

HUMAN RIGHTS VIOLATIONS IN SUDAN

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

UNITED STATES HOUSE OF REPRESENTATIVES

**ONE HUNDRED AND FOURTEENTH CONGRESS
FIRST SESSION**

MARCH 4, 2015

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WEDNESDAY, MARCH 4, 2015

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 McGovern and Hon. Joseph R. Pitts [co-chairs of the Commission] presiding.

Mr. McGOVERN. Good afternoon and welcome to the Tom Lantos Human Rights Commission hearing on human rights violations in Sudan.

I would like to welcome all of our witnesses today. Thank you for your tireless efforts to keep the focus upon what continues to be a human rights disaster in Sudan. I would also like to thank the staff of the Commission for organizing this important and timely hearing. Finally, I would like to formally welcome my colleague and new co-chairman of the Commission, Congressman Joe Pitts. Congressman Pitts has been an active member of the Commission for many years and I look forward to working with him and I thank him for his leadership on this and so many other human rights issues.

Unfortunately, the problem of human rights violations in Sudan is not a new one. Today marks our fifth hearing on this topic since the Commission was founded in 2008. I am profoundly troubled that we continue to need to bring to light many of these same issues. But I remain deeply committed 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.

Sudan has suffered from internal conflicts for decades as outlying regions have taken up arms against the central government they see as failing to protect them and willfully neglecting their needs. In 2003, the Sudanese Government responded to rebels in the Darfur region with a counterinsurgency campaign that had had disastrous consequences for civilians. Sudanese forces and the infamous Janjaweed militia attacked and destroyed hundreds of villages, killed tens of thousands and displaced more than 2 million people. The impact was so severe that the international community and the United States Government recognized that acts of genocide had been -- had been committed against the population of Darfur. Here in the United States in October of 2006 President Bush signed into law the Darfur Peace Accountability Act, which gave the U.S. administration additional tools to sanction Sudanese officials considered to be complicit. In 2009, the International Criminal Court indicted Sudanese President Omar al-

Bashir for war crimes and crimes against humanity and in 2010 it added genocide to the list of charges.

Yet, here we are again. Darfur has continued to be plagued by violence and in 2011 -- and in 2011 conflict reunited in the states of South Kordofan and Blue Nile. Nearly half a million people were displaced just in the first half of 2014. Hundreds of thousands of people have fled to neighboring countries, unable to return home because of lack of security. The U.N. estimates that 6.6 million people are in need of aid but relief agencies like Doctors Without Borders, or MSF, face increasingly difficult operating conditions and restrictions imposed by the government. On January 20th of this year, Sudanese forces bombed a hospital in South Kordofan operated by MSF for the second time in less than a year, forcing it to suspend operations to protect its personnel. Hospitals and villages have also been targeted by air strikes in Darfur. In December 2014, Sudan expelled two top U.N. officials from the country. New reports document the use of sexual violence as a weapon, which we will hear more about today, and Mr. al-Bashir is still in power.

Everyone opposes genocide. But the question is what are we really doing to redress the Darfur genocide and to stop a new genocide in other border regions.

I look forward to learning from our distinguished panelists today about what is happening on the ground in Sudan, what we are doing to try to end human rights violations in that country, and what further actions we can take to make sure that the people of Sudan finally get the basic protections that they deserve.

And with that, I want to yield to my colleague, Joe -- Congressman Joe Pitts.

[The opening 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-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

Good afternoon and welcome to the Tom Lantos Human Rights Commission's hearing on Human Rights Violations in Sudan.

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needs. In 2003 the Sudanese government responded to rebels in the Darfur region with a counter-insurgency campaign that had disastrous consequences for civilians. Sudanese forces and the infamous Janjaweed militia attacked and destroyed hundreds of villages, killed tens of thousands and displaced more than 2 million people. The impact was so severe that the international community and the U.S. government recognized that acts of genocide had been committed against the population of Darfur. Here in the U.S., in October of 2006, President Bush signed into law the Darfur Peace and Accountability Act which gave the U.S. Administration additional tools to sanction Sudanese officials considered to be complicit. In 2009 the International Criminal Court indicted Sudanese president Omar al-Bashir for war crimes and crimes against humanity, and in 2010 it added genocide to the list of charges.

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Mr. PITTS. Thank you, Mr. Chairman.

It is an honor to be named co-chairman of the Tom Lantos Human Rights Commission along with you and we have worked together on many issues for many years in a bipartisan manner on human rights and I look forward to continuing to do that work.

I would also like to thank you, Mr. Chairman, for your efforts on this important hearing, this important issue, the fifth hearing since 2008 on this issue.

It has been over a decade since the last perceived height of the Sudan conflict, specifically the genocide that was taking place in Darfur in 2004. However, many international observers are witnessing deteriorating conditions in Sudan and the U.N. has stated that the conflict threatened to produce 2004 levels of violence. Observers have witnessed increasing restrictions from the government in Khartoum as well as a renewed boldness by the government in launching military operations against its own people. And we have also seen routine violations of the arms embargo in recent years. Reports late last year indicated a campaign of mass rape of women and girls by the Sudanese army.

Alarming, the deterioration in the last two years follows a report by the U.N. Human Rights Council in late 2013 on the situation of human rights in Sudan in which it characterized the government as continuing to make progress in "legislative and institutional developments aimed at improving the situation of human rights in the country." This leads me to believe that whatever efforts made by the government to achieve a great respect for human rights is either failing to manifest itself in the institutions most desperately in need of reform, or made such efforts in bad faith and out of a campaign of deception towards the international community.

It is well known that the government in Khartoum has been seeking relief from U.S. and international sanctions. This Congress must signal and make it clear to the government that such measures will not even be considered until a cessation of military hostilities is realized and when measurable progress in respecting the fundamental human rights of its people is observed.

To be clear, the human rights situation in Sudan is heading in the wrong direction. Our government should explore possibilities which further isolate and sanction the government in Khartoum if substantial progress is not made to reverse this course in the near future.

I would like to welcome and thank our panelists for their testimony today. I look forward to directing increased attention to this issue here in Congress.

With that, I yield back.

Mr. McGOVERN. Thank you very much, and I would like to introduce our first panel of witnesses from the administration.

I am pleased to welcome Ms. Catherine Wiesner, the Deputy Assistant Secretary of the State Department's Bureau of Population, Refugees and Migration; Mr. Steven Feldstein, Deputy Assistant Director of the State Department's Bureau of Democracy, Human Rights and Labor.

Both bureaus play a significant role in our government's response to the conflict in Sudan and we welcome you here and look forward to your testimony.

And if somebody knows how to work the heat we can maybe lower it. If they don't, then we will just sweat.

But anyway, welcome.

STATEMENTS OF STEVEN FELDSTEIN, DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE, AND CATHERINE A. WIESNER, DEPUTY ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES AND MIGRATION, U.S. DEPARTMENT OF STATE

STATEMENT OF STEVEN FELDSTEIN, DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Mr. FELDSTEIN. Thank you, Chairman Pitts and Chairman McGovern, and members of the Tom Lantos Human Rights Commission. Thank you for the opportunity to testify before you today and thank you for the critical role the U.S. Congress continues to play in keeping a spotlight on Sudan.

This hearing comes at a decisive moment for Sudan. There are persistent concerns about human rights abuses and violations included targeted attacks against civilians in Darfur and the Two Areas. Ongoing restrictions on fundamental freedoms throughout the country and the risks that the African Union-led peace process and national dialogue will be sidelined in favor of planned national elections in April. Last week, February 21st to 26th, I undertook a human rights and democracy focused trip to Sudan, the first visit by a senior U.S. human rights official to the country since 2011.

The Sudanese government's welcoming of this visit represents an important first step to engage on our human rights and democracy priorities. Given Sudan's poor human rights record, some have asked what we hope to get out of such a visit. From my viewpoint, it is precisely because we have such significant concerns that traveling to Sudan and talking directly with Sudanese government officials was the right thing to do. In particular, I believe this trip represented an opportunity to initiate a frank conversation with the Sudanese government on a range of human rights issues including aerial bombardment of civilians, lack of humanitarian access, restrictions on civil society and religious freedom, and ongoing detention and harassment of opposition members. It also provided a chance to emphasize to my Sudanese counterparts that any improvement in U.S.-Sudan relations and eventual change in policy must be premised on real and substantive improvements on key human rights and democracy issues. Our goal was to deepen the human rights conversation between our two countries.

I want to be clear about whether this visit represents the beginning of a shift in U.S. policy towards Sudan.

In reality, it is a continuation of our approach that the engagement of all parties in Sudan, including the government, is required to make progress to

resolving the internal conflict in the country. It is rooted in our effort to capitalize on the promise of comprehensive peace talks and national dialogue. The Sudanese government announced January 2014 it would hold a national dialogue to discuss democratic reforms, issue of identity and political reconciliation. In addition, the African Union High-Level Implementation Panel, which is led by President Thabo Mbeki, is mediating a synchronized process to end interrelated conflicts in Darfur and the Two Areas. These processes provide a viable pathway to attain comprehensive security and governance reforms needed to address the root causes of conflict in Sudan and this opportunity must not be lost. During the trip, I met with a range of governing officials to discuss our human rights agenda. This includes counterparts from the ministries of Foreign Affairs, Justice, Guidance and Endowment, which oversees religious issues, the National Intelligence and Security Services, NISS, the Humanitarian Aid Commission and many others.

I also met with non-government Sudanese stakeholders without government presence or participation. This included members of civil society, human rights activists and defenders, journalists, opposition party members, youth activists, religious minorities and women leaders. My intent was to hear their concerns and to underscore that the U.S. stands with the Sudanese people.

I was also clear that I wanted to get out of Khartoum and visit Sudan's conflict-affected regions. I traveled to Blue Nile State where I met with local officials, humanitarian actors and internally displaced persons. But for an unexpected Sudanese dust storm, or haboob, I would have also traveled to IDP camps in Darfur.

I would like to share five specific takeaways from the trip. First, conflict in Darfur and the Two Areas, the periphery of Sudan, continues unabated and is leading to significant human rights abuses and likely violations of international humanitarian law. Credible reports indicate that the government continues to indiscriminately and deliberately bomb civilian areas and undertake armed attacks in civilian and humanitarian targets in Darfur and the Two Areas. For example, as was mentioned, in January 20th of this year the Sudanese armed forces bombed the Medecins Sans Frontieres Hospital in Southern Kordofan -- one of the reasons prompting MSF Belgium's pull-out.

The pervasiveness of the bombing campaign was driven home to me, when during the pre-trip Skype briefing with Nuba Reports director Ryan Boyette, I could literally hear an Antonov plane buzzing in the background. Ryan later informed us that that plane dropped six bombs on Heiban Town timed to coincide with its weekly market day, which draws hundreds of people from the region. So there is an abundance of evidence of ongoing scorched earth policies in Darfur and the Two Areas by the government's Rapid Support Forces, along with other forces, including widespread sexual and gender-based violence. This, of course, includes our deep concern for reports of mass rapes in Tabit this past October.

Second, Sudan is a security state and this made itself very apparent throughout my visit. NISS monitored my activities and those I came into contact with. Needless to say, such actions were a stark reminder of ongoing repressions of fundamental freedoms in the country. The security state restricts all form of

dissent. Indeed, my arrival in Sudan was preceded by a crackdown in 15 media outlets. The government continues to restrict rights to freedom of expression, freedom of association, including arbitrarily detaining opposition members Amin Mekki Madani, Farouq Abu Eissa and Farah Ibrahim Mohamed Alagar.

