into food security emergency conditions.²⁴ Food stocks in parts of South Kordofan could run out in three weeks.²⁵ Food in parts of Blue Nile might last through this month or next, leaving a large gap of time before the next harvest.²⁶ In one South Kordofan area that is surrounded by conflict on both sides of the Sudan-South Sudan border, conditions have been so desperate that 15 people have been killed since the beginning of 2017 after crossing into active conflict areas in search of food.²⁷ People in this area could continue to be forced into areas of active conflict as they seek food, water, and basic medicine.²⁸ There are fears that people living in the Ingessana Mountains of Blue Nile—a similarly isolated area on the border, with conflict on all sides—are trapped without any access to food at all.²⁹ People from this area may also increasingly be forced despite the dangers to move through active conflict zones as they seek food and other supplies.³⁰

Humanitarian access in these areas remains highly restricted for reasons that are not well understood by those outside. The Sudanese government seeks access to the conflict zones with civilians it has chosen to pummel relentlessly in the recent past—to deliver certain items (including medical supplies) but not others (like adequate food).

Enough has condemned the Sudanese government's denial of aid as a war tactic, and we have supported the SPLM-N's commitment to de-link humanitarian assistance from the political negotiations. But we are deeply concerned at the SPLM-N's rejection of a proposal for humanitarian access that the United States put forward that special envoys supported. We support the SPLM-N's reconsidering any and all viable options for allowing humanitarian assistance into the Two Areas.

Another coup for an emboldened regime

Sudan's leaders are applauding themselves for convincing the Obama administration to ease sanctions. Numerous statements suggest Sudanese leaders believe that American policymakers have capitulated on sanctions and will not pursue coercive policies toward Sudan. These statements suggest the Sudanese regime believes U.S.-Sudan relations will continue to normalize, and sanctions will be completely lifted in July. Khartoum seems to believe in some cases that U.S.-Sudan relations are already normalized, creating a wider opening for Sudanese leaders to push their strategic and financial interests even further.

On February 2, 2017, for example, the Sudanese president hailed the easing of sanctions, characterized as a "lifting" of sanctions, saying that the U.S. administration made the move after being "convinced of its futility."³¹ In a separate account that day, he was quoted as saying, "the Americans will finalise their steps to [fully lift the sanctions]. Because they tried to hurt us [with sanctions] but they could not. In the end, [they lifted it]." "They are very practical people. There is a saying that whoever you can't arm-twist, then shake his hand. When they [failed with] arm-twisting us, they shook our hand. [We tell the US], welcome." "Now [the sanctions] have been lifted, praise be to Allah. The victories are many and now, our foreign relations [with the international community] are excellent, praise be to Allah."³²

Within two days of the Obama administration's announcement to ease sanctions, the Sudanese Foreign Minister, Ibrahim Ghandour, reportedly said that the Sudanese government did not offer any concessions in exchange for the lifting of sanctions. He said that there was a dialogue and full cooperation in counterterrorism. Ghandour said there was coordination and commitment by both Khartoum and Washington to secure guarantees in the agreement to lift U.S. sanctions on Sudan and ensure that there is no setback in implementation of the Obama administration's decision. Ghandour dismissed the idea that such a setback or postponement to the lifting of sanctions would occur.³³

Sudanese leaders made numerous public statements suggesting that they assume U.S.-Sudan relations will continue to normalize and sanctions will be fully lifted in July.³⁴ Sudanese Finance Minister Badr al-Din Mahmoud said, "there is no going back on the process of lifting the financial sanctions imposed by the United States."³⁵ He also said, "It is now with the American side for the normalization of bilateral relations, which opens the door to debt forgiveness." The possibility that the U.S. might slow or stop the process of lifting sanctions on Sudan under President Trump "is misplaced."³⁶ Sudanese Foreign Minister Ibrahim Ghandour spoke about the United States raising its diplomatic representation in Khartoum and appointing an ambassador.³⁷ He said, "We reiterate our full commitment to cooperate with the new U.S. administration." "We expect America to be committed too."³⁸

Sudanese leaders seem confident that they have earned and received rewards for their actions by the U.S. government. They have every reason to continue pushing their advantage, at the expense of the Sudanese people, using the same tactics that justified sanctions in the first place.

Policy need and recommendations

The U.S. government gave up diplomatic leverage in exchange for “positive actions” by Khartoum that have not materialized for most Sudanese people. Congress can do a great deal to help by taking the following actions:

1. Support efforts to revoke the executive order from January that eases U.S. sanctions.
2. Push forward legislation that utilizes the policy tools of financial leverage and more robust diplomatic engagement in support of peace, counter-terrorism, religious freedom, and anti-corruption objectives. This legislation would include a modernized sanctions program that targets the assets of those in Sudan who are most responsible for atrocities, serious human rights violations, and grand corruption while minimizing bank de-risking and other adverse impacts on others. Modernized sanctions could target those connected to President Bashir and his network, the country’s National Intelligence and Security Service (NISS), and particular sectors of the Sudanese economy most directly tied to violent conflict and corruption. Combining this type of sanctions programs with the use of anti-money laundering tools is essential. The Enough Project will be presenting such a proposal, and we are hopeful that the members of this commission will support strong legislation.
3. Ensure U.S. government agencies that conduct the investigations and enforcement of U.S. sanctions and anti-money laundering programs have the resources they need and the political direction to work on Sudan through the FY 2018 appropriations process. Without the resources to follow the money and the will to enforce sanctions programs and U.S. laws surrounding corruption, none of these proposals will be successful.
4. Press the U.S. Treasury Department’s Financial Crimes Enforcement Network (FinCEN) to more aggressively counter money laundering that involves members of the Sudanese regime and their corporate network by requesting under Section 314(a) of the USA Patriot Act that financial institutions report on transactions that may have involved the Sudanese regime. FinCEN could then also consider whether to declare elements of the regime’s activities as a “primary money laundering concern” under Section 311 of the Patriot Act. In such a case, FinCEN would determine which of five “special measures” would best address this concern, including through additional information and reporting or termination of certain services. These measures should focus in particular on transactions in Sudan’s correspondent banking network involving suspicious activity with the country’s gold and weapons manufacturing sectors.
5. Urge the Trump administration to utilize the Global Magnitsky Human Rights Accountability Act, which became law at the end of last year, thanks to the efforts of Rep. McGovern and other dedicated members, as another tool that can be used to place sanctions on corrupt Sudanese officials.

When the United States decided to ease sanctions, it did so at the wrong time and under the wrong circumstances. We can work together to not only reverse this decision but also improve the tools used to create leverage in Sudan so that we are not holding hearings on human rights abuses and violence in Sudan 10 years from now. The people of Sudan need your help to realize their dream of a peaceful, free, and democratic country where journalists do not fear imprisonment, religious minorities can worship without persecution, and citizens can choose their own leaders.

Thank you for this opportunity to testify before this commission.

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Mr. HULTGREN: Thank you.

I apologize. This is where we don't get to control this schedule and it gets frustrating sometimes. We are not in leadership. They did just call votes. We are about seven minutes into a 15-minute vote. So we have got four votes. We will go and vote and then, hopefully, come back as quickly as we can. So I apologize for that. I hope that works with your schedule.

So we will be probably gone for the next 40 minutes or so is my guess. Hopefully not that long. Maybe not quite that long. Maybe a half hour. So, hopefully, it will go faster. So we will get started as quickly as we can, as soon as votes are done.

So, we will recess temporarily.

[Recess.]

Mr. McGOVERN: All right, I apologize very much for being late and I think we will not be interrupted by votes again during this hearing.

So, Mr. Isaacs, we will turn it over to you.

**STATEMENT OF KEN ISAACS, VICE PRESIDENT, PROGRAMS AND
GOVERNMENT RELATIONS, SAMARITAN'S PURSE**

Mr. ISAACS: Mr. Chairman, esteemed representatives and fellow guests of this committee, thank you for inviting to me here today to speak to you. I have testified before this committee many times and in front of you, sir.

The United States began imposing multiple layers of sanctions on Sudan over two decades ago, some issued by Congress, some by Presidential executive order because of behaviors, including sponsorship of terror, human rights abuses, and restricted humanitarian access to vulnerable people in conflict zones.

Despite these years of strong sanctions, the conflicts in Darfur, Blue Nile, and Nuba have continued, although the Government of Sudan has recently declared a unilateral cease fire. The people of these areas have been attacked and marginalized because they object to Sudan's rule and type of rule. There is restricted or zero access to humanitarian assistance, including food and medical care in many areas. In other words, sanctions have produced minimal, significant, or endearing behavior change on the humanitarian and human rights front.

A series of economic and security restrictions were put into place in the late 1980s and 1990s because of debt repayment arrears, they built a coup, support for terrorist groups, and horrific abuses committed against innocent civilians during the country's civil conflicts.