During the trip, I strongly pressed for their imminent release, or to at least visit one of the detainees. Regrettably, these efforts were unsuccessful. But we did have a chance to meet with their families and lawyers and express our deepest concern. Their continued detention calls into question the government's resolve to hold a comprehensive and inclusive national dialogue. Members of Sudan's human rights community and civil society highlighted harassment, intimidation, detention and government restrictions on their ability to operate. They mentioned that freedom of religion or belief is under pressure, and that churches and their members face closures, forced evictions, intimidation, onerous registration requirements and blasphemy and apostasy laws.

Third, I nonetheless believe it is a mistake to treat the government of Sudan as a monolith. I am convinced that pragmatic, even reform-minded, factions do exist in the government and are quietly willing to serve as intermediaries and push behind the scenes for greater opening and a lessening of abuses. They are balanced out in equal if not greater weight by security hardliners. I believe we should continue pushing our message that no military solution exists to these conflicts and that an end to the fighting brokered by the AUHIP and an inclusive national dialogue is the best possible outcome for Sudan.

Fourth, the United States has limited leverage to effect change in Sudan. But our extensive sanctions policy and subsequent international isolation is a huge thorn in the side of the government. The issue of sanctions was raised repeatedly by Sudanese officials, both in government and nongovernment meetings. Many asked bluntly if they could expect sanctions relief if they undertook hard policy choices. Successive Congresses and U.S. administrations have put in place a sanctions policy that correctly highlights the need to end the conflict and compel the government to engage in meaningful reforms. What really struck me is how much of an economic and political ripple effect our sanctions policies have on Sudanese from all walks of life. The U.S. government's recent issuance of a telecommunications general license that enables the export of certain personal telecommunications hardware and software has had and will have a powerful effect.

Fifth and finally, just as our grave concerns about Sudan's human rights record colors our interactions with the government, the Sudanese have the equivalent deep-seated distrust and suspicion of U.S. intentions and policy. In countless meetings they recount a litany of grievances, failed promises and dashed expectations by the U.S. dating back to the 1990s and even before. We need to learn how to talk to one another again if we are ever to make progress in our key priorities and bring about constructive outcomes.

So where do we go from here?

I think we all agree that Sudan does not need more civil war. Throughout my visit, but particularly in Blue Nile State, people clearly and resolutely want an end to conflict and violence and were seeking peace.

All sides owe it to the people of Sudan to make genuine good faith efforts to engage in the peace process. The government of Sudan repeatedly claimed throughout the trip that it is committed to peace and ending conflict, that it wants nothing more than to focus on development for its people. We told them if their commitment to peace is sincere, then a necessary first step to break the impasse is to declare a unilateral cease fire in all conflict areas. At the very least, the government should engage seriously in the next round of AUHIP peace talks with the SPLM Nur and Darfuri armed movements who are aligned within a coalition of armed and unarmed groups known as the Sudan Revolutionary Front to lead to coordinated cessation of hostilities agreements.

It is also clear that an inclusive and comprehensive political process is urgently needed to avoid future conflict and to address the crisis of governance that fuels civil wars in Sudan. Sadly, instead of focusing its efforts on putting together an inclusive comprehensive national dialogue, the government has instead insisted on going forward with national elections scheduled for April 2015. When civil society, journalists and opposition members are excluded from the political process and operate in an environment of violence and fear, elections carry little weight and even less legitimacy. Despite these obstacles, we are working aggressively, in close cooperation with our international partners, to support opposition and civil society participation in a national dialogue if and when it comes about.

In closing, I want to emphasize that we are operating under no illusions. We recognize the gravity of the situation. I hope that my visit will contribute -- has contributed to creating a climate where real dialogue can take place in human rights. Certainly, we will continue to press for peace and an end to the violence.

Finally, I would like to take a moment to recognize our U.S. mission in Sudan under Chargé Jerry Lanier's leadership. They are a dedicated corps of officers doing a remarkable job under tough and difficult circumstances. Every day they come in fighting on behalf of American values and principles. Often, they face intransigent government officials, traumatized civil society activists and NGO contacts, and shadowy NISS agents lurking in the background. But they keep picking themselves up and moving forward. They deserve our commendation and respect.

Thank you, Mr. Chairman, for convening this hearing and I look forward to your questions.

Mr. McGOVERN. Ms. Wiesner?

**STATEMENT OF CATHERINE WIESNER, DEPUTY ASSISTANT
SECRETARY, BUREAU OF POPULATION, REFUGEES AND
MIGRATION, U.S. DEPARTMENT OF STATE**

Ms. WIESNER. Good afternoon, Chairman McGovern, Chairman Pitts and members of the Commission. Thank you for including me on this panel to review the humanitarian situation in Sudan and what the U.S. government is doing to mitigate the suffering of people who have fled violence. As other emergencies around the world grab international and public attention, this opportunity to highlight the challenges in Sudan is most welcome.

At an earlier stage in my career, I spent several years working for the U.N. in Sudan and I went to Darfur in 2004 during the initial phases of the emergency response to set up child protection programs. It was one of the most heartbreaking but also rewarding experiences of my career as an aid worker, and so ten years later it is tragic that the conflict persists and that camps for displaced people that were just being set up then have seemed to become permanent fixtures and that the suffering continues for so many.

In Sudan today we are grappling with a set of interwoven humanitarian crises with multiple hot spots and new population displacement layered on top of protracted emergencies. Sudan not only generates large numbers of refugees and internally displaced persons, it also hosts large refugee populations from neighboring countries. These distinct groups of refugees and conflict victims require approaches that respond to their different situations. That said, there is a common thread among all and that is the continued lack of adequate humanitarian access and cooperation from the various parties to the various conflicts. While we can cite some small elements of progress, they remain overshadowed by this fundamental challenge. We continue to press Sudanese authorities and opposition leaders bilaterally, multilaterally, through the United Nations, through the African Union, from the highest levels of our government, through the program-focused efforts of our refugee officers, for the access and the adherence to humanitarian principles that are necessary for the international community to save lives and mitigate suffering.

Though perhaps out of the news, Darfur remains a priority for the U.S. government. As you have noted in the announcement of this hearing, the humanitarian environment in Darfur has deteriorated over the last two years. Conflict between government forces and armed groups, as well as intercommunal conflict over limited resources, forced more than 450,000 people from their homes in Darfur in 2014, bringing the total number of internally displaced to over 2.4 million. Over the last ten years, more than 360,000 Darfuris have sought refuge outside of Sudan in eastern Chad. While most would like to eventually return home, this prospect remains dim as the conflict continues.

The allegations of mass rape in Tabit and subsequent efforts by the government of Sudan to prevent immediate access to enable a proper

investigation are evidence of many persistent problems in Darfur, most importantly that women and girls are still not safe.

We also remain gravely concerned about the worsening humanitarian situation in Sudan's Southern Kordofan and Blue Nile States, also known as the Two Areas. The aerial bombardments that have been mentioned by both the Sudanese government -- by the Sudanese government and the fact that both the government and the SPLM North have used indirect fire against civilian targets. Too many innocent civilians, too many children, families have been killed, wounded and displaced from their towns and villages. Humanitarian workers in the Two Areas also face significant risks amid this violence. We have noted the bombing of the MSF hospital. Also in January, rebel combatants forced down a World Food Program helicopter. In February, unidentified combatants killed three Sudanese Red Crescent workers.

Since 2011, the crisis in the Two Areas has left more than 2 million people in need of assistance and forced more than 250,000 Sudanese to flee to South Sudan, Ethiopia and Kenya. In fiscal year 2014, the U.S. government provided nearly \$298 million in humanitarian aid for conflict victims and displaced populations in Sudan through U.N. agencies, other international organizations and non-governmental organizations. With our support, they continue to provide food, access to safe drinking water, sanitation services, programs to protect children including reuniting families torn apart, nutrition, health care and education services. We are helping millions of people. However, government-imposed restrictions on access and attacks on aid workers continue to make it difficult for humanitarian agencies to reach all of those who are in need. The United States also continues to fund the work of the Office of the U.N. High Commissioner for Refugees, UNHCR, and NGOs assisting long-staying Darfuri refugees in Chad, helping them to find ways to support themselves in a physical environment that is particularly inhospitable.

Finding the financial and human resources to cope with protracted crises such as this one, frankly, is becoming more difficult as humanitarians respond to ever more conflicts that have erupted or worsened around the world displacing record numbers of people. We are in the process of ramping up our resettlement program for Darfuri refugees in Chad to the United States, recognizing that a home here may be the best and only solution for some of them. Sudanese refugees from the Two Areas who have fled to South Sudan, Ethiopia and Kenya -- many of them arrive in poor condition. Our programs provide physical protection, shelter, food, water and health services.

The greatest challenge to protecting these Sudanese refugees, the ones particularly who have gone to South Sudan, is maintaining the security and the neutrality of refugee camps amidst an active war there. The SPLM North has forcibly recruited refugees to fight with them, including children from the camps. The war in South Sudan has made maintaining the civilian character of these refugee camps even more challenging. We need to ensure that refugees have safe settlements that are away from volatile borders and out of the potential line of fire, that combatants are disarmed or separated from civilians, and that women and girls especially are safe from sexual assault and other violence.

As I mentioned earlier, refugees flee into Sudan as well as out of it. As a result of South Sudan's current internal war, more than 120,000 South Sudanese have sought refuge in Sudan. The Sudanese government has not extended refugee status to this population. But it did sign a Memorandum of Understanding with UNHCR on the registration and documentation of all South Sudanese citizens in Sudan. This is an agreement that should provide legal status, including recognized and documented permission to stay, freedom of movement within Sudan, registrations of births, deaths, marriages and divorce, the opportunity to work and access to education and health care, along with other services provided to citizens of Sudan. So while this agreement is a step in the right direction for sure, we will need to watch closely to see how it is implemented.

Sudan is also hosting more than 100,000 Eritrean refugees in the East, in Kassala, Qadarif and Khartoum States. New Eritrean refugees are arriving in Sudan at the rate of nearly 2,000 a month. Many Eritreans are moving through Sudan to Libya, often in the hands of brutal smugglers who abduct them, abuse them and demand thousands of dollars in ransom to either release them or smuggle them onward to Europe. Too many then lose their lives attempting to cross the Mediterranean Sea to Italy.

The government of Sudan has signaled its interest in cooperating with the international community to combat human trafficking and smuggling. It passed an anti-trafficking law in 2013 and hosted the African Union's Regional Conference on Trafficking in October of last year. That conference led to one in Rome in November where the European Union Horn of Africa Migration Route Initiative, also known as the Khartoum Process, was launched to tackle trafficking and smuggling of migrants between the Horn of Africa and Europe. The U.S. government, along with other donors, is funding UNHCR and the International Organization of Migration to work with the Sudanese government to increase the protection of refugees, asylum seekers and migrants who are at risk of abuse by smugglers and traffickers on their way into Sudan, through Sudan and out of Sudan.

There are also some signs of progress on access to Sudan for U.S. government and humanitarian officials. While my visa request was politely denied several years ago, PRM officers have received permits in 2014 and 2015 to conduct program monitoring and evaluation trips in eastern Sudan, Darfur and Blue Nile States -- and White Nile, excuse me. The Sudanese commissioner for refugees recently invited our assistant secretary to visit.

What matters even more, however, than our ability to visit is whether the organizations we count on to deliver humanitarian assistance to populations in need are able to do so consistently.