In 1997, President Clinton added trade sanctions because the Sudanese Government's support for international terrorism, human rights abuses, including slavery, and attempts to destabilize other countries in the region.

The sanctions on Sudan did not arise from a misunderstanding.

The Obama administration eased executive order sanction on Sudan on January the 17th of this year, based on the State Department's position that Sudan had taken "positive action" in five key areas: counterterrorism cooperation, countering the Lord's Resistance Army -- forgive me for saying these things that have already been stated -- ending military support to rebel factions in South Sudan, keeping the cease fire in Darfur and the other Two Areas, and allowing humanitarian access across Sudan. Some of these improvements are new, with some being questionable, and some real.

So the essential question to be asked, in my opinion is, are sanctions effective in changing the nefarious behavior of state actors? If I look at Cuba, Iran, North Korea, and Sudan, I have to say that generally there has not been great success in changing the military action, the human right abuses, and even the development of nuclear weapons as a result of sanctions.

What seems to change a state's behavior is diplomacy, trade, military and intelligence cooperation, and as a last result, military action.

Trade sanctions are a blunt instrument that primarily hurt the most vulnerable people in a country. Trade sanctions don't take wealth and power from national leaders. They take livelihoods, medical care, education, work, and food from working people. The most rigid sanctions in our history were probably leveled at Cuba, yet the Castro regime survived and the citizens suffered more and more. North Korea has been heavily sanctioned but they continue their work to develop nuclear weapons. In principle, I believe that broad U.S. trade sanctions on Sudan should be lifted and it is in America's interest to help our friends there, enact the policy changes needed that will move them away from being a pariah nation on the fringes of the international community.

I have worked in Sudan since 1993 on all sides of the conflict and I have many Sudanese friends, some of them in this room. I love the country and all of its people, not just the ruling class citizens of Khartoum.

American national security interest must always come first but sanctions haven't worked. A different approach is needed.

We cannot move forward with lifting sanctions, however, unless we are willing to candidly look at past actions and current challenges. To help our Sudanese friends, we need a brief candid review of how we got to where we are now.

In 1993, President H.W. Bush administration declared Sudan a state sponsor of terror for harboring terrorist groups in their country.

From 1991 through 1996, Khartoum sheltered Osama bin Laden, as he established terror training camps in the country.

In 1997, President Clinton imposed trade sanctions on determination that the policies and actions of the Government of Sudan included continued support for international terrorism.

In 1998, al-Qaida bombed the U.S. Embassies in Kenya and Tanzania, killing 224 and wounding thousands.

In 2014, a U.S. judge determined that the Government of Sudan was liable for the damages suffered by the State Department employees who were working in the embassies at the time of the attack.

In 2000, the USS Cole was attacked, killing 17 American sailors and wounding 39 more. Sudan was sued in the U.S. by survivors and the families. The judge ruled that Sudan was liable and ordered them to pay \$314 million. That ruling was appealed to the Second District Court of New York City and it was upheld.

In 2009, President Omar Bashir was indicted for war crimes by the International Criminal Court.

In 2014, that is not so long ago, al-Qaida and Sudan announced the launch of a student wing at the University of Khartoum.

There have been decades of documented human rights abuses, slavery, aggression against their own citizens, weapons smuggling, proxy militias in close association to the Muslim Brotherhoods, along with the support and exportation of Salafi Islamic extremism. Obviously, these issues are serious for the United States national security, for human rights, for religious freedom and human suffering.

Sudan is making some steps in better directions, according to the U.S. State Department and the Obama administration. We have received reports that Sudan is allowing humanitarian access into the areas of the country that they control, perhaps more now than ever, but this access is not extended to hundreds of thousands of people in Kordofan and the Blue Nile areas not in their control.

Are these positive actions now approaching a sufficient level of acceptance to warrant the full lifting of sanctions? I believe that the U.S. should fully embrace Sudan with the expectation that they will respond in a reciprocal and accountable manner. They should be closely monitored and they must be held accountable for their actions,

something that has not been done in the previous eight years and I would say even the previous sixteen years.

If Congress and the new administration desire an end to Sudan's destabilizing pattern of conflict and displacement, U.S. sanctions going forward should focus on strategies that provide unimpeded humanitarian access to all areas in and out of their control according to U.S. Security Resolution 2046; delivers an end of hostilities, along with peace negotiations in Darfur and the Two Areas by allowing the simultaneous participation of all parties, including armed groups and a national political process to address the root causes of a conflict; produces credible actions by the Government of Sudan to demobilize and disarm the government militias and promotes efforts by the Government of Sudan to address criminal impunity, and produce justice and accountability for serious crimes and abuses against civilians.

Future decisions regarding sanctions should be tied to a strategy that seeks to meet these objectives, while recognizing that the historical role played by the government is likely to inhibit its cooperation on accountability efforts.

I am not in favor of sanctions and I would welcome an environment that would allow the permanent lifting of sanctions on Sudan. All sides have to deal with Sudan's past by recognizing the issues that have brought us to where we are now. And I think Sudan has a unique opportunity to change the future. And I will end by saying I think the ball is in Sudan's court.

Thank you.

[The prepared statement of Ken Isaacs follows]

PREPARED STATEMENT OF KEN ISAACS

KEN ISAACS
VICE PRESIDENT OF PROGRAMS AND GOVERNMENT RELATIONS
SAMARITAN'S PURSE

APRIL 4, 2017

TOM LANTOS HUMAN RIGHTS COMMISSION

Mr. Chairman, esteemed Representatives, and fellow guests of this committee, thank you for inviting me here today to speak on Sudan and the issue of sanctions. The United States began imposing multiple layers of sanctions on Sudan over two decades ago, some issued by Congress and some by Presidential Executive Order, because of behaviors including sponsorship of terror, human rights abuses, and restricted humanitarian access to vulnerable people in conflict zones.

Despite these many years of strong sanctions, the conflicts in Darfur, Blue Nile, and Nuba have continued, although the Government of Sudan has recently declared a unilateral ceasefire. The people of these areas have been attacked and marginalized because they object to Sudan's type of rule. There is restricted or zero access to humanitarian assistance, including food and medical care. In other words, sanctions have produced minimal significant or enduring behavior change, on the humanitarian and human rights fronts.

A series of economic and security restrictions were put into place in the late 1980s and 90s because of debt repayment arrears, a brutal coup, support for terrorist groups, and horrific abuses committed against innocent civilians during the country's civil conflict. In 1997, President Bill Clinton added trade sanctions because of the Sudanese government's support for international terrorism, human rights abuses—including slavery—and attempts to destabilize other countries in the region. The sanctions on Sudan did not arise from a misunderstanding.

The Obama Administration eased Executive Order sanctions on Sudan on January 17 of this year based on the State Department's position that Sudan had taken "positive action" in five key areas: counter terrorism cooperation, countering the Lord's Resistance Army, ending military support to rebel factions in South Sudan, keeping the ceasefire in Darfur and the two other areas, and allowing humanitarian access across Sudan. Some of these improvements are new, with some being questionable and some real.

The essential question to be asked is, "Are sanctions effective in changing the nefarious behavior of state actors?" As I look at Cuba, Iran, North Korea, and Sudan, I have to say that generally there has not been great success in changing the military actions, human rights abuses, and development of nuclear weapons.

What seems to change a State's behavior is diplomacy, trade, military and intelligence cooperation, and as a last resort, military action.

Trade sanctions are a blunt instrument that primarily hurt the most vulnerable people in a country. Trade sanctions don't take wealth and power from national leaders. They take livelihoods, medical care, education, and food from working people. The most rigid sanctions in our history were probably leveled at Cuba, yet the Castro regime survived and the citizens suffered more and more. North Korea has been heavily sanctioned, but they continue their work to develop nuclear weapons.

In principle, I believe that broad U.S. trade sanctions on Sudan should be lifted and it is in America's interest to help our friends there enact policy changes that will move them away from being a pariah nation on the fringes of the international community.

I have worked in Sudan since 1993, on all sides of the conflicts, and I have many Sudanese friends. I love the country and all of its people, not just the ruling class and citizens of Khartoum. American national security interests must always come first, but sanctions haven't worked. A different approach is needed.

We cannot move forward with lifting sanctions, however, unless we are willing to be candid about past actions and current challenges. To help our Sudanese friends, we need a brief, candid review of how we got to where we are:

1993 – President H.W. Bush administration declares Sudan a State Sponsor of Terror for harboring terrorist groups in their country.

1991-1996 – Khartoum sheltered Osama bin Laden as he established terror training camps in the country.

1997 – President Clinton imposed trade sanctions on a determination that the policies and actions of the Government of Sudan included continued support for international terrorism.

1998 - Al Qaeda bombed the U.S. embassies in Kenya and Tanzania, killing 224 and wounding thousands. In 2014, a U.S. judge determined that the Government of Sudan was liable for the damages suffered by the State Department employees who were working in the embassies at the time of the attack.

2000 – The USS Cole was attacked killing 17 American sailors and wounding 39 more. Sudan was sued in the U.S. by families of the victims. The judge ruled that Sudan was liable and ordered them to pay \$314 million. This judgement was appealed in the 2nd District of New York City and was upheld.

2004 – Secretary of State Colin Powell declared that “genocide” was occurring in Darfur.

2009 – President Omar al-Bashir was indicted for war crimes by the International Criminal Court.

2014 - Al Qaeda in Sudan announced the launch of a student wing in the University of Khartoum.

There have been decades of documented human rights abuses, slavery, aggression against their own citizens, weapons smuggling, proxy militias, and close association to the Muslim Brotherhood along with the support and exportation of Salafi Islamist extremism.

Obviously, these issues are serious for United States' national security, human rights, religious freedom, and human suffering.

Sudan is making some steps in better directions according to the U.S. State Department and the Obama administration. We have received reports that Sudan is allowing humanitarian access into the areas of the country they control now, perhaps more than ever. This access is not extended to hundreds of thousands of people in Kordafan and Blue Nile areas not in their control.

Are these positive actions now approaching a sufficient level of acceptance to warrant the full lifting of sanctions?

I believe the U.S. should fully embrace Sudan with the expectation that they will respond in a reciprocal and accountable manner. They should be closely monitored and must be held accountable for their actions, something that has not been done in the previous eight years.

If Congress and the new Administration desire an end to Sudan's destabilizing pattern of conflict and displacement, U.S. actions going forward should focus on strategies that:

- Provides unimpeded humanitarian access to civilians across all of Sudan and honors the Security Council's outstanding request in UNSC Resolution 2046 of 2012 for the parties to allow access in Southern Kordafan and Blue Nile.
- Delivers an end of hostilities, along with peace negotiations, in Darfur and the two areas, by allowing the simultaneous participation of all parties, including armed groups, in a national political process to address the root causes of conflict.
- Produces credible actions by the Government of Sudan to demobilize and disarm government militias.
- Promotes efforts by the Government of Sudan to address criminal impunity and provide justice and accountability for serious crimes and abuses against civilians.

Future decisions regarding sanctions should be tied to a strategy that seeks to meet these objectives, while recognizing that the historical role played by the government is likely to inhibit its cooperation on accountability efforts.

I am not in favor of sanctions, and would welcome an environment that would allow the permanent lifting of sanctions on Sudan. All sides have to deal with Sudan's past by recognizing the issues that have brought us to where we are.

Sudan has a unique opportunity to change the future.

The ball is in Sudan's court.

Mr. HULTGREN: Thank you. I will be back briefly.

Miles, thank you. Mr. Windsor.

**STATEMENT OF MILES WINDSOR, ADVOCACY AND DEVELOPMENT
DIRECTOR, MIDDLE EAST CONCERN**

Mr. WINDSOR: Firstly, I would like to thank you, Co-chairs for the opportunity to speak to the commission on this subject. It is an honor to be here.

My organization is not quite so well-known because of the way in which we operate. So by way of a very brief introduction, Middle East Concern is an association of members which has served to promote freedom of religion or belief with a particular focus on Christians in the Middle East or North Africa region for over 25 years. We provide support in a variety of ways on a case-by-case basis and we seek to serve all those who are marginalized, discriminated against, or persecuted for being or becoming Christians.

Speaking directly to what I perceive to be the question here today, there have been no notable improvements when it comes to human rights and religious freedom in Sudan, as far as we can tell. It is clear that the Sudanese Government has gone to great lengths to improve relations with the international community by cooperating on security and migration matters, for example. They clearly desire a better standing in the international community and all the benefits that go with this.

However, we are regularly aware of and involved in cases of state-perpetrated violations against the rights of Christians in Sudan. One current case which I would like to bring to your attention is the trial of Mr. Abdulmonem Abdumawla, Issa Abdumawla, and Reverend Hassan Abduraheem Kodi Taour. The two men who are on trial with them have been released. Those are Reverend Kuma Shamal, who was released prior to the sentencing due to a lack of evidence and Mr. Petr Jasek, an aid worker who was released after negotiations between the Czech and Sudanese Governments led to a Presidential pardon.

Whilst there has been no solid evidence brought against these men, they have been charged with espionage, inciting strife between communities, and spreading rumors that undermine the respect for the state. They have been detained since December 2015 and were sentenced on the 29th of January 2017. The lawyers filed an appeal on the 9th of February and are awaiting the results of that.

Another ongoing case involves a demolition order that has been placed on 27 churches. The Sudanese authorities claim that these churches are unlicensed, however, no buildings, including mosques are licensed in these areas.

It is also worth noting that the Sudanese Government ceased issuing licenses for churches after the cessation of South Sudan with the justification that there weren't enough Christians in the north to require new churches. This is part of a wider picture of government misappropriation of church property and land which has been an ongoing issue for some time.

The Sudanese is sensitive and responsive to criticism on these matters. Often, these cases have resolutions that are somewhat better than they might otherwise be on account of the Sudanese Government intervening in the judicial outcomes. Parts of the Sudanese Government, such as the Ministry of Foreign Affairs, find that these cases attract undesirable international attention and they seek solutions to make these problems go away.

However, the Sudanese Government doesn't go so far as to change its laws on blasphemy and apostasy, for example, or its policies, such as those which lead to the state harassment of Christians and misappropriation of church, land, and property. It should be noted that the National Intelligence and Security Services of Sudan, the NISS, are the main perpetrator and instigator of violations against Christians and other minorities, such as the Quranists, and they seem to have a department for this purpose.

The powers of the NISS need to be curbed and directives need to be issued by the Sudanese Government for the cessation of activities against Christians and other minorities in Sudan. Until such measures are taken, we would strongly recommend that all appropriate levers be used by the U.S. Government and the international community to encourage a change of direction from the Sudanese authorities on its human rights situation.

Thank you.

[The prepared statement of Miles Windsor follows]

PREPARED STATEMENT OF MILES WINDSOR

HUMAN RIGHTS VIOLATIONS AGAINST CHRISTIANS IN SUDAN

BACKGROUND

The current campaign of persecution against Christians in Sudan started after the secession of South Sudan as an implementation of a threat made by President Al Bashir who vowed to apply stricter Islamic laws, to put pressure on Christians and limit the activities of the church. It is also partly to shore up support for the president and his supporters. They came under significant pressure by more hardline elements within

Sudan when the South seceded. They were accused of giving away part of Sudan (and valuable parts in terms of oil, fertile land, etc.) to the enemies of the regime. For months there were rumours of a coup against the president. In order to shore up support among those hardliners, the president and his supporters took a much harder pro-Islamic line. As a result; (i) there was a governmental decision that no new permission to build churches will be given (ii) there was a clamp down on expatriate Christians and Christians NGOs - they were ordered to leave the country within 72 hours. In the course of several months (in 2012-2013) almost all of them were removed from Northern Sudan. Some were detained and questioned for some weeks, but most were simply given a time-frame in which they had to leave. (iii) several church and NGO properties were confiscated, (iv) several churches in the capital and elsewhere were demolished and church-affiliated institutions (schools, hospitals etc) which are active for decades were stopped/confiscated.

In recent years, there have been various cases of State harassment of Christians. These include instances of arrest and extended periods of detention on charges ranging from apostasy to espionage, church property confiscation and demolition, violence against and public humiliation of Christian leaders, arrests for ‘indecent dress’ including a dozen Christian female students (one was sentenced to 20 lashes, although the penalty has not been imposed).

Christians may be the largest of the religious minorities facing violations of their religious freedom but they are not the only minority in this situation. Amongst others, the ‘Qur’anists’ (Muslims who adhere to the Qur’an but who reject the authority of the Hadith) also face serious violations.

RECENT AND ONGOING CASES

Pastor Michael Yat and Pastor Peter Yen Reith

These two South Sudanese pastors were arrested 14th December 2014 (Pastor Yat) and 11th January 2015 (Pastor Yen Reith). They were detained incommunicado by the National Intelligence and Security Service (NISS) until 1st March 2015. They were charged on 4th May 2015 with the following articles from the Sudanese penal code:

- 21 – Each accused person is responsible for joint criminal acts.
- 50 – Undermining the constitutional system or endangering the unity and independence of the country
- 53 – Espionage
- 55 – Unlawfully obtaining or disclosing information or official documents
- 64 – Agitating hatred
- 69 – Disturbing the peace
- 125 – Blasphemy

Articles 50 and 53 are crimes against the State, and are punishable by a life sentence, the death penalty, or lesser detention and confiscation of all property. Article 55 is also a crime against the State and may carry 2 years' imprisonment and or a fine. Articles 64 and 69 may carry a two year jail sentence. Article 125 is punishable with one year in prison, a fine or whipping (40 lashes).