Unfortunately, this is not the case. Access is variable, unreliable, particularly for international staff and those who are dedicated to protection programming. Expulsions of humanitarian staff and periodic suspensions of humanitarian operations by the Sudanese government continue to hamper the work of our implementing partners. The United States and the international

community will continue to press the government of Sudan to depoliticize aid and allow immediate and unfettered humanitarian access.

It goes without saying that the best way to end human suffering in Sudan is for the warring parties to resolve their conflicts peacefully and for governments to respect the human rights of their citizens. But while we push for political solutions and improved governance, it is important to recognize that the U.S. government does play a vital role in continuing to seek protection and assistance for innocent civilians thrust into harm's way. Those imperiled and scattered by the violence rely on us, on our global humanitarian leadership, and specifically on the resources Congress provides, to help them survive the danger and hardship they face today so that they can hope for the chance to rebuild their lives in the future.

Thank you for your time this afternoon and I also look forward to answering your questions.

Mr. McGOVERN. Well, thank you very much and I am going to be fairly brief because we may have a series of votes. I want to make sure we get through this panel and hopefully get into the next panel before that.

But, Mr. Feldstein, I am glad that you were able to get a visa to go to Sudan. I tried a few years ago and I was denied in Washington. I tried when I was in Ethiopia to get one. I couldn't get one there. Tried in Kenya to get one, couldn't get one there. So next time I am going to drop your name and see whether they will relent and let me go in. I did, several years back, go to Chad and went to the refugee camps along the border and I was there when the U.N. -- when the International Criminal Court was actually taking testimony that ultimately led to the indictment of Bashir for these terrible, terrible crimes. And, you know, and I saw the conditions in the refugee camp and the sheer numbers of refugees, and I was also there to witness a humanitarian crisis when the Janjaweed militia were chasing people who were actually in Chad but across the border into Chad and were going after them.

So this is -- you know, I guess I want to begin by saying I appreciate your testimony and I know everybody is working hard. But it is so frustrating to be here and repeating kind of the same opening statement that we have done on five different occasions. And I know this probably -- I know you don't -- this is not against anybody here but I just -- I kind of feel like the urgency on this issue, you know, is not what it needs to be, given the enormity of the humanitarian crisis, given the enormity of the killing that is going on, and the reports that we are getting out. Things seem to be getting worse. And so I appreciate, you know, attempts to try to engage in a dialogue, and I know, you know, you were over there. We have had high-level Sudanese officials come here. And but I am just a little skeptical because I want to make sure that these visits aren't being used to kind of, you know, kind of put forth a myth that somehow we are normalizing relations, or that we are getting along, or that things are moving forward, when in fact they are not.

And so I am looking for time lines, benchmarks. You know, how do we know whether or not anything good comes of your visit? I mean, what -- you know, you talked about a cessation of hostilities. How long are we going to give them? I am just worried that given Bashir's record is that he is kind of dragging us along and saying -- you know, and doing the absolute minimum while, you know, this ethnically-targeted slaughter continues to go on and on and on and on. And I just think that we ought to be thinking of new ways to put pressure on this government, not alleviating the pressure given, all that is going on. So, I mean, when do we get some good news? When are we going to -- when do we -- how long are we going to give the African Union to come up with some sort of a deal or, you know, how long are we going to wait? You know, is there a deadline or target that we are waiting for before we say things that we are doing are working or things that we are doing are not working?

Mr. FELDSTEIN. Thank you for the question, and I fully share the same concerns, that we have undertaken countless efforts to try to push on these issues - to try to push for peace, to try to push for an end to civilian killings, to push for

an end to human rights violations, and that progress has been slow to come if at all.

Mr. McGOVERN. And the reports we are getting is that the violence is getting worse and, you know, if you have different information I would like to know it. But, I mean, those are the reports that we are getting. Things are getting worse. Not that they are even staying at the same horrendous level -- they are getting worse.

Mr. FELDSTEIN. Yes, I wouldn't disagree. I think we are in the second -- in the next fighting season, in the midst of it right now, and so there are continuing and ongoing civilian bombings and the like. So I think, certainly, things are not better and potentially deteriorating even further.

I mean, I would say in terms of the visit itself I certainly don't think that we played into any of the narratives about normalization. In fact, the very first headline that came from the first day of my visit was the headline, "Feldstein Prohibited from Visiting Three Detainees." So while that was a negative in terms of not being able to actually see those from the opposition who were in prison, on the other hand the message was very clear that the number one message that we wanted to come out, at least from my perspective, was that we care about human rights issues -- we are watching. Any prospect of any change in policy must be premised on something substantive and somebody will change.

Mr. McGOVERN. Right. But I will give you one example. Not with your visit but when high-ranking Sudanese officials come here and some of us raise issues, I see in some of the press over there and some of the international press, you know, that members of Congress complain but Sudanese officials say they have been welcomed by the administration. So, you know, as if somehow, you know, those of us who are complaining about the terrible violence are not somehow in sync with what the administration is doing.

So that is what I mean when I say that I want to make sure that we are not -- we are not playing into their game of trying to get some international legitimacy which is not deserved in any way, shape or form, given their record. Those are the things that I worry about.

Mr. FELDSTEIN. I think that is completely right and we have been very careful to say that this visit doesn't represent any change in policy whatsoever. It is merely a communication and further dialogue on shared issues of concern and human rights and democracy issues that really are not going in any direction that we think are positive. I think, you know, also we hope that -- and one of the things I mentioned to Sudanese counterparts is that we do need to see something tangible even if they are small steps initially. But we need to see something tangible and we do need to get to some sort of cessation of hostilities so that there is the right type of space to be able to talk in a more serious way. So we hope that that will happen. We hope that further steps along those lines will occur.

If not, then I think it was worth at least trying to communicate and push that and I think, you know, making sure that we have been very clear that this isn't a change in any sanctions policy and that was asked repeatedly -- are we changing our sanctions policy, is there something different and we very definitively said not

at all -- there is no change right now until conditions on the ground change. I think that was something that was heard well by counterparts.

Mr. McGOVERN. Yes. Let me -- let me just say finally just a suggestion. You know, I think Secretary Kerry, I think the president of the United States ought to, I mean, use their bully pulpit to highlight for the world what continues to go on. I don't know -- I don't know what our conversations are with Russia or China in trying to put additional pressure on the Sudanese government to stop the killing. But, I mean, you know, the world ought to know what they are doing and I think we have the biggest bully pulpit in the world. You know, I mean, as part of a press conference, you know, hold up a, you know, a visual from -- as to what is going on with some of the statistics and remind the world community. I mean, this is a government that is -- we say is guilty of genocide. This is a government where the president has been indicted by the International Criminal Court for crimes against humanity and genocide.

I mean, and I -- and while I think it is worth exploring every effort to see whether or not we can work something out, I think we need to make sure that everybody knows that this is still going on, because I am going to tell you -- and this is within some of our colleagues here -- I gave a speech on the floor on this a few weeks ago and a couple of people who were sitting on the floor said geez, I -- yes, I remember, you know, what was going on in Darfur -- I remember we had a group of college kids come in, but I thought that was getting better -- we haven't heard very much about it. And that is partly our fault, but it is partly your fault, too, and we need to get the administration to be more up front on this.

And some of us are looking at drafting additional legislation to tighten up the sanctions. We don't want the Sudanese government to know that we are letting them off the hook in any way, shape or form. We will work with you on that. But it is so frustrating to be here for the fifth time and not even to be able to report on any progress. Everything is just as bad if not worse than ever before and I think it is -- I think it is something the whole world community, quite frankly, the whole civilized world community should be ashamed of. Mr. Pitts?

Mr. PITTS. Thank you, Mr. Chairman, and I concur with your sentiment.

I was the one years ago in the International Relations Committee when the Secretary of State Colin Powell was before us who asked him the question and got him to say for the first time that what was occurring in Sudan was genocide. And so you have a very important role. The State Department has a very important platform that you need to continue to exercise to highlight what is happening there.

Mr. Feldstein, when you asked them during your visit or when you recommended to them -- I think your quote was that they should unilaterally declare a cease fire in the conflict areas -- what was their response?

Mr. FELDSTEIN. Thank you for the question. I mentioned this several times and I got -- I didn't get a yes or a no but I did get a sense that they would follow up in some way and take this under advisement. So it is something that I think from the Department's perspective we are waiting to see whether there is some movement in that direction, whether it comes through the AUHIP process or otherwise.

Mr. PITTS. In your opinion, in order to increase the pressure, what should we -- as the United States government, what should we, in considering increased sanctions, whatever, what would be the things that we should do to increase that pressure?

Mr. FELDSTEIN. I think there is a couple things that make sense. I think, first of all, the power of the bully pulpit is an important one and it was one that was just mentioned. But I think keeping this issue, the issue of atrocities, of civilian killings and so forth, on the radar of the public is an important thing because they hear very carefully and clearly the messages that come from the Congress, that come from advocacy groups and otherwise. It was very surprising to me just how often they would cite different advocates, including John Prendergast who will be in the next panel, and all the things that he has written, including the New York Times op-ed that came out last week. This was something that was almost discussed in every meeting that was there. So they very clearly hear that and I think that is important.

I think when it comes to the sanctions regime I think we have a pretty strong sanctions regime at the moment and I wonder if further sanctions are going to get us closer to the ultimate goal, which is ending civilian killings and human rights atrocities, bringing about peace and hopefully setting the right conditions for a national dialogue. So I think that if you continue the pressure, you maintain the sanctions regime. You don't hold out any prospect for that changing until some of the key conditions that we discussed are met and you keep pressing over and over again with counterparts that these are the core interests that we have. I think that -- I hope that will be to better progress.

Mr. PITTS. Thank you. And finally, Ms. Wiesner, how does the State Department coordinate its aid effort with USAID to ensure that as many people are helped as possible?

Ms. WIESNER. I can say confidently that we are really in lockstep with USAID. We have complementary programs that we work out with them on a regular basis. So from the senior levels to the working levels, we are aware of what they are funding. They are aware of what we are funding and we are strategizing together on how we can best use U.S. government resources to respond to different needs and different populations.

Mr. PITTS. With NGOs as well?

Ms. WIESNER. With NGOs as well, yes. We have certain U.N. agencies that we each take the lead in funding and then we compare all of our NGO funding as well.

Mr. PITTS. Thank you. I yield.

Mr. McGOVERN. And let me just follow up on what Mr. Pitts said about increased sanctions. When you talk to the Sudanese government let them know that we are drafting a bill to increase the sanctions and if they don't want it then they ought to start doing some of the things that you suggested. But if not, they could look forward to even more restrictive sanctions because that is coming down the road. Ms. Schakowsky?

Ms. SCHAKOWSKY. Actually, I am going to see -- a vote has been called so I am wondering if the next panel, if we have time for some testimony. What do you think -- instead.

Mr. McGOVERN. Yes, why don't we -- we are going to excuse you. We are going to follow up with maybe some written questions. But I appreciate you being here, appreciate what you are trying to do, and, you know, and please understand our frustration. It is not meant personally. It is just that we are -- you know, we have been doing this for a long time and it has been ten years since we have called this thing a genocide and here we are.

So but thank you very much and we look forward to working with you. And I hope that you will get copies of the testimony from Tom Andrews and Jonathan Loeb and John Prendergast as well because I think they have a good perspective on this. And I also have testimony from Eric Reeves, professor at Smith College, who couldn't be with us today but who has been very outspoken on this for many years. So thank you.

So we will call now the Honorable Tom Andrews, a former member of the House of Representatives from Maine, who currently serves as the president of United to End Genocide; Jonathan Loeb, a fellow with the Africa Division of Human Rights Watch; and John Prendergast, who is the founding director at the Enough Project, and I want to thank you all for being here. And I think we should at least try to get through the opening statements if we can and then some of us will be able -- will come back.