On 19th May, 31st May, 1st June, 15th June, 18th June and 25th June the court heard evidence against the pastors. On 2nd July, 2015 the pastors were questioned by the judge. The judge's questioning focused on why they were involved in Christian ministry, given that Sudan is an Islamic country. The judge then ruled that the pastors would be charged with all the charges listed against them and that the case would proceed.

On 5th August, the judge convicted Pastor Yat and Pastor Yen Reith of other charges that had not been brought against them previously. Pastor Yat was convicted under art. 69 of the penal code (disturbing public peace), and Pastor Reith under art. 65 (establishing or participating in a criminal or terrorist organization). However, the sentences they were given amounted to time already serve in prison and they have been released. Given the embarrassment this case was causing the Sudanese Government due to the international attention and pressure, this ruling could be seen as a 'face saving exercise'.

Early on 6th August, the two men went to the airport to travel out of Sudan. They were not allowed to travel and were informed of travel bans which were still in force. The lawyer has returned to the judge presiding over this case and asked for the bans to be lifted. Eventually, on 20th August 2015, the court revoked the ban, but the NISS has appealed against this decision. The procedure to lift the ban was taking longer than expected and so the pastors took the decision to circumvent the ban and leave Sudan before the ban was lifted, travelling initially to South Sudan before onward travel out of that country. Their departure from Khartoum took place on 19th August 2015.

After their departure from Sudan, the NISS appealed the court's ruling. This appeal was successful and there is an existing warrant for the pastors' arrest. Therefore they cannot return to Sudan.

Bahri Evangelical Church

The Sudanese Government uses two methods by which it seeks to confiscate and / or demolish church properties.

The first is in collaboration with corrupt or corruptible church officials who they appoint to positions within the church wherein they can sell off church land and property. By using this method, the Sudanese Government when accused of human rights violations can deny such criticisms and claim that these are cases of internal dispute within the church.

The second is by claiming that the churches do not have the appropriate licences. No buildings in these areas, including mosques, hold licences. The Government also ceased issuing licences for churches when South Sudan seceded, justifying this by suggesting that there were very few Christians left in Sudan and therefore no need for new churches. This is a problem faced by a wide variety of Christian denominations.

The case of Bahri Evangelical Church is an example of the first method. On 17th and 18th November 2014 the authorities arrived at Khartoum Evangelical Church in Bahri, part of the greater Khartoum area, to assist 'investors' in taking possession of property on the church compound. In the course of their activities the authorities severely damaged parts of the compound which are not claimed by the investors such as the pastor's residence and office. On 27th November, the authorities came back and briefly detained three Church leaders at the same church who prevented the authorities from clearing the compound.

A court had ruled that part of the compound had been leased by the investors for investment purposes. The church strongly contests this. The contested part of the compound was leased by corrupt church officials who were forced upon them by the authorities, but who are not recognized by the church.

These corrupt church officials were part of a committee in the denomination to which the church in Bahri belongs (the Sudan Presbyterian Evangelical Church) that was tasked with seeking investments. In 2013, the church discovered they were committing fraud and fired them. Subsequently these officials went to the Government and asked for their support.

On 23rd March 2013, The Ministry of Guidance & Religious Endowments called together a synod meeting of the Sudan Presbyterian Evangelical Church and re-instated the fired officials to the investment committee. This was rejected by the denomination - firstly, because the Government has no authority to call for a synod and appoint people to positions in the church (only the synod itself can do so), and secondly because these people had been fired for fraud.

On 13th May 2013, after the church had refused to acknowledge this newly 'appointed' committee, the Ministry of Guidance and Religious Endowments issued a statement that this committee was recognized as an official body within the denomination and that its agreements were legally valid.

The investment agreements at the heart of the current situation were signed after 13th May, 2013.

Since September 2013, the Sudan Presbyterian Evangelical Church has twice filed a case in the Administrative Court in Bahri to halt the activities of this committee, since they have not been appointed properly. In both cases the judge ruled that the activities should

be frozen until a final ruling in this case. Both times the Ministry of Guidance and Religious Endowments simply re-appointed the same people to the same committee.

On 18th February 2015, there was another attempt by Sudanese authorities to handover possession of the premise of Bahri Evangelical Church in Khartoum. The church filed an appeal against this action.

On the morning of 2nd December 2014, the authorities arrested 39 members of the church. The police broke down the door to the church and found more than a hundred Christians inside who were praying and singing. They arrested 39 of them on the accusation of disorderly conduct and being a public nuisance.

The authorities then divided the detainees in three groups and brought them before other courts in Khartoum (so-called Public Order courts). In one case the judge ruled there was insufficient evidence and he acquitted all the defendants (15 people). A second group, brought before a different court, was found guilty and was ordered to pay fines (12 people). In the third group, two people were acquitted and 10 people were ordered to pay a fine.

Whilst this land grab, destruction of property and harassment of Christians has been continuing for a number of years, this is still an ongoing case.

Pastor Hassan Abduraheem Kodi Taour, Mr. Abdulmonem Abdumawla Issa Abdumawla, Rev. Kuwa Shamal Abazmam Kurri, and Mr. Petr Jašek

On 12th December and on the 17th December 2015 respectively, Mr. Jašek and Mr. Abdumawla were arrested and detained. On 18th December, 2015, NISS officers arrested two pastors from the Sudan Church of Christ (a denomination whose members originate predominantly from the Nuba Mountains in Sudan): Rev. Shamal (the head of the denomination's mission committee) was arrested at his home in Bahri (Khartoum North) and Rev. Taour (the denomination's vice-moderator) was detained at his home in Omdurman.

The four men were detained while the NISS conducted an investigation into them which focused around the activities of Mr. Jašek, a Czech aid worker, and files found on his computer. Mr. Jašek had provided funds to a man named Mr. Ali Omer who had suffered severe burns during a student protest, for the purposes of medical treatment. The man had conducted a video interview with Mr. Jašek and Mr. Abdumawla had provided the translation. Both Rev. Taour and Rev. Kuwa Shamal had attended a meeting abroad where a picture was shown of Mr. Ali Omer after he was attacked. When Mr. Jašek visited Sudan and gave money for medical treatment for Mr. Ali Omer, Rev. Taour signed the receipt for the money.

The trial eventually started on 21st August 2015. Mr. Jašek was charged under the following articles of Sudan's penal code:

- 51 – Waging War against the State
- 53 – Espionage
- 57 - Entry and Photograph of Military Areas and Equipment
- 63 – Calling for opposition of the Public Authority by Violence or Criminal Force
- 64 – Agitating hatred between classes

He was also charged under the Sudan Voluntary Work Act Art. 23 (working for an NGO without the proper registration in Sudan), and the Immigration Act Art. 30 (alleged illegal crossing from Southern Sudan into Northern Sudan).

The other three defendants were charged as co-offenders in all these charges under Art. 21 of the Penal Code (Each accused person is individually responsible for joint criminal acts.)

Finally, only Mr. Jašek was charged under Art. 66 of the penal code (Criminalises the spreading of rumours that cause fear or undermine the respect of the State). Articles 51 and 53 are punishable by the death penalty or a life sentence. The remaining charges are punishable by sentences between 1-10 years' imprisonment and/or a fine.

The complainant, Dr. Abas al-Taher al-Abas (a notorious, high ranking NISS officer who is responsible for dealing with Christians) and one of his colleagues called al-Taher Musa al-Hassan, gave testimony against the defendants. Dr.al-Abas stated that, in the last few years, the NISS had closed many organizations and removed many Christians from the country who were “acting against the interests of the state”.

On 2nd January 2017, the judge announced his decision to release Rev. Shamal due to lack of evidence but he decided to continue the prosecution against the three other men.

On 29th January, after a lengthy trial with a variety of delays and postponements and during which no evidence was brought to back up these charges, the judge handed down his sentence. Mr. Jašek was sentenced according to Sudan's Penal Code of 1991 to:

- life imprisonment for Art. 53 (espionage) [in Sudan a life sentence equals 20 years' imprisonment]
 - one year for Art. 57 (Entry and Photograph of Military Areas and Equipment),
 - one year for Art. 64 (Inciting strife between communities),
 - 6 months for Art. 66 (Spreading rumours that undermine respect for the state),
- He was also sentenced to:
- one year for Art. 30 of the Immigration Act (Illegal entry into Sudan)

- a fine of 100,000 SDG for Art. 8 and 23 of the Voluntary Work Act (NGO work without a permit)

Rev. Taour, Mr. Abdumawla have been sentenced to:

- 10 years for Art. 25, 26 and 53, (espionage), n.b. Art. 26 states that if a person aids someone in the commitment of a crime he shall be subject to the provisions of art. 25 (abetment). Art. 25 says persons who abets others to commit a crime should be sentenced as if they committed the crime themselves. Therefore Rev. Taour and Mr. Abdumawla are sentenced for aiding and abetting Mr. Jašek in committing espionage
- one year for Art. 64 (inciting strife between communities),
- one year for Art. 66 (Spreading rumours that undermine respect for the state). n.b. Art. 66 specifically states that 6 months is the maximum penalty for this crime

The lawyers filed an appeal on 9th February.

On 26th February 2017, Mr. Jašek was released and handed over to the visiting Czech Minister of Foreign Affairs having received a Presidential pardon. He has now returned to the Czech Republic. This was the result of agreements and arrangements made between the Czech and Sudanese Governments in early February.

Mr. Abdumawla and Rev. Taour continue to be detained while they await the verdict of the appeal.

Demolition Order - 27 Churches

In a current example of the other method of church confiscation and demolition, 27 churches have been scheduled for demolition. In 2016, three churches received a notification that they were scheduled to be demolished. When they went to protest, the court forced the authorities to produce a copy of the order for the demolition. At that stage it came to light that it wasn't three but 25 churches that were scheduled to be demolished. Earlier in 2017, two more churches, one in Soba al Aradi and one in Jebel Awlia were added to the list. Lawyers are continuing to fight the scheduled demolitions in court. The orders have been stayed during the proceedings by the judge. The two most recent hearings have been postponed. No new date has been set for the next hearing.

PERPETRATORS

There appear to be significant tensions and 'behind the scenes' conflict between parts of the Sudanese Government (in particular the Ministry of Foreign Affairs) and the National Intelligence and Security Services (NISS) which is the intelligence service of the Government and which operates as a secret police force. The NISS has extensive powers.

The NISS tend to be the instigators of violations against the Christian community of Sudan and they have a specific department which perpetrates such activity. Within the leadership of this department is a man called Dr. Abas al-Taher al-Abas (who also uses the name Saad) whose name regularly comes up as the leading investigator and interrogator in cases where Christians are being harassed and detained. He was the main complainant in the most recent trial – that of Rev. Taour, Mr. Abdumawla, Rev. Shamal and Mr. Jašek. Dr. al-Abas may hold the rank of Colonel or Brigadier-General in the NISS. He has made use of broad powers of surveillance, arrest, interrogation and harassment of Christians. It would seem that he is very powerful. He has been known to inform his detainees that he has unlimited powers which go beyond any legal mandate, or any political influence.

The Government faces international pressure when these trials occur and they consider these cases a barrier to their ambitions of better relations with the international community. The Ministry of Foreign Affairs has intervened in a number of cases to make these problems ‘go away’.

These interventions don’t go so far as to address the underlining laws (such as laws on blasphemy and apostasy) or policies (which target churches and Christian communities). Nor do they curb the power or activities of the NISS.

RECOMMENDATIONS

The Sudanese authorities have made great efforts to collaborate with the US and others in relation to security and other strategic matters such as migration. It is clear that the Sudanese Government desires better relations with the international community, and all the benefits that this affords. However, there have been no notable improvements in the human rights situation in Sudan. MEC would recommend that the international community continues to use all available levers, including sanctions, in pressing the Sudanese Government to make the necessary improvements to human rights and religious freedom in Sudan.

ABOUT MIDDLE EAST CONCERN

Middle East Concern (MEC) is an association of members which has served for more than 25 years to promote freedom of religion and belief, with a special focus on the Christian communities, in 24 countries and territories across the Middle East and North Africa. MEC provides support on a case-by-case basis to those who are marginalised, discriminated against or persecuted for being or becoming Christians. MEC provides practical support in a wide variety of ways and, where appropriate, informs and mobilises our global political networks to respond to human rights abuses.

Mr. HULTGREN: Thank you, Mr. Windsor.

Ms. Henry.

**STATEMENT OF JEHANNE HENRY, SENIOR RESEARCHER, AFRICA
DIVISION, HUMAN RIGHTS WATCH**

Ms. HENRY: Thank you, Co-chairmen, members of the commission. Thank you for holding this hearing, which comes at a critical moment when the U.S. 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 government came into power, the U.S. pursued a policy of isolation, in part, because of this human rights record and in 1997 imposed broad economic sanctions in response to abuses during the long civil war, abuses that included slavery and denial of religious freedom.

Almost a decade later, the U.S. imposed additional sanctions, including targeted sanctions against individual commanders for atrocities in Darfur that, as you know, killed hundreds of thousands and pushed millions into squalid IDP camps and refugee camps. In recent years, the human rights situation has not fundamentally improved. The war in Darfur is not, in fact, over, as we saw last year when the government conducted large-scale attacks on civilians in Jebel Marra.

In 2011, the government employed similar tactics in Southern Kordofan and Blue Nile. There, too, forces attacked villages and bombed indiscriminately in civilian areas, killing and maiming for life many hundreds and terrorizing the population. Hundreds of thousands remain displaced in camps in neighboring countries.

But more than that, 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 protests and in 2013 left more than 170 people killed on the street of Khartoum, Wad Medani, and other towns, most of them shot point blank in broad daylight and no justice has brought for these killings.

The NISS, already mentioned today, has wide powers of arrest and detention and it is well-documented that the NISS' officials in engage in torture practices, torture and ill-treatment of detainees. These officials continue to target civil society leaders, activists, journalists, student leaders, anybody with real or perceived critics, critics of the government for various forms of harassment and abuse.

Authorities tightly restrict freedoms of association and expression through controlling, intimidating, and interfering in civil society organizations, and by censoring

independent media. And they have continued to restrict religious freedoms in various ways, as well as individual freedoms through morality codes that discriminate against women and girls, and carry penalties of lashing and other corporal punishments.

Sudan has pursued new alliances and promised cooperation on counterterrorism, migration, and other matters of great importance to the United States and others. And, indeed, the executive order from January this year makes reference to some of these priorities. However, that order does not provide guidance on how to measure Sudan's progress and it does not include explicit reference to improvements in human rights. And this is a remarkable oversight, considering the fact that human rights concerns were among the factors that drove imposition of sanctions in the first place.

So the U.S. now has an opportunity reassert the importance of human rights and shouldn't squander this opportunity. The U.S. should, as a first step, include these benchmarks, human rights benchmarks, in its assessments of Sudan going forward and it simply should not normalize relations with Sudan, absent significant progress in them. The benchmarks that we propose are not exhaustive but they should certainly include an end to attacks on civilians, including through aerial bombardment. They should include sustained and unfettered access by humanitarian agencies to conflict-affected areas. This is more than a few months of intermittent access.

They should include an end to arbitrary detentions, ill treatment, and torture. We know that dozens of people still remain in NISS detention, not just high profile individuals but unknown people who are in detention without advocates. Torture is still going on.

The benchmarks also should include ending excessive force against protestors and respect for freedoms of association, expression, and religion, and reforms to the law, as other panelists here have noted, especially the NISS law, the National Security Act. Tangible improvements to Sudan's cooperation with international institutions should also be among them. And that means cooperating with the U.N. human rights bodies and international human rights organizations.

And finally, more steps toward accountability, which includes cooperation with the international criminal court.

So, in closing, we recommend the U.S. take more time to monitor these benchmarks. There may be good reasons to suspend the economic sanctions but maintain the focus on individual targeted sanctions against individuals accused to have been responsible for abuses and review the sanctions policy with an eye on more effective measures, including the possibility of designating other individuals. And given the wealth of evidence of abuses by the Rapid Support Forces, for example, and the NISS, additional designations could be made with that in mind.

So with that, I will close and thank you very much.

[The prepared statement of Jehanne Henry follows]

PREPARED STATEMENT OF JEHANNE HENRY



“Sudan’s Human Rights Record and US Sanctions”

Tom Lantos Human Rights Commission

Testimony of Jehanne Henry

Senior Africa Researcher, Human Rights Watch

April 4, 2017

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.

Mr. HULTGREN: Thank you, again. We appreciate your testimony, appreciate you being here and your willingness to answer some questions.

I am afraid I am going to have to leave in about five minutes. I have a bill on the floor that I have to go over for. So, if it is all right, I am going to start with some questions for a few minutes and then I will hand it over to my wonderful colleagues.

Mr. Ismail, if I can start with you, what kind of changes or progress have you seen in humanitarian access over the past years? Which regions of the country are still blocked by the government? And are there signs that this will improve in the next three months?