So Tom, why don't we begin with you?

**STATEMENTS OF THE HONORABLE TOM ANDREWS, PRESIDENT,
UNITED TO END GENOCIDE; JONATHAN LOEB, FELLOW, AFRICA
DIVISION, HUMAN RIGHTS WATCH; AND JOHN PRENDERGAST,
FOUNDING DIRECTOR, ENOUGH PROJECT**

**STATEMENT OF THE HONORABLE TOM ANDREWS, PRESIDENT,
UNITED TO END GENOCIDE**

Mr. ANDREWS. It's on now. Okay. Thank you. Mr. Chairman, thank you very much, members of the Commission, Congressman Pitts. Welcome, congratulations and Congresswoman Schakowsky, it is wonderful to see you as well.

Thank you so much for holding this hearing. It is so important that the Congress hear your voices, that Congress provide leadership that I believe is lacking from the United States government. It is very important that the frustration and the concerns that you have raised, Mr. Chairman, be raised forcefully, very vocally here in Washington and across this country and across this world.

This is extremely important because the stakes are extremely high. I am not going to review -- you will see in my testimony the recitation of the alarming facts that, as you recognize, are bad and getting worse. We haven't seen this level of violence and atrocities since this was declared a genocide years ago. But I want

to identify two major factors that are driving these atrocities. The first, of course, is the impunity of the regime behind this brutality, the regime of Omar al-Bashir, who is the president -- but it is the impunity of the leader of this regime that is behind all of this who is the president of Sudan and also, as you noted, wanted for genocide, crimes against humanity and war crimes by the International Criminal Court.

But the second factor is the failure of the United States of America, the United Nations and the international community as a whole to respond adequately to this deepening crisis. The pattern that we are witnessing right now is eerily similar to the pattern that preceded the Darfur genocide more than a decade ago -- in short, the steady escalation of the brutal and systematic violence against defenseless people as the world and those who are in positions to act turn away. We fully realize how full your plate is, how many issues both foreign and domestic, that you are confronting. We are not going to see a joint session of Congress to confront this particular issue. But as you pointed out, there is a crisis that is deepening that demands action. We have to hold Omar al-Bashir and his regime accountable, but we also have to be held accountable. Bashir's brutality is enabled by our inaction and our silence. Those who are in positions to act are simply failing and, as you know, there is a great deal at stake.

May I simply add that the systematic use of food and medicine as weapons of war, the bombing of fields of field crops in Sudan, South Kordofan and Blue Nile, is atrocious, and the bombing of hospitals -- the use of medicine and food as weapons of war is just absolutely incredible. And in addition, there are credible allegations that Sudan is arming South Sudanese rebels. Instability and violence on either side of the border, of course, has led to large refugee flows going back and forth.

Meanwhile, this long and growing list of atrocities -- and you expressed your frustration, Mr. Chairman -- continually are met with tired messages of regret and condemnation that are undermined by counterproductive actions on every level. Despite the spike in violence at the hands of the Bashir regime, for example, the United State government recently welcomed a top advisor to Sudanese President Bashir to Washington to meet with White House and State Department officials and allowed the foreign minister of Sudan to attend the National Prayer Breakfast in Washington just a few weeks ago. Action speaks louder than words and all of the words of regret and condemnation are undermined by actions such as these and the actions that you discussed earlier in the panel.

We as an organization at United to End Genocide were very disappointed that the Sudan Peace, Security and Accountability Act led by you, Mr. Chairman, in the last Congress and championed by members of this Commission failed. We were encouraged by the tens of thousands of our members and supporters who supported that legislation. We were proud of the more than 100 congressional co-sponsors who stood behind that legislation and we are hopeful that you and this Commission and the Congress of the United States can reintroduce this type of comprehensive legislation that hits all the major points that we are making today. There are five major things that I think are needed.

One, there needs to be a call for strong U.S. leadership and voices in the U.N. Security Council. Right now the clock is clicking on the mandate for peacekeepers, the so-called UNAMID cooperative arrangement between the United Nations and the African Union, in their project in Darfur. June 30th the mandate will run out. Omar al-Bashir is calling for the removal of these peacekeepers. What has been the response? Nearly 800 positions within UNAMID have now been eliminated. We are talking about the exploration of the mandate, and the United Nations and the Security Council are making plans right now to exit. An exit strategy is underway for these peacekeepers. We need, Mr. Chairman, an action strategy, not an exit strategy, to confront the crisis that is going on in Sudan right now.

Secondly, we have to strengthen the effectiveness of existing sanctions. I outline how in my written testimony. We have to expand the sanctions. Not just enforce but expand the sanctions, and I describe that in my testimony.

We need to demand accountability from those who aid and abet Bashir and his reign of terror whether they be private institutions or governments, including those that welcome him into their country. He travelled to nine different countries last year. He was in the United Arab Emirates two days ago to attend an arms bazaar and nothing is said. Even when our strong allies and those who were recipients of U.S. aid welcome him to their country, the United States is silent.

And, finally, we need to have a comprehensive strategy, as outlined in the legislation, to deal with these atrocities in not a piecemeal way, in not a reactive way, but in a very comprehensive way. I urge this committee to speak loudly and clearly to the administration, particularly as the clock is ticking on the United Nations Security Council mandate right now. I would ask you to hold Omar al-Bashir and his accomplices accountable by raising questions in committee deliberations, on the floor of the House, when foreign policy questions are discussed, when aid questions are discussed. Make this an issue.

And, finally, may I request that this Commission exert the leadership that you did last session in reintroducing this important legislation. I commit to you the efforts of my organization and many thousands of people across this country who will do everything possible to see that it is passed.

Thank you so much for your leadership and your willingness to hold this hearing.

[The prepared statement of Mr. Andrews follows:]

PREPARED STATEMENT OF THE HONORABLE TOM ANDREWS

Chairman McGovern, Chairman Pitts, and Members of the Commission:

Thank you for holding this important hearing. It comes at a critical time of increasing violence and abuses in a part of the world that has been in many ways forgotten.

The world is failing the people of Darfur. Right now Darfur is experiencing the highest levels of violence and displacement since the height of the genocide. Last year nearly half-a-million people were newly displaced by violence and in just the first weeks of 2015 the United Nations (UN) has confirmed at least 40,000 more people displaced – an average of 5,000 people a week.

The government of Sudan is bombing civilians, blocking international aid to those in need, and preventing an investigation into credible charges of mass rape by its armed forces. In the midst of the sharpest increase in violence in years, Sudan's President Bashir is actually demanding the removal of UN peacekeepers.

Beyond Darfur, hundreds of thousands of other Sudanese civilians are suffering from aerial bombardments and blocking of international aid. Since 2012, over 3,700 bombs have been dropped in the states of South Kordofan and Blue Nile, a quarter of those in just the last three months in what President Bashir is calling a "Decisive Action". Hospitals and field crops have been targeted even as food and medical aid is denied, used by the Sudanese regime as a weapon of war.

The world, the UN, the United States are failing to act in the face of the massive increase in violence. The long list of severe human rights abuses and violations of UN Security Council resolutions are met only with tired messages of condemnation that are undermined by ambiguous diplomatic overtures. Just last month the United States allowed Sudanese Foreign Minister Ali Karti to attend the National Prayer Breakfast and welcomed a top advisor to Sudanese President Bashir to meet with White House and State Department officials.

For the sake of the more than 300,000 victims of Bashir's attacks and the millions suffering under his policies today, the current lack of accountability needs to change. It starts with the U.S. Congress today. We at United to End Genocide were disappointed that the Sudan Peace Security and Accountability Act was not passed into law during the last session of Congress. But we were grateful for the efforts of the leaders of this Commission in crafting and advancing the legislation, encouraged by the tens of thousands of activists who took action in support of the measure and pleased with the more than 100 Members of the House of Representatives who supported the bill as co-sponsors. We are also encouraged that there is a commitment to introduce a strengthened and updated bill. We are fully prepared to do everything possible to generate attention and support for this important initiative. I cannot emphasize enough how desperately this is needed. Responding to a grass-roots movement of conscience, Congress played a crucial role in moving the United States and other nations to wake up in 2004 and take action in response to the brutal genocide in Darfur. Sanctions on the Sudanese government that Congress established a decade ago still stand. However, it is painfully clear today that this action was not enough. The suffering and systematic assaults on innocent people in Darfur and other parts of Sudan has returned to a level that has not been seen since Congress acted eleven years ago. New action is needed and needed now, including:

1. **A call for strong U.S. leadership in the UN Security Council** to renew and strengthen the peacekeeping mission in Darfur. Even as the violence in Darfur increases, Sudan is demanding the removal of the peacekeeping mission there, and the UN seems prepared to oblige. This peacekeeping mission will end without UN Security Council action in the next three months. The clock is ticking. It is imperative that a fully accountable and effective peacekeeping mission -with the tools to complete its mandate of protecting civilians - be authorized and fully operational.

The establishment of a peacekeeping mission was one of the earliest demands and achievements of the Save Darfur movement from which United to End Genocide was formed. Just as many thousands of activists were mobilized then to demand action, so must we mobilize today to not just maintain but strengthen the last line of defense for hundreds of thousands of civilians in Darfur. To this end, United to End Genocide has launched a campaign to demand that UN peacekeepers remain in Sudan. We encourage you to join us in this urgent call and to support new legislation that would include the key elements I mention in my testimony.

2. **Strengthening the effectiveness of existing sanctions** – The officials in the U.S. government tasked with tracking and enforcing sanctions on Sudan are grossly overtasked and under-resourced. Enhancing the ability to follow the money will lead to sanctions that truly bite.

3. Expanding sanctions beyond Darfur – Existing sanctions apply only to severe human rights abuses committed in Darfur, but attacks have spread, particularly in South Kordofan and Blue Nile since 2011.

4. Demanding accountability for those who support Bashir - Accountability has not been given appropriate priority as the United States fails to utilize leverage to encourage other governments and persons to end support of and assistance to the government of Sudan. This includes sanctions against countries that welcome Sudanese President Bashir despite arrest warrants on charges of war crimes, crimes against humanity, and genocide. In 2014, President Bashir visited nine countries and just last week he was in the United Arab Emirates for an international arms bazaar.

5. Ensuring a comprehensive U.S. strategy to end serious human rights violations and to reinvigorate peace efforts. Previous U.S. policy and legislation has focused on particular crises within Sudan whether in the South, Darfur, or other parts exclusively, allowing attacks and violence to flare up in other areas. U.S. strategy should advance a single, comprehensive approach for all of Sudan.

Specifically, there are three actions that Members of Congress can take to help change the status quo.

1. Join thousands of United to End Genocide members in a call for the United States to play a leadership role in the UN to renew and strengthen the peacekeeping mission in Darfur. A letter from Members of Congress to U.S. Ambassador to the UN Samantha Power would be very timely as the administration considers its options on the UN Security Council. We also urge you to join thousands of our members by signing our nationwide petition to save and protect the people of Darfur.

2. Demand that Omar al-Bashir, and those governments who help keep him from justice as they welcome him to their capitals, be held accountable. Help end the deafening silence of apathy and acquiescence when Bashir, who is wanted for genocide and crimes against humanity, travels freely to other countries. Speak out on the floor, in Committee deliberations and through this Commission. Raise questions about U.S. relations with these offending countries and urge the Obama administration to also speak up and take action. Governments who aid and abet Bashir need to know that they will be held accountable. He belongs in the Hague, not on a red carpet.