Mr. ISMAIL: Thank you, Mr. Chairman.

I don't think that I have seen any improvement in the human rights situation in general and certainly not the access. There were reports of limited humanitarian access in the areas where the government has control but the areas that the rebels control or the other fighting forces in different parts of the country have not been accessible to the workers and never to the supplies that were in dire need for these populations. We have seen that in some places in two payams or two counties under the control of the SPLA-North were already declaring, the SPLA-North already declared famine in these two counties.

The situation in Darfur is not better. At least in Jebel Marra, we were reported that there were attacks from last year there were over 100,000 people that were not allowed even to reach the displaced camps so that they can get the limited access to services and food.

So for me, there is no improvement in the human rights situation in general and certainly no access.

Mr. HULTGREN: I want to do a follow-up. If the sanctions changes and the Executive Order 13761 became permanent, what leverage or influence does the United States have with the Government of Sudan to achieve various objectives?

Mr. ISMAIL: I think that there is no leverage at that point because we have seen from the CPA alone, the only way that we were able to force the Government of Sudan to budge was through showing that the international community is vigilant, the international community stay on pressure. That is the mode of operation that the Government of Sudan understands.

When this lifting or partial easing of sanctions happened, we have seen how Khartoum was gloating about this. That if you cannot twist the arm, then you shake them; that the U.S. had tried us and found us very difficult to punish, then they extended an arm to work with us.

This is not a regime that understands the gestures of good will. This is not a regime that understands that the international community has a way of working with different governments in the world. This is a regime that has its own echo chamber that only hears its own voice and a regime that if you extend a hand to them, the only one that is going to suffer are the people under them.

I urge this Congress and, of course, this committee that they will not let got their guard and let the Government of Sudan get away with murder, literally, because this is a government that is oppressing its own people.

Mr. HULTGREN: Thank you, Mr. Ismail.

Mr. Isaacs, if I can address you, what does the humanitarian situation look like on the ground? What needs to happen for all groups in Sudan to have access to humanitarian aid? And then I would also ask a follow-up similar question that I just asked Mr. Ismail. If we don't have sanctions, what leverage do we have on the Government of Sudan?

Mr. ISAACS: So in regards to Nuba Mountains in Southern Blue Nile, there is zero access. Just straight up, there is zero access. Nuba Mountains is probably 600,000-700,000 people in what is call the liberated areas. They are frequently depicted as hostages and that is a narrative that is inaccurate. I know that factually.

In Southern Blue Nile, you are probably looking at 150,000-200,000 people. They have no access. I am told by contacts in Sudan that humanitarian access is being more easily allowed by the NISS, the Security Services, but it is only into the controlled areas. And even then, there are several layers of bureaucracy to get through to go there. There is not unimpeded humanitarian access anywhere in Sudan.

Mr. HULTGREN: The question I asked Mr. Ismail, just as a follow-up, too, any other suggestions? If we don't have sanctions, what leverage or influence do you think the United States has or can use on the Government of Sudan?

Mr. ISAACS: So when it comes to the subject of accountability, then the issue is how will you hold them accountable. And what seems clear to me, my colleague Omar and I may not fully agree on this, is I have not seen behavior in the Government of Sudan, regardless of the sanctions. And I think it requires another level of political determination on the United States, on the Congress, and the administration if we are serious about affecting durable change in the behavior of State of Sudan.

Mr. HULTGREN: Thank you all. I apologize that I have to leave. I hand it over to my co-chairman.

Mr. McGOVERN: Thank you very much. I appreciate it.

You know, as I mentioned in my opening statement, I thought the Obama administration made a mistake in issuing the orders that they did to remove, to ease these sanctions. You know but as the adage goes, you can't change the past. You can only help to shape the future. And we are where we are.

And I have always been reluctant at these comprehensive sanction approaches that adversely impact regular people. I pose that sanctions against Cuba, I don't think they have been at all productive. And I have supported targeted sanctions and I have supported sanctions against individuals who I believe are criminal actors or who are corrupt. And we probably should discuss what sanctions are most effective when it comes to Sudan and might impact the people.

Sanctions don't always work but sometimes you know one could argue that they have had an impact. I supported the sanctions against the Government of South Africa and I think there is a case being made that they may have hurried a change in that country. In other areas, they haven't worked. So one glove doesn't fit all and you know I just wanted to state that for the record.

But what I really worried about most in my discussions with the Obama administration people when they were briefing me about their decision was that whereas I think the major focus ought to be on human rights, you know we spent a lot of time talking about a whole bunch of other things not directly related to human rights. And I think human rights ought to be front and center. I am getting really worried, not just with regard to Sudan but with regard to a whole bunch of other countries that human rights is starting to lose its priority status. I mean we had the President of Egypt, the leader of Egypt here yesterday. The issue of human rights wasn't even brought up. We have the leader of China coming here. I have heard nothing about human rights on that. And when we are talking about Sudan, we are talking about cooperation with counterterrorism and a whole bunch of other things but human rights doesn't seem to be front and center. And I worry that that is the direction we are kind of moving in.

And so I guess let me begin by asking, I mean which of the sanctions lifted by President Obama would it be most important to reinstate, if any, or should continued sanctions focus on individuals only? I mean the administration has taken this step. It doesn't seem like there is very much improvement, if at all, in any of the human rights areas. I still talk to humanitarian aid workers all the time who tell me they still have trouble getting access to the people who are most desperate. So in that area, there doesn't seem to be any progress.

But you know if we are going to try to influence this government, you know give me your best analysis of how we could do that using sanctions. Ms. Henry?

Ms. HENRY: Yes, I mean one of the points that we have been trying to sort of explore is the idea of delaying the determination about permanence of revocation or not.

And if that is possible because that at least allows for an additional period of time to kind of work with clearer criteria, also to make very explicit what the criteria are. Of course, the executive order has its language but it ought to be broader.

In terms of the technicalities around how to do that, does it require amending an executive order or changing the language? But there ought to be much clearer benchmarks and indicators.

So delaying the decision would be one form of pressure but then again, as well, I mean we have always said that individual targeted sanctions are the best route and that is what we would support.

Mr. McGOVERN: So of the benchmarks that were mentioned in the Obama administration, clearly all the benchmarks weren't met, right? I mean –

Ms. HENRY: They were not. And what I wanted to point out is that even the two that seemed human rightsey, which is the humanitarian access and the cessation of hostilities, they are not actually human rights indicators. They should be much more precise and three months isn't long enough.

So yes, I mean they weren't met. We need more time. Even six months is a ridiculously short period of time for measuring these transformations and then the indicators need to be much deeper and much more specific. And then as I mentioned, and as you mentioned, the imposition of additional individual sanctions is definitely a possibility. There is a mountain of evidence out there about abusive organs like the NISS and the RSF.

Mr. WINDSOR: Thank you. Yes, I concur with Ms. Henry's analysis and, indeed, yours, Chair, on sanctions and on the efficacy of sanctions and otherwise. I think actually Sudan is fairly unique in terms of the 24 countries that we deal with across the Middle East and North Africa, in terms of the fact that it does seem to have been responding. There does seem to have been progress in certain areas. They do seem to have been seeking to cooperate in a variety of different ways. And they have been in Washington, D.C. on the charm offensive trying to improve relations. That seems to be something which works with them and I would say that we need to continue to pursue this until we have got it right.

I think without that, the stick part of the carrot and the stick with Sudan, they are not going to have the incentive to continue improvements and cooperation and so we do need to do that.

I also agree with the suggestions about focused sanctions against individuals as well. I mean just to name one individual who keeps cropping up time and time again in cases of violations against Christians from the NISS seems to be an individual called Dr.

Abas al-Taher al-Abas who is regularly leading the activities against Christians and other minorities within this department in the NISS that seems to be set up to do just that.

And I think this deeper, more targeted approach sanctions would or could be effective.

Mr. ISMAIL: Yes, if I have to choose among the sanctions that would be lifted, it is going to be the general sanctions because even though I don't buy the argument of the Government of Sudan that is hurting the people, the Government of Sudan is hurting its own people. If we are following a government that is using 75 percent of its annual budget for the last ten to fifteen years, 75 percent of its budget is directed to military and security, which is doing nothing but hurting the Sudanese people. That is number. And if you look at five percent only on average of this budget that is allocated to education, health care, and services combined in the last ten or fifteen years, what kind of government that is taking responsibility of a people for almost 30 years is doing this? And they have the nerve to tell the world that this is because of sanctions. This is because of the bad policies of the Government of Sudan.

But the general sanctions will help people who are in the country who want to invest in health care, who want to invest in education, the access of the students to the international worldwide web, and to be able to read like the children here or elsewhere from the libraries. Nobody with their sound mind would be against that.