3. Work toward the introduction and passage of new legislation to strengthen the U.S. position on Sudan.

As was the case in 2004, when an administration stalls on taking meaningful actions, it is up to citizens of conscience and Members of the U.S. Congress to take the necessary steps to ensure the people of Sudan are not lost and forgotten.

A History of Abuses

The facts in Sudan are being ignored. This ignorance, and the inaction that follows, is lethal.

Fact: Last year alone, nearly half-a-million people were newly displaced in Darfur. The latest UN reports on displacement confirm at least 40,000 new displacements so far in 2015 with an additional 60,000 reported but not yet confirmed. This adds to the estimated 3 million people displaced in Darfur in the last decade and the last publicized UN estimates of deaths of 200,000-300,000 people.

Fact: The same perpetrators of violence at the start of the genocide in 2003-2004 are behind the escalating mass violence against innocent civilians today. Leading these systematic assaults is President Bashir who is wanted for seven counts of crimes against humanity and war crimes and

three counts of genocide by the International Criminal Court. Bashir's Defense Minister Abdel Raheem Muhammad Hussein faces 21 counts of war crimes and 20 counts of crimes against humanity, including recruiting, arming, and funding the infamous Janjaweed militia. Many of the Janjaweed militia have been reconstituted into the new Rapid Support Forces cited for new attacks on civilians.

Fact: The government or government-allied forces are behind most of the attacks against innocent men, women and children in Sudan, according to the latest report of the UN Secretary General on Darfur. For the latest reporting period, the UN peacekeeping mission in Darfur (UNAMID) recorded a total of 55 cases of violence and attacks against civilians of which 23 were allegedly perpetrated by government forces and 16 by allied Arab militias. Again, many of those committing these crimes are the former Janjaweed reconstituted as the Rapid Support Forces.

Fact: The latest report of the Panel of Experts established by the UN to monitor conditions in Darfur describes "now certain 'routine' violations" by Bashir and his forces of UN Security Council resolutions including Resolution 1591 that forbids offensive military flights over Sudan. In fact, some of the most devastating attacks come from the air, an area over which the Sudanese Armed Forces hold a monopoly. In January, UN Secretary General Ban Ki-moon condemned the aerial bombardments and destruction of villages in Darfur. What has been lacking is any meaningful accountability for Sudan's continued abuses and violations.

Fact: Bashir's regime has also wreaked havoc on the states of South Kordofan and Blue Nile, also known as the Two Areas. Following initial attacks in the Two Areas in 2011, a report from the UN Office of the High Commissioner for Human Rights found that the Government of Sudan's actions likely amount to war crimes and crimes against humanity. Nuba Reports, a group of citizen journalists bravely reporting from the front lines, has recorded over 3,700 bombs dropped in the two states since 2012, a quarter of those in just the last three months. Nuba Reports estimates that more than 500 bombs were dropped on civilian targets in January alone. Many of these bombs have fallen on markets, fields, schools, and hospitals.

Fact: The limited medical facilities in South Kordofan and Blue Nile have each been bombed at least once. That includes one run by Doctors Without Borders who have subsequently been forced to withdraw. The bombing of field crops has prevented planting and harvesting leading to grave levels of malnutrition. USAID's Famine Early Warning System estimates that tens of thousands of people will face crisis levels of food insecurity in the coming months. In addition, there are credible allegations that Sudan is arming South Sudanese rebels. From a humanitarian standpoint, as the Two Areas border South Sudan, instability and violence on either side of the border has led to large refugee flows in both directions. From Sudan, refugees flee the dropping of bombs and denial of food. In South Sudan, continued fighting has led to a great risk of famine. As an observer recently noted, "It must be pretty bad in South Kordofan for people to be flowing to South Sudan!"

Recent Outrages

Among the ever growing list of atrocities attributable to the regime of Sudanese President Omar al-Bashir, one recent travesty stands out for particular outrage and absurdity. The Sudanese Armed Forces are accused of raping over 200 women in the town of Tabit in north Darfur in October 2014. In a report released last month, Human Rights Watch has documented evidence of individual cases from dozens of victims and witnesses. The Sudanese government, for its part, has blocked investigation into the mass rapes, allowing UN peacekeepers only brief access in an intimidating environment. Following initial reports of the rapes, President Bashir responded by shutting down the UN Human Rights office in Khartoum, kicking out two high-level UN officials, and calling for the removal of the peacekeeping mission in Darfur.

Just months after the mass rapes in Tabit and days after Human Rights Watch's damning report confirming the evidence, Sudan is set to become a leading member of the UN Commission on the

Status of Women. This harkens to the days when Rwanda sat on the UN Security Council as the Rwanda genocide unfolded and seems a repeat of history as Sudan sat on the UN Human Rights Commission at the start of the Darfur genocide in 2004.

Despite warrants for his arrest on charges of war crimes, crimes against humanity, and genocide, Bashir continues to be welcomed by governments around the world, including allies and recipients of significant U.S. aid. He traveled to nine countries last year with hardly a whimper of condemnation (Chad, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kuwait, Qatar, Saudi Arabia, and South Sudan). For a comprehensive list of countries that Bashir has visited, as well as a summary of the crimes with which he is charged please see www.bashirwatch.org.

Ten years ago, the UN Security Council referred the case of Darfur to the International Criminal Court. In her latest report to the Security Council, Chief Prosecutor Fatou Bensouda described horrific and deteriorating conditions - "not only does the situation in Darfur continue to deteriorate, the brutality with which crimes are being committed has become more pronounced."

But the lack of action by the United States and the UNSC has made the investigations and documentation of Bashir's crimes in by the Chief Prosecutor, futile. In her most recent report, she told the Security Council: "Given this Council's lack of foresight on what should happen in Darfur, I am left with no choice but to hibernate investigative activities in Darfur."

When pressure is applied, we know that it works. In 2012, recently retired U.S. Congressman and former Co-Chair of this Commission Frank Wolf led efforts to limit Millennium Challenge Corporation funds to Malawi citing that government's welcoming of Bashir among the reasons. The following year Malawi canceled its hosting of an African Union Summit to avoid having to invite Bashir. Civil society groups in Nigeria applied their own pressure taking legal action when Bashir came for a visit and causing him to leave earlier than planned. And when Bashir threatened to come to New York for the UN General Assembly meetings in 2014 United to End Genocide and our partners led the way in making it clear he was not welcome both by exploring legal options and notifying the Hotel Association of New York City that mass protests would follow any member hotel that accommodated him. The United States cannot prevent Bashir from traveling everywhere, but where it does have leverage, it can make countries that would welcome him think twice. That should be a matter of policy.

All of these highlighted travesties point to a common problem of impunity. The United States and the UN may denounce Bashir's atrocities, but they erode their credibility with counterproductive actions. A few weeks ago, for example, the United States allowed Sudanese Foreign Minister Ali Karti into the country to attend the National Prayer Breakfast. Bashir's top advisor, Ibrahim Ghandour, was then welcomed into the United States to meet with White House and State Department officials. The United States has announced that it will relax some sanctions on communications technology. While this may be able to be useful for democratic opposition groups within Sudan, the timing of the announcements, coupled with the visits by Karti and Ghandour and a subsequent visit by U.S. deputy assistant secretary for democracy, human rights, and labor Steven Feldstein to Sudan, suggest steps toward normalization of relations even as abuses grow worse.

The Sudanese government has stepped up repression of press freedoms ahead of Bashir's all but certain re-election as President and the desire to silence opposition appears to have extended beyond Sudan's borders with highly suspect cyberattacks on long time Sudan advocate Eric Reeves last week.

These mixed messages extend to the halls of the UN as well. While in New York Ghandour was greeted by UN Secretary General Ban Ki-moon with polite inquiries about how President Bashir was doing.

For far too long, the world has failed to act to address the atrocities in Darfur and across Sudan. By ignoring the violence and postponing justice, conditions have gotten much worse for the

victims of the genocidal regime of Omar al-Bashir. Now, by laying out a welcome mat and taking steps to normalize relations, the U.S. administration is giving a green light for further atrocities.

Recommendations

There are actions that can be taken now – starting with the U.S. Congress – that will make a world of difference. They include demanding accountability, enhancing U.S. leverage, building international pressure, and prioritizing the protection of civilians.

Demanding accountability: The United States should be willing to hold those countries that aid and abet Bashir accountable including threatening sanctions on those that allow visits by Bashir. It should refuse entry to top-level Sudanese officials unless credible steps are taken to end attacks on civilians in Sudan. And the United States should press the UN Security Council to expand the mandate of the ICC beyond Darfur to include atrocities committed in South Kordofan, Blue Nile, and other parts of Sudan.

Enhancing U.S. leverage: Existing U.S. sanctions on Sudan need to be more targeted and better enforced. Adequate resources for tracking funding streams and assets to be blocked should be given to the Treasury Department's Office of Foreign Asset Controls. Current sanctions should also be expanded to cover more than just crimes in Darfur even as the regime's crimes have spread to other parts of the country.

Building international pressure: The United States should play a leadership role in the international community by pushing the UN Security Council to denounce and demand that the Government of Sudan immediately cease attacks on civilians including offensive military flights over Darfur, South Kordofan, and Blue Nile. The United States should also push for UN measures such as sanctions for numerous Security Council resolution violations and should loudly condemn outrageous appointments such as Sudan's membership on the Committee on the Status of Women.

Prioritizing protection of civilians: The UN Peacekeeping Mission in Darfur needs to be not only renewed but held accountable and strengthened. On paper, the Council has given UNAMID a strong mandate, backed by the strongest authorizations under Chapter VII of the UN Charter including the use of force to protect civilians. But in reality, Sudan has been allowed to intimidate UNAMID and there has been little accountability from the international community when the mission fails to report or act to protect civilians.

The United States and the rest of the UN Security Council should support the mission so that it no longer cowers to the Sudanese government's desires for it to withhold information and fail to act to fulfill its mandate of protecting civilians. The way to address these problems is not to play into the hands of the perpetrators and to remove the imperfect last line of defense for many civilians, but rather to reinforce the peacekeeping mission so that it can carry out the mission that has been set out for it. For all its problems, removal of the mission would be removal of the final bit of protection for civilians in Darfur and the final removal of international witnesses to the unfolding and rapidly increasing horrors.

Conclusion

The world has failed Darfur and the rest of Sudan. But it is not too late to mitigate the suffering and counter the mounting violence and impunity. Incorporating the steps I have outlined in my testimony into legislation will get the attention both of the U.S. administration and the regime in Sudan. It is equally important in the short term to raise awareness of the pending threat to the UN peacekeeping force in Darfur.

United to End Genocide has launched a campaign calling upon the United States to lead the UN in renewing and strengthening UNAMID. We look forward to the introduction of a bill that can address the broader points outlined in my testimony.

To reiterate - action is required and there are three distinct things that the U.S. Congress can do today.

1. Send a letter to U.S. Ambassador to the UN Samantha Power and sign United to End Genocide's petition calling upon the United States to lead the UN in renewing and strengthening the peacekeeping mission in Darfur.
2. Speak out when Sudanese President Bashir travels to other countries and hold those who welcome him accountable.
3. Support new legislation that addresses the crises in Sudan that is modeled on the Sudan Peace, Security and Accountability Act.

Together we can show the world that Darfur, and the suffering of people throughout Sudan, have not been forgotten.

Thank you, again, for holding this important hearing. I am more than happy to answer any questions.

Mr. McGOVERN. Mr. Loeb?