The targeted sanctions on individuals that are corrupt, that are actually perpetrating this violence, should remain in place and more individuals should be added to the list. Tools like FinCEN should be used to track down the corporate dealings with NISS, and the cronies of the NCP and the Government of Sudan, and, as well, the anti-money laundering measuring should be also in place so that these people who made a business out of fleecing the country and using corruption to take the coffers of the country away from the Sudanese people should not be allowed to enjoy this money that they stole in broad daylight. And I think that that could only come with targeted sanctions and using these particular tools and stopping the Government of Sudan from perpetrating more actions.

Mr. McGOVERN: Mr. Isaacs.

Mr. ISAACS: I would agree with Jehanne that it is too early to lift the sanctions off. I think the language coming out of the State Department is squishy. And even the report back on how they made the evaluation that improvements had been made is very ambiguous.

I do think that there needs to be tighter language on the expectation of benchmarks and there needs to be more evidence submitted that they have made improvements. But then that brings up the question well is that a charm offensive or is that a permanent change. And I think anyone dealing with Sudan is wise to always be aware of that.

One other thing that I would say about sanctions. So in a way you could make a case that a criminal warrant by the International Criminal Court would be like an ultimate sanction. And President Bashir is pretty well traveling every once in a while.

Mr. McGOVERN: I just was in Jordan and I am horrified that he was allowed to go there and not be arrested and to the Arab Summit, which my understanding is that they had previously banned President Assad of Syria the ability to be there. And yet, a guy who has been indicted by the International Criminal Court has been able to attend it, was able to be there, and has been to China. And I think that adds to my worries about the fact that human rights seems to be becoming an afterthought in world affairs. I am really worried about that and I think there needs to be some significant pushback. But I really do think it was -- I was surprised to learn that he was in Jordan and, by the way, there wasn't a ton of attention on it here in the United States but it is unfortunate.

Mr. ISAACS: So that comes back to what you were saying about the emphasis that human rights plays within the public sector here. And you can remember in 2004, 2005 the organization Save Darfur.

Mr. McGOVERN: Right.

Mr. ISAACS: It didn't. There is like 100 million people signed up for it. Nobody is talking about that anymore. Nobody is talking about in Hollywood. I don't hear anybody talking about that.

Mr. McGOVERN: Yes, but if I can push back on that just a little bit, you know I would argue that it never was the priority it should have been within our own government and amongst other governments that it should have been. And maybe I think if it had been more of a priority, we might be having a different discussion here today. But I mean we argued with various White Houses that the President ought to use his bully pulpit, and talk about the atrocities that were going on and help raise awareness, and help make it more difficult for other countries around the world to be so accepting of Sudan's President when he showed up at their doorstep.

So I mean I think there are organizations out there that you know tried to push us but I don't think our government gave it its best try. That is just my analysis.

Mr. ISAACS: And I agree with that. I am just saying that the public interest and the political interest has waned.

Mr. McGOVERN: Well I mean, let me ask you a question here. Part of the challenge, and this is part of my frustration, too, and this is one I have talked to administration officials about this in the past, is the reliability of the information that we are basing decisions on. I mean should the United States work with allies to set up a serious monitoring mechanism? How good is the information and the documentation that

reaches us? Because sometimes the stuff I get from our government is at odds with what I hear from humanitarian workers on the ground.

You know what would a good monitoring mechanism look like so that when are having these discussions we are all in basic agreement that these are the facts?

Mr. ISAACS: Well, thanks for the easy question.

So you know in the same way that President Bashir has enjoyed success and compromised the international community about this ICC warrant, they have also created a division between let's say the intelligence community in the United States and the humanitarian community, and which one is taking precedent over the other one in establishing policy.

I don't know all the ins and outs of that but I would say that counterterrorism is probably the one leading the effort would be my -- and then you have to think well how much value does Sudan truly play in counterterrorism. And I have no idea on those issues except I know that there seems to be a lot of terrorists that live in their country.

Mr. McGOVERN: Right. And I would like everyone to answer the question. I guess my point is when I am being told that they are making progress and allowing more humanitarian workers to get access to people who are in desperate straits, when I am told that the human rights situation is improving, when I am told certain things, I mean I guess that seem to be odds with others, I think it might be useful that there be some sort of a formal mechanism in place where we all can say you know what, I actually believe what I am being told here.

Ms. Henry?

Ms. HENRY: Yes, I mean that is certainly one of the tests we would urge is to see Sudan actually granting access. I mean they basically shut down the Human Rights Liaison Office for UNAMID in Khartoum and have repeatedly denied access to human rights groups and independent monitors. And so, indeed, a test. It is not just putting in place some human rights benchmarks here for the purposes of the sanctions determination but it is also, exactly as you put it, how do we even measure this progress. How do we know the information is right? And so a very clear part of this test should be whether Sudan allows such a thing to be set up.

With Southern Kordofan and Blue Nile, we have been calling for an independent monitoring body to go in there since 2011 and Sudan has always refused. So, these refusals pile up and they definitely contribute to our myopia. Even UNAMID, of course, has very limited access. And so a lot of the things we get from other sources are not then -- it appears as if people have polar opposite opinions on matters of fact.

So I agree with you completely. It is a real problem. And you know can there be such a monitoring entity? Would Sudan allow it?

Mr. ISMAIL: Yes, counterterrorism trumps all these other factors. And I, personally, or many people like me, they don't know what is in these files and how much that Sudan can give to the NISS.

But the fundamental question to me, when it comes to the discussion of counterterrorism, it is not only the counterterrorism measures that would be taken again at terrorists that are targeting the people of the United States. The question for me, don't the Sudanese people deserve the same treatment by the world dealing with a government that is terrorizing them? The Government of Sudan is terrorizing its own people. There are policies of ghettoizing of the displaced that are sitting in places like Darfur, where 2.6 million people with limited access. There are people in Nuba Mountains who are running to hide under rocks and in caves because of the high-flying Antonovs that, at times, not even throwing bombs at them but they have the same terrorizing -- and we use the same word, the same because it describes the condition -- the same terrorizing effect.

We are not going to redefine what counterterrorism means or terrorism means but at least as a community of people who are advocating for human rights, we should ask that question. Don't the people of Sudan deserve the same treatment?

Mr. WINDSOR: Just to follow-up on those comments, yes, I think that it is a constant challenge that we have, where there are developing relations between Western nations and some of these countries such as Sudan, to have human rights on the agenda at all and religious freedom in particular, when these discussions are happening. It is a huge challenge.

If I am being totally reasonable and seeing things from all perspectives, I would say I can sympathize and understand why governments do look at the strategic objectives and human rights don't necessarily come into that when they are looking at how relationships and developed relationships can benefit our countries here in the West.

However, as has been mentioned, I think a normalization of relations without addressing these issues, without challenge, not just paying lip service to but really challenging through the leaders that we have these issues that are faced by the citizens of these countries, then actually we are doing a great and grave disservice against the people of these countries. We need to stand for these people and against the human rights violations that Sudan and other countries in the region are perpetrating.

Mr. McGOVERN: No, look, I agree. I mean the idea that you know I mean counterterrorism shouldn't be something that ignores the rights of the people of the country and which where the terrorists may be hiding out. I mean the bottom line is decent governments should all be interested in making sure that bad people, people who want to do harm to others are not finding some sort of safe haven, are not coordinating attacks against other countries. I mean that should go without saying. And I have always

felt that if you say we are interested in this counterterrorism and you ignore what is going on in a particular country, you do so at your own peril.

I mean the bottom line is people in those countries remember. They remember who was there, and who wasn't there, and who was supporting a brutal government, and who turned a blind eye to human rights. And I think in the long-term, I think that all comes back and backfires.

And look, again, going back, as we work with this new administration, I am not quite sure who is in place, who is going to be reviewing this in this current administration but, as we work with them, I do think that we ought to figure out what a monitoring mechanism looks like, especially in the area of human rights and access to humanitarian aid. I mean our intelligence people will take care of the counterterrorism aspects of this. I mean if in fact the human rights situation continues to get worse, if in fact humanitarian aid can't get to where it needs to go, I mean we all ought to be in agreement that that is the case. And there ought to be a consequence for that.

And again, my frustration, when I talked to the people in the people in the last days of the Obama administration was that I was being told seemed at odds with what I was being told by the people on the ground.

Let me ask you. I mean your organizations, are you given access to Sudan? If you want to go there, can you go?

Mr. ISAACS: If you go to Sudan when you want to go, you wouldn't go through Khartoum.

Mr. ISMAIL: Well, I am the Sudanese here on the panel and I wasn't able to go and see my family for years and years.