**STATEMENT OF JONATHAN LOEB, FELLOW, AFRICA DIVISION,
HUMAN RIGHTS WATCH**

Mr. LOEB. Chairman McGovern, Chairman Pitts, members of the Committee, thank you for organizing this hearing. I was asked to speak about the allegations of mass rape in the town of Tabit in North Darfur.

I am going to keep my remarks brief and ask that the Human Rights Watch report "Mass Rape in Darfur" be submitted for the record.

Mr. McGOVERN. I don't think your mic is on is it?

Mr. LOEB. Sorry. Hello?

Mr. McGOVERN. Yeah, there you go.

Mr. LOEB. Okay. After more than 12 years of conflict in Darfur the human rights situation remains dire. Very recently, the U.N. panel of experts on Darfur released a report stating that over 3,000 villages have been burned by government forces in Darfur in 2014 and hundreds of thousands of civilians were displaced as a result of these attacks.

Gathering precise information on the human rights abuses that occurred during these attacks and other attacks against civilians in Darfur by all sides has been extraordinarily difficult. The government of Sudan has systematically denied access to Darfur to all international human rights organizations and all independent journalists. It also has consistently prevented UNAMID human rights investigators from carrying out on-site investigations of attacks of human rights abuses across Darfur.

Because of these obstructions, Human Rights Watch and other organizations have had to rely on remote research methods in order to document events in Darfur. This includes telephone interviews with victims and witnesses inside Darfur and in-person interviews with those who fled to neighboring countries. And people who are still in Sudan who have chosen to speak with us have done so at great risk to their own personal safety. In October and November, I travelled to eastern Chad with a colleague. I visited several refugee camps, informal sites and towns to interview men and women who had fled from these recent attacks in Darfur. Many of the victims and witnesses I interviewed reported that their villages had been attacked by the Rapid Support Forces, or RSF, which is a newly-formed paramilitary force under the direct command of the Sudanese government and specifically the National Intelligence and Security Services. They said that these forces carried out killings and other abuses and looted and burned their villages, forcing families to flee. Several women told me that they made perilous journeys through the desert without food or water. We also heard accounts of large numbers of rapes committed by government soldiers.

One 20-year-old woman told me that during a government attack on her village she escaped by climbing a tree with her one-year-old child on her back. While she was hiding in this tree she witnessed soldiers rape and then kill six women from her town. Dozens of other refugees relayed similar stories to me.

In early November while I was conducting this research in Chad, Radio Dabanga, a Netherlands-based radio station that reports on Darfur and broadcasts in Darfur, reported allegations of 200 women being raped in one town in North Darfur called Tabit in one -- in one evening. In the following days, Radio Dabanga and other local Sudanese media stations continued to report on this incident. The government had reportedly cut off all access to the town and even UNAMID, which has two large bases fairly close to the town, was unable to gain access.

Given this lack of access, I decided to speak with residents of the town by phone with the assistance of some of my Sudanese colleagues. We found witnesses to the incident to be extraordinarily difficult to locate and fearful of speaking. However, over the course of approximately two and a half months we were ultimately able to interview about 50 former and current residents of the town including 18 female victims, 15 of them who reported to me that they had been raped.

Throughout -- through these accounts and through accounts from these victims and witnesses, we were able to determine that over the course of a 36-hour period beginning on the 30th of October Sudanese army troops carried out three distinct attacks on the town of Tabit. No rebel forces were reported in this town. These attacks included the mass rape of women and girls, the arbitrary detention, beating and ill treatment of scores of people. Sudanese government forces carried out the rapes and other abuses during three distinct attacks on Thursday, Friday morning and, again, Friday evening into Saturday night. Witnesses told me that during each of these attacks government soldiers essentially went house to house, searching these houses on the pretense of looking for a missing soldier, then severely beating the men and forcing them to locations on the outskirts of town and then proceeding to rape nearly all the remaining women.

Mr. McGOVERN. Let me just interrupt you briefly because I am told we are out of time to -- time to vote. So I am going to -- we will come right back to you. We are going to go vote and come back.

Mr. LOEB. Okay.

Mr. McGOVERN. All right. So hold it right there.

[Whereupon, the above-entitled matter went off the record at 2:29 p.m. and resumed at 3:08 p.m.]

Mr. McGOVERN. Okay, we're back. And Mr. Loeb, we interrupted you so why don't you finish your testimony?

Mr. LOEB. Thank you. Okay.

Mr. McGOVERN. And make sure your mic is on, too. There you go.

Mr. LOEB. So, basically, I was just describing what happened during these attacks and what the witnesses and the victims told me was that during each of these three attacks that were carried out by government forces soldiers went house to house, searching the houses under the pretense of looking for a missing soldier, looting property, severely beating residents and raping women and girls.

On the two nights soldiers forced many of the men to outdoor locations on the outskirts of the town, leaving the women and children especially vulnerable. Soldiers detained these men en masse and threatened and physically abused them throughout the night. Some of the residents we interviewed recognized some of the soldiers as those stationed among the Sudanese armed forces who were based just outside the town and two soldiers -- we managed to track down four defectors from the Sudanese army. Three of these defectors reported to me that they participated in the attack, and two soldiers who participated in the attack and later defected to a rebel group said that they had been given orders by senior commanders to rape women. One had received that order from a commander on the base just outside of the town. Another had received that order from a commander who travelled with some soldiers from Al-Fasher, the capital of North Darfur, just prior to the attack.

So I just want to draw your attention to one victim. I interviewed a mother in her early 40s who told me that soldiers came into her house and raped her and her three daughters, two of whom were under the age of 11. She said, "Immediately after they entered the room they said, 'You killed our man. We are going to show you true hell.' They started beating us. They took my husband away while beating him. They raped my three daughters and me. Some of them were holding the girl down while another one was raping her. They did it one by one."

In total, I interviewed 15 survivors of rape and these survivors, together with eyewitnesses, provided first-hand information about 27 accounts of rape and they, along with 23 other sources, gave information about an additional 194 incidents of rape, and all together we collected information about 221 women and girls who were allegedly raped.

Those who carried out and ordered these rapes and other abuses are responsible for war crimes. Based on the testimony and other evidence, Human Rights Watch has determined that the mass rape in Tabit was part of a widespread and systematic attack on a civilian population and may amount to crimes against humanity. It is important to note that the complete list of women and girls who were raped or subjected to sexual violence by Sudanese military in Tabit will not be known until independent and credible and impartial investigators with expertise in sexual and gender-based violence are granted unfettered access to the town under circumstances where residents feel safe to share their experiences without fear of retaliation.

Since the attacks, Sudanese government officials, military commanders and traditional leaders responsible for the area around Tabit have taken drastic measures to prevent information about the attacks and other abuses from getting -- from becoming public. They have threatened, intimidated, beaten, detained and tortured residents of Tabit to prevent them from speaking out about what took place. They have not allowed any investigators to access the town. The government did allow UNAMID peacekeepers one very short visit, but they were accompanied by government security personnel and we believe that this investigation was in no way credible. Victims and witnesses told us that they were instructed by local authorities not to speak about the crimes. After the visit -- after

the visit, authorities denied all subsequent requests by UNAMID and other investigators and to this day the victims in Tabit are still living in fear of further attacks. Many of the perpetrators remain based immediately outside the town.

So Human Rights Watch is urging the U.S. government and other members of the U.N. Security Council to take concrete steps to help protect civilians in Darfur from further abuse and to ensure their access to medical care and to see those responsible for crimes are brought to justice. UNAMID should be supported to establish a permanent presence in Tabit such as an operating base and to carry out proactive patrols in and around the town to protect civilians.

Chairman McGovern, my sincere thanks once again for giving me the opportunity to speak here today.

[The prepared statement of Mr. Loeb follows:]

PREPARED STATEMENT OF JONATHAN LOEB

Chairman McGovern, Chairman Pitts, members of the committee: Thank you for organizing this hearing to discuss the human rights situation in Darfur.

I was asked to speak about allegations of mass rape by Sudanese forces in the town of Tabit in North Darfur late last year. I will keep my comments brief and ask that the recent Human Rights Watch report “Mass Rape in Darfur: Sudanese Army Attacks Against Civilians in Tabit” be submitted for the record.

After more than 12 years of conflict in Darfur, the human rights situation remains dire. The UN Panel of Experts on Darfur reported that government forces and militias attacked and destroyed 3,324 villages between December 2013 and April 2014. Hundreds of thousands of civilians were displaced by this violence. Widespread attacks against civilians have continued through the first two months of 2015.

Gathering precise information on the human rights abuses that occurred during these and other attacks against civilians in Darfur by all sides has been extraordinarily difficult. The government of Sudan has systematically denied access to Darfur to all international human rights organizations and independent journalists. It has also consistently prevented human rights investigators from the African Union-United Nations Mission in Darfur, UNAMID, from carrying out on-site investigations of attacks and human rights abuses across Darfur.

Because of these government obstructions, Human Rights Watch has had to rely on remote research methods to investigate events in Darfur. This includes telephone interviews with victims and other witnesses in Darfur and in-person interviews with those who fled to neighboring countries. People still in Sudan who chose to speak with us have done so at great risk to their own safety.

In October and November 2014 I traveled with a colleague to eastern Chad and visited several towns, refugee camps, and informal refugee sites along the border with Sudan. We interviewed dozens of men and women who had recently fled attacks from government forces, primarily in North Darfur.

Many of the victims and other witnesses we interviewed reported that their villages had been attacked by the Rapid Support Forces, or RSF, which is a newly formed paramilitary force under the direct command of Sudan’s National Intelligence and Security Services. They said that these forces carried out killings and other abuses, and looted and burned villages, forcing their families

to flee. Several women told me that they had made perilous journeys through the desert without food or water.

We also heard many accounts of rape committed by government soldiers. A 20-year-old woman told me that during a government attack she escaped by climbing a tree with her one-year-old baby tied to her back and watched soldiers rape and kill six women from her village. Dozens of other refugees relayed similarly awful stories.

In early November, while we were conducting these interviews in Chad, Radio Dabanga, a Netherlands-based radio station that reports news on Darfur, reported that more than 200 women had been raped by members of the Sudanese military in the North Darfur town of Tabit. In the following days, the station and local Sudanese media outlets continued reporting on the incident. The government reportedly had cut off all access to the town. Even UNAMID, which has two large bases within 34 miles of Tabit, was unable to gain access.

Given the lack of access to Tabit, I decided to try to speak with residents of the town by phone with the assistance of a Sudanese colleague. Witnesses to the incident were difficult to locate and extraordinarily fearful of speaking. However, over the course of two months, we were ultimately able to interview over 50 current and former residents of Tabit.

Through accounts from these victims and witnesses we were able to determine that over the course of 36 hours beginning on October 30, 2014, Sudanese army troops carried out a series of attacks against the civilian population in Tabit. No rebel forces were reported in the town. The attacks included the mass rape of women and girls and the arbitrary detention, beating and ill-treatment of scores of people. Sudanese government forces carried out the rapes and other abuses during three distinct military attacks against the town: the first beginning the evening of Thursday, October 30; the second on the morning of Friday, October 31; and the third starting that evening and continuing until the following morning.

Witnesses told me that during each of these attacks, government soldiers went house-to-house in Tabit, searching homes on the pretense of looking for a missing soldier, looting property, severely beating residents, and raping women and girls. On the two nights, soldiers forced many of the men to outdoor locations on the outskirts of the town, leaving the women and children especially vulnerable. The soldiers detained the men *en masse*, and threatened and physically abused them throughout the night.