Somebody might say you chose that you don't want to go but I know the dangers and I talk daily with my family and friends and the people that go back to the country. And we understand, as in a project, we are basically labeled as maybe enemy of the state and I don't think there would be any access for us.

At one time we had a meeting with Foreign Minister Ibrahim Ghandour in the Peace Institute and he said you are welcome to come to Sudan anytime. But beyond the presenters, that exchange between decent people, I don't think that is a policy that I would believe.

Mr. WINDSOR: My present understanding is that my regional colleagues have found that it is too dangerous for them to enter Sudan. And so we develop our understanding of what is happening through the lawyers involved in the cases that we are handling and the community on the ground and we are in regular contact with them. And we will attend meetings in places outside close to Sudan.

Mr. McGOVERN: No Human Rights Watch.

Ms. HENRY: Similar to my colleague here to the right, officially, we are not given access to do investigations in Sudan. There are various ways of reaching people around the edges of the country, refugee camps, et cetera, and there are also civil society groups that it is possible to work with very closely. It is certainly possible to do work on Sudan and it takes an enormous amount of time and effort and expense to do it without access.

Mr. McGOVERN: Right but if we were to develop a monitoring mechanism, it would require that people have access to be able to monitor.

Ms. HENRY: Absolutely and attest.

Mr. McGOVERN: I mean I tried to go to Sudan a few years ago and was denied a visa here in the United States. And I was told all I needed to really do if there were a couple of other steps in the trip, I could get a visa in Ethiopia. I went to Ethiopia. They wouldn't give me a -- the Sudanese Embassy wouldn't give me a visa to travel. Then I went to Nairobi and they said that is where you can get one and I couldn't get one there. So I went to Chad and went to the border and actually ended up doing interviews at a refugee camp on the border.

Now, as part of the new charm offensive, I am told by the Sudanese government that I can go anytime I want and go anywhere I want you know and maybe we could all go together.

Because at the end of the day, look, I think we all want a happy ending here. I mean we want a situation where people -- the suffering and the violence all ends and that it is different from where we are right now. But in order to get to that point, I mean we have to be basing our decisions on information that is believable, that people have firsthand information about. And again, I have relied a lot on people who have fled the country, people I have interviewed along the borders and I believe the individuals I have talked to who have fled the violence. And I will just say this for the record. I have a very tough time with the idea that we may be enabling a leader of a country who has been indicted for crimes against humanity by the International Criminal Court. I mean I just find that very, very troubling. And I think that easing the sanctions may in fact result in his longevity and not the kind of change that I think all of us believe are important.

In any event, I have kept you guys here long enough. Any last comments for the record that you want to -- and by the way, if there any human rights defenders that are currently in prison that anybody wants to draw attention to or issues like that that you want to get on the record, the floor is yours. You can say whatever you want.

Ms. Henry?

Ms. HENRY: Yes, I think I need to draw attention to the case of Dr. Mudawi, who has been in prison. He was on a hunger strike. Finally, charges were brought, very trumped up charges but he remains in prison. Of course, the government has promised to release him but there are others, colleagues of his, who are also detained who are less well-known and they also need to be released.

This pattern of arbitrary detention for long periods combined with abuses in interrogation and physical abuses has got to stop. So that is what I am going to leave you with.

Mr. WINDSOR: Just briefly to highlight another issue which is emerging presently, there was a murder yesterday at 4:00 p.m. Sudanese time at the Evangelical School in Omdurman, which is one of the church properties where the government is seeking to intervene and hand over the ownership of that property.

And I believe it comes from one of the corrupt officials or there was a scuffle involving one of the corrupt officials, who was seeking to take away this land from the church and two men were stabbed, one fatally.

And so just to highlight this at this stage. More information, I am sure, will emerge over time.

Mr. ISMAIL: Of course Dr. Mudawi, as well as hundreds of thousands of brave men and women across the country, people that were detained and they are behind bars, and people that were actually perceived to be free but millions of them in a big extended prison called Sudan from this -- it is a little bit emotional for me thinking of all these friends, and the family members, and all the people who perished, and died, and tortured under this regime. But I think if there is anything left in this government that is remotely related to the human beings, I would urge them to treat the Sudanese with dignity, with justice, and to observe the human rights of the millions in the country that have been abused for years. Thank you.

Mr. McGOVERN: Mr. Isaacs?

Mr. ISAACS: No, sir, I have no further comment.

Mr. McGOVERN: Well, I want to thank you all for your testimony. This issue weighs on me heavily. I mean for many years now, as we have been dealing with this, I have been frustrated that, again, the response not only by our government but by the world community has been inadequate. I mean this really is a failure by the international community, when you think about it. Because notwithstanding the sanctions, there were always ways to prop the government up by other countries, China and Russia in particular. Notwithstanding the indictment of the International Criminal Court, the leader

of Sudan was welcomed in a variety of other countries and we are willing to look the other way.

And when you think about all the bloodshed, all the deaths, all the innocent people that were killed -- you know when I visited the refugee camp in Chad, this is before the indictment by the International Criminal Court, and I was there when they were interviewing people for the indictment. And I remember being there and listening to an interview of a young woman who was in a tent being recorded, talking about how -- she was from Darfur -- how she had seen her entire family, her husband and her children, killed. And I watched her and was amazed that she was able to get this story out and that she had the strength to be able to tell the story.

And when it was all over with, I was introduced to her and I didn't know what to say. I just said well thank you for sharing that terrible ordeal that you experienced and I know it will help. And her response was the only reason why I believe it is important to even be alive anymore is because I am counting on the fact that if I tell this story, that it will help save the lives of others, it will actually make a difference.

And you know I continue to be haunted by that experience because I don't know how anybody could experience what she did and still be able to function, to be able to tell what happened. And she is just one of countless people who have been through some of the most horrific experiences that any of us could imagine.

So how we do sanctions, how we lift them, what are the incentives, whatever, I think that people like that woman need to be front and center in our minds. That is the most important thing. It is the human rights of individuals, of people. And yes, I get the counterterrorism and I get the geostrategic babble that we hear all the time. I get it. All of it is relevant. But at the end of the day, what is most important is the dignity and the human rights of these individual people who, to this day, I think many of them feel forgotten and continue to find themselves in a horrific situation.

So I appreciate all the testimony here today. I appreciate all the work that you guys have done on this and I respect it. And I hope that you will not be shy about letting us know of individual actions that we might be able to take in this commission in a bipartisan way to try to either push our current administration, or to help maybe push the formation of a formal mechanism so that we can actually monitor these benchmarks that we have in place, or maybe ways to even make the benchmarks more specific so that they are more meaningful. But we look forward to working with you because this issue is not going to be forgotten by this commission.

So, thank you.

[Whereupon, at 3:27 p.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

Sudan: Human Rights and Sanctions

April 4, 2017

1:30 – 3:00 PM

2255 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a **hearing** on the recent easing of sanctions on Sudan and its effect on human rights.

The United States has enforced sanctions against Sudan through Executive Orders and congressionally-imposed legal restrictions since 1997. On January 13, 2017, President Obama signed Executive Order 13761, in effect lifting the trade embargo and unblocking frozen assets. This easing of sanctions allows for a six-month trial period so the U.S. can determine whether the lifting of sanctions should become permanent. In the interim, a General License provides temporary relief from the trade embargo.

Sanctions against Sudan were justified on the basis of the Sudanese government's support for international terrorism and its egregious human rights violations, including genocide, crimes against humanity and war crimes, especially in Darfur, but also in the states of South Kordofan and Blue Nile. The Obama Administration's decision to ease sanctions came about after determining Sudan had made progress over a six-month period in several areas, including cooperation with counterterrorism efforts, halting its interference in South Sudan, ceasing hostilities in conflict zones, and improving humanitarian access.

A key question remains – what is the measure of Sudan's progress towards improvements on its human rights record since the easing of sanctions? Witnesses will present testimony informed by their human rights work in Sudan, and will discuss actions Sudan must take in order to justify the permanent lifting of sanctions.

Panel I

- **Omer Ismail**, Senior Advisor, The Enough Project
- **Ken Isaacs**, Vice President of Programs and Government Relations, Samaritan's Purse
- **Miles Windsor**, Advocacy and Development Director, Middle East Concern
- **Jehanne Henry**, Senior Researcher, Africa Division, Human Rights Watch

This hearing is open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via YouTube on the Commission website, <https://humanrightscommission.house.gov/>. For any questions, please contact Jamie Staley (for Mr. Hultgren) at (202-226-1516) or Jamie.Staley@mail.house.gov or Kimberly Stanton (for Mr. McGovern) at 202-226-6379 or Kimberly.Stanton@mail.house.gov.

Sincerely,

Randy Hultgren, M.C.
Co-Chair, TLHRC

James P. McGovern, M.C.
Co-Chair, TLHRC