Residents recognized some of the soldiers as among those stationed at the Sudanese Armed Forces base on the outskirts of Tabit. Two soldiers, who participated in the attacks but later defected to a rebel group, said that other soldiers had come from bases in El-Fasher, the North Darfur capital northeast of Tabit. These two soldiers said that superior officers had ordered them to “rape women” because the women were rebel supporters.

One mother, in her early forties, told me that soldiers came into her house and raped her and her three daughters, two of whom were under the age of 11. She said:

Immediately after they entered the room they said: “You killed our man. We are going to show you true hell.” They started beating us. They took my husband away while beating him. They raped my three daughters and me. Some of them were holding the girl down while another one was raping her. They did it one by one.

In total we interviewed 15 survivors of rape. These survivors together with eyewitnesses provided firsthand information of 27 incidents of rape. They, along with 23 other credible sources, gave information about an additional 194 incidents of rape. Altogether, we collected the names and other information on 221 women and girls who were allegedly raped.

Those who carried out and ordered rape and other abuses were responsible for war crimes. Based on the testimony and other evidence, Human Rights Watch determined that the mass rape in Tabit was part of a widespread and systematic attack on a civilian population, and may amount to crimes against humanity.

The complete list of women and girls who were raped or subjected to sexual violence by Sudanese military personnel in Tabit will not be known until independent and impartial investigators with expertise in sexual and gender-based crimes are granted unfettered access to Tabit and town residents feel safe to share their experiences without fear of retaliation.

Since the attacks, Sudanese government officials, military commanders, and traditional leaders responsible for Tabit have taken drastic measures to prevent information about the rapes and other abuses from becoming public. They have threatened, intimidated, beaten, detained, and tortured residents of Tabit to prevent them from speaking out about what took place.

And they have not allowed any investigators to access the town. The government did allow UNAMID peacekeepers one short visit, accompanied by government security officials. However, we believe this investigation was not credible; victims and witnesses told us they were instructed by local authorities not to speak about the crimes. After this visit, authorities denied all subsequent requests by UNAMID and other investigators. To this day, the victims of Tabit are still living in fear of further attacks; many of the perpetrators remain based immediately outside the town.

Human Rights Watch urges the US government and other members of the UN Security Council to take concrete steps to help protect civilians in Darfur from further abuse, ensure access to medical care for victims, and see those responsible for the crimes brought to justice. UNAMID should be supported to establish a permanent presence in Tabit, such as an operating base, and carry out proactive patrols in and around the town to protect civilians.

Chairman McGovern and Chairman Pitts, my sincere thanks once again for giving me the opportunity to address this commission and to relay accounts of the victims of the horrific attack on Tabit. I am happy to answer any questions that you have.

Mr. McGOVERN. Thank you very much. Mr. Prendergast?

**STATEMENT OF JOHN PRENDERGAST, FOUNDING DIRECTOR,
ENOUGH PROJECT**

Mr. PRENDERGAST. Thanks, Mr. Chairman, for your and the Commission's commitment to the people of Sudan.

I want to jump right in and address your plea earlier, your appeal for new ideas, for fresh approaches to Sudan. After studying this regime for 25 years, it is my conclusion that the Khartoum government is most vulnerable to targeted, focused and relentless economic and financial pressure. Therein lies the greatest opportunity for American leverage to be deployed in support of peace and human rights in Sudan. They have written off the rhetoric that this administration and others have -- they just discounted it, as I think Tom Andrews said so eloquently in his testimony. Given the time constraints, I want to be really specific about what these financial and economic measures might be and I focus on two particular pressure points that could constrict the resources that are available to the Sudanese regime and create a cost for doing business -- for international actors doing business with Sudanese government-related entities and individuals.

The first pressure point is designating Sudanese gold as conflict-affected. When South Sudan wanted its independence in 2011, Sudan lost its biggest source or part of its biggest source of foreign exchange, oil. As a result, new gold discoveries have become basically the new oil for Sudan. The IMF thinks that Sudan imported or exported about almost \$1.25 billion dollars' worth of gold last year in 2014. Much of that gold is coming from Darfur and other conflict zones where the government has consolidated its control over those gold mines, in part fuelled by violent ethnic cleansing in the gold mining areas by army troops and government supported militias, particularly in North Darfur where the bulk of the gold from Darfur comes from. Musa Hilal, a man who we all remember from being the vanguard of the Janjaweed forces back in the last decade, is now benefiting from burgeoning gold production.

In early 2013, his troops swept into this area of North Darfur, pillaged the artisanal mining community and forced tens of thousands of people to flee for their lives, dramatically altered the ethnic dynamics of the town. Those same forces continue to benefit from this gold as they tax all the gold that comes from the area. So we would propose the following specific congressional actions on gold exports.

First, members of Congress led by this Commission should introduce a congressional resolution that simply spells out how Sudan's gold trade is conflict-affected and a major factor in continuing the destabilization of Darfur, especially in light of this connection to Musa Hilal, who is on the U.S. sanctions list. The resolution would call on key gold industry associations to undertake due diligence to ascertain what gold that is coming from Sudan is actually conflict-affected.

The second thing we propose Congress doing on gold is, given the gravity of the threat that the gold trade presents, Congress should expand the scope of Sudan's sanctions outlined in the 2006 Darfur Peace and Accountability Act that

you referenced earlier to specifically include provisions that would allow the imposition of sanctions on traders, officials and armed leaders benefiting from the conflict-affected gold trade from Darfur. We also outline some actions the executive branch could take in the written testimony but I will skip to the second pressure -- major pressure point that we believe is available to the U.S. and that is enhancing the sanctions on middlemen and enablers, facilitators for the Sudanese economy.

Sanctions -- here is the problem -- sanctions have been unevenly imposed and very little enforced by the international community to have any kind of serious impact on the calculations of senior officials within the Sudanese regime. The U.S. and other countries should significantly enhance enforcement efforts as a means to pressure Khartoum on both human rights and peace issues. Most importantly, the next wave of U.S. sanctions, which hopefully will be spurred upon -- spurred on by the bill that you guys are putting together now, should target the facilitators and the enablers who underpin the movement of funds on behalf of the regime. This would include Sudanese banks and international banks that do business with them directly or indirectly through corresponding banking relationships. The recent fine on the French bank BNP Paribas is a model, I think, for what we can do here that would have an enormous impact, a very negative impact on the Sudanese government's financial situation.

We proposed the following legislative actions to enhance sanctions in addition to and, again, aligning myself with Tom, supporting in no uncertain terms your coming bill. We will put all of our assets and resources behind the bill that emerges from this Commission and your good work.

I have two global actions and two Sudan-specific actions that can help strengthen sanctions. On the global side, Mr. McGovern, you have been an initial co-sponsor for the Global Magnitsky Human Rights Accountability Act. Ensuring those that are guilty of human rights abuses and facilitating the proceeds of corruption on behalf of the governments are denied visas to the United States and have their assets frozen. Applying that to the Sudan is going to be really important. Having that new tool which allows us to look at all of Sudan rather than just the Darfur-specific sanctions will be crucial and so getting behind that bill and getting as many co-sponsors as we can for the global bill would be terribly important.

A second global recommendation that would have an impact on -- very big impact on Sudan's economic and financial situation is supporting legislation which hasn't yet been introduced in the House to increase corporate transparency to ensure that information about the ultimate owners of companies -- they call them the beneficial owners of shell companies -- to know that. These shell companies are being abused by corrupt officials who undertake financial dealings with the Sudanese regime. It is a global phenomenon but it has real specific impact in Sudan.

The first Sudan-specific recommendation we would make would be for this Commission to ask the administration to codify -- we are getting into the wonky weeds here -- but to codify the expansion of existing sanctions in the executive order of this administration -- the grave human rights abuses by an

information technology executive order -- to expand it from Iran to cover also Sudan -- to cover foreign persons who have facilitated deceptive transactions for or on behalf of the government of Sudan as it seeks high-tech tools to spy on its own people and undermine the civil society organizations in Sudan. Very specific thing can have an impact on the ground.

And then finally, the second Sudan-specific recommendation is for this committee to send a letter to -- for this Commission to send a letter to President Obama and put in the bill -- to ask the administration to allocate actual resources to increase Sudan's sanctions enforcement capacity. They are not enforcing the sanctions. I was the author -- the initial author of the 1997 executive order when I worked in the White House that started the sanctions regime in Sudan. There is almost no resources used to enforce it. So companies simply change their name and they are no longer a sanction. Same people, same boards of directors, stuff like that. So I am not accusing OFAC and Treasury and Justice from not following up. They have Russia. They have North Korea. They have Iran. They have all these other global issues that they have to track. But a little support for Sudan enforcement could go a very, very long way. As you expand what sanctions -- because if you expand them and you don't enforce them it doesn't mean anything. That is why really important to connect the two dots for a real impact on the ground in Sudan and real impact on the calculations of the government of Sudan at the bottom -- at the end of the day. Thank you so much.

[The prepared statement of Mr. Prendergast follows:]

PREPARED STATEMENT OF JOHN PRENDERGAST

Congressman Pitts, McGovern, and other members of the Lantos Commission, thank you for the opportunity to testify on Sudan. The depressing truth is that an earlier Congressional hearing would have heard the same testimony about Darfur ten years ago, or about the Nuba Mountains fifteen years ago, or about civil society getting crushed by the Sudan government twenty years ago.

Just as tragically, the energy for an imaginative response to the unparalleled human suffering of the Sudanese people has dwindled over the years. In the context of protracted conflict emergencies, especially one like Sudan that has lasted for decades, it is not uncommon for the international community to slowly disengage. Officials claim -- and seem to actually believe -- that no leverage exists to alter the situation on the ground. Lifeless peace processes are given occasional CPR to maintain the appearance of movement. Critically needed humanitarian band-aids and sincere appeals to stop the killing become substitutes for a more muscular policy.

In Sudan, this dearth of imaginative policy options results from dealing with a brutal regime in Khartoum that for two and a half decades has maintained power through an unwavering commitment to the destruction of its armed and unarmed opponents. Meanwhile, the regime has exhibited an unbounded willingness to talk and negotiate, leaving everyone with the impression that the fundamental issues of power, wealth and identity of the country are indeed up for negotiation. The problem, of course, is that none of these issues are negotiable given the current calculations the regime has made. Therefore, the only way to support progress in Sudan is to alter those calculations.

After studying this regime for 25 years, it is my conclusion that the Khartoum government is most vulnerable to targeted, focused, relentless economic and financial pressure. Therein lies the

greatest opportunity for American leverage to be deployed in support of peace and human rights in Sudan.

This is a time of increasing economic uncertainty for the government in Sudan. It has lost much of its oil revenue. The record \$8.9 billion fine against the bank BNP Paribas for its illegal sanctions-busting transactions with Iran, Cuba and Sudan demonstrated that pressure on the international financial system can have an effect on pariah states, even regimes that have been under sanctions for decades. In the wake of the BNP Paribas fine, some major Saudi and European banks stopped conducting transactions with Sudan.

But this is not enough. Despite sanctions, Sudan is exploiting loopholes and is still integrated to international banks through correspondent banking relationships and intermediary accounts. More enforcement is needed. We need to take this opportunity to double down on these kinds of economic pressures and connect those pressures to serious policy objectives in Sudan: an end to mass atrocities and a comprehensive peace agreement.

I would argue that the key point of leverage for U.S. policy is to cut off the Sudan government's economic lifelines and to protect the integrity of the international financial system from economic transactions that underwrite some of the worst human rights abuses globally over the last two decades.

I'd like to focus on two particular pressure points which, if utilized, could constrict considerably the resources available to the Sudanese regime and to create a cost for doing business with Sudanese government-related entities and individuals.

1. DESIGNATING SUDANESE GOLD AS CONFLICT-AFFECTED

When South Sudan won its independence in 2011, Sudan lost a significant chunk of its biggest source of foreign exchange earnings: oil revenues. As a result, gold has become the new oil for Sudan. The IMF estimates that 2014 gold sales, which amounted to 37 tons, earned the government \$1.17 billion. Much of that gold is coming from Darfur and other conflict zones where the government's consolidation of control over the country's gold mines has been fueled in part by violent ethnic cleansing in the gold mining areas by army troops and government-supported militia leaders. Gold mines have been both the site and object of conflict across Sudan, including in Blue Nile and South Kordofan. However, these dynamics are at their most visible and damaging at Jebel Amer, in North Darfur. There, Musa Hilal, a man who is best known as the vanguard for Sudan's genocidal Janjaweed forces, is now benefitting from burgeoning gold production. In early 2013, in an eerie echo of the past, his troops swept into the area, pillaged the artisan mining community, forced tens of thousands to flee for their lives, and dramatically altered the ethnic dynamics of the town. Those same forces continue to benefit from Jebel Amer's gold today since Hilal's Awakening Revolutionary Council taxes all gold from the area.

More problematically, since the government is the only legal gold exporter in the country, it buys up all production, even gold mined from Jebel Amer. Gold from conflict-affected mines mixes with other licit gold from industrial production at the Central Bank and the government-owned refinery. Since Sudan has not instituted any supply chain certification mechanisms or due diligence practices, once it gets to the Central Bank, there is no way to know whether gold from Sudan came from conflict-affected mines in Darfur or Blue Nile.

Proposed Congressional Action:

- a) Members of Congress led by members of this Commission should introduce a Congressional Resolution that spells out how Sudan's gold trade is conflict-affected and a major factor in destabilizing Darfur, especially in light of its connection to Musa Hilal, who is on the U.S. sanctions list. The Resolution could call on banks and gold refiners to red-flag Sudanese gold as high risk, and for gold industry associations to include Sudan

as a high-risk country in their conflict-free audits, in order to ascertain what gold exports from Sudan are conflict-affected.

- b) Given the gravity of the threat that the gold trade presents, Congress should expand the scope of Sudan's sanctions outlined in the 2007 Darfur Peace and Accountability Act to specifically include provisions that would allow the imposition of sanctions on traders, officials, and armed leaders benefitting from the conflict-affected gold trade from Darfur.

Proposed Executive Action:

- a) The U.S. Department of the Treasury should build dossiers for eventual sanctions designation on traders, companies, and/or officials who are specifically involved in trading conflict-affected gold from Darfur. Under Executive Order 13400, anyone who constitutes a threat to the stability of Darfur and the region can be sanctioned.
- b) The U.S. State Department should urge the U.A.E. to tighten its import controls on gold from Sudan. Specifically, the government and the Dubai Multi-Commodities Center should require that any imports from Sudan are documented with invoices stating consignees, certificates of origin, and proof of original export taxes paid. Also, U.S. diplomats should urge the UAE to eliminate the hand-carry rule that allows smugglers to carry in large amounts of gold with limited scrutiny.
- c) The State Department's Bureau of Economic and Business Affairs should urge the OECD Multi-Stakeholder Group on Responsible Mineral Supply Chains, the Conflict-Free Sourcing Initiative, the London Bullion Market Association, and the Responsible Jewellery Council to make sure that their various auditors designate Sudanese gold as high-risk when conducting conflict-free audits. Given the consolidation of all gold mined in Sudan by the Central Bank, all exports coming from the country should be considered high risk for connections to conflict at present.

Proposed Industry Action:

- a) Industry auditors from the LBMA, RJC, and CFSI should red-flag Sudan gold exports as conflict-affected during conflict-free audits, and require refiners to conduct additional due diligence and trace all gold coming from Sudan to its mine of origin to ensure that such purchases are not inadvertently fueling war in Darfur, Blue Nile or South Kordofan. The gold industry's existing responsible sourcing auditing programs are attempting to address conflict-affected supply chains from the Democratic Republic of Congo. The same scrutiny should be applied to Sudan. This would thereby reduce the market value that any conflict-affected Sudanese gold can command.

2. ENHANCING SANCTIONS ON MIDDLE MEN AND ENABLERS

Sanctions have been unevenly imposed by the international community and have not been enforced sufficiently to have a significant impact on calculations of senior officials within the Sudanese regime. The United States and other countries should significantly enhance enforcement efforts as a means to pressure Khartoum on human rights and peace issues. Most importantly, the next wave of U.S. sanctions should target the facilitators and enablers who underpin the movement of funds on behalf of the regime. This would include Sudanese banks and international banks that do business with them directly or indirectly through correspondent banking relationships. The recent fine on BNP Paribas is a model.

Proposed Legislative Action:

- a) Support the Global Magnitsky Human Rights Accountability Act to ensure that those who are guilty of human rights abuses and facilitate the proceeds of corruption on behalf of the Sudanese regime are denied visas to the United States and have their assets frozen. With the Magnitsky Act, the scope of predicate offenses for an asset freeze or travel ban designation against bad actors in Sudan will be expanded significantly.
- b) Support legislation to increase corporate transparency to ensure that information about the ultimate owners of companies – particularly the beneficial owners of shell companies – is known. Such legislation would enable law enforcement to more effectively and efficiently conduct investigations to combat terrorism and financial crimes, as they would have access to important information about the ultimate owners of companies. These shell companies are also abused by corrupt officials who undertake financial dealings with the Sudanese regime.
- c) Codify expansion of existing sanctions in the Grave Human Rights Abuses via Information Technology Executive Order to cover Sudan, thereby extending U.S. jurisdiction to cover foreign persons who have facilitated deceptive transactions for or on behalf of the government of Sudan as it seeks high-tech tools to spy on its own people.

Proposed Executive Action:

- a) Urge administration officials at the Treasury to allocate resources to increase Sudan sanctions enforcement capacity. It is essential to increase enforcement actions by the U.S. government under existing Sudan sanctions authorities against banks, middlemen and other enablers of conflict
-

Mr. McGOVERN. I want to thank you -- thank you all for your testimony. I apologize for the break. We originally weren't supposed to have votes until later but everybody is afraid of the snow so we moved everything up. They should come to Massachusetts. There is -- you know, there is no -- that is not at issue.

You know, as I explained to the administration panel, look, I -- you know, if there is a way to work out some sort of an agreement, you know, that is real, that stops this killing, that -- you know, that protects people, I mean, I think we are -- you know, I am certainly interested in that. But kind of the history has been that, you know, we talk about negotiations and we -- you know, we go over, we visit. Some comes over here and, you know, what we are seeing is that, you know, Bashir continues to impose a military solution while we are, you know, diddling around talking about, you know, dialogue. And, you know, I am always a big believer in talking but on the other hand, you know, there is a point when you have to realize it is either producing something or not, and so I appreciate all the suggestions and I think we will follow up on those suggestions.

But one of the things that I have heard from some of -- you know, not everybody but some in the administration who have cautioned about increased sanctions is they say well, you know, if you tighten up the sanctions and you destabilize the government then, you know, they might collapse and then you are in a situation where you, you know, have a country that has no government and no -- you know, there is no structure and that will even be worse for us.

What do you -- what do you say to that?

Mr. PRENDERGAST. Real quick, I would say this has been a worry of everyone and the discontinuities within the Sudan opposition and the gulf between the opposition and the civil society -- the unarmed opposition, the civil society groups and independent sector in Khartoum and other parts of Sudan. But I do think there has been tremendous -- that assessment was made a decade ago --

Mr. McGOVERN. Right.

Mr. PRENDERGAST. -- and there have been a lot of investments made by a number of governments around the world, and you have seen one in this last week by the German government where efforts have been -- a great deal of investment has been made in building the capacity on the political side, the non-military side of the opposition and the civil society elements, to be able to become a more coherent actor in a potential post or transitional arrangement -- post-NCP or transitional arrangement that would occur.

I have more confidence today than I did five or ten years ago that there is more coherence within opposition elements and more dialogue that didn't exist five or ten years ago between elements who are in opposition to the government but on the Islamist side of the table. They are just -- they have just fallen out of a power struggle, not because they disagree ideologically with the regime, and other opposition groups. So there are openings there and cohesion there that didn't exist before, which I think needs to be factored when making an assessment of what would happen indeed if this regime collapsed.

Mr. McGOVERN. Tom?

Mr. ANDREWS. Well, Jim, as you know nothing that we do will be risk free.

Mr. McGOVERN. Right.

Mr. ANDREWS. I mean, there is always the chance of risk. But doing nothing or continuing to do what we are doing is obviously generating horrific consequences. So I think taking calculated risks to pressure this government to stop this horror, particularly given some of the alternative ways that we can make sure that there is stability and security there, is worth it.

And I think I would respond by saying just look at -- look at the direction of this country. Look at the escalation of violence. Obviously, what we are doing now is not working. So we -- it is risk that we run by continuing on the way we are is completely unacceptable.

Mr. McGOVERN. Mr. Loeb, you know, I mean, the things that you talk about in your testimony are absolutely horrifying and I am just curious, how high-ranking are the commanders who gave the orders or will give the orders to rape in Tabit? Should we look at these orders as being representative of the Sudanese government's position or are they a result of the commanders knowing that there is no oversight and there will be more punishment or, I mean, how do we -- how should we view this terrible human rights atrocity?

Mr. LOEB. We don't -- unfortunately, we don't know how high up the chain of command the orders came from. We don't believe in any way that it was a group of rogue soldiers. This was a systematic and organized attack. The two defectors that we spoke to said they were given orders. One was given orders by a senior commander on the base and another was given orders by a more senior commander who travelled from the North Darfur capital of Al-Fasher. So we believe that they come reasonably high up the chain of command but we are not sure exactly how high.

Mr. McGOVERN. And there has been no consequence for anybody who had been involved in this?

Mr. LOEB. To the best of our knowledge there has been no consequence. We believe that certain soldiers and perhaps certain commanders have been transferred to other bases. But we are not aware of any sort of accountability on any level.

Mr. McGOVERN. And just going back to the administration's testimony, you know, I mean, we are engaged in a policy where we have an official go over there and meet with them and we have had Sudanese officials come here and meet with people. And how long does this go on before we say this ain't working or this isn't producing anything or, I mean, how do you measure success or lack thereof in this -- in this approach that we are now pursuing?

Because, again, you know, here we are ten years later and one thing that has been constant is, you know, the government of Sudan. I mean, this has been the same government and, you know, they are still there, are still doing horrible things and I am just -- you know, I just want to make sure we are not getting sucked into as a country this -- you know, we will invite you over here and you can invite us over there and we will keep on inviting each other back and forth

and say we are going to listen to each other but nothing ever changes. How do we measure whether any of this is worth it or not? Tom?

Mr. ANDREWS. Mr. Chairman, I think the questions that you put to the administration witnesses were just exactly the kind of questions and this question is exactly what the kind of questions we need to be putting to the administration because it is not working. It is failing, and the trajectory is in absolutely the opposite direction. The violence is spiking upward. I mean, things are not -- this is not a status quo situation. The violence is spiking upward. The impunity is spiking upward. But the response by the international community is going in exactly the opposite direction.

Omar al-Bashir says we want -- we want the peacekeepers out. So what do we do? Eight hundred positions are eliminated and we start drawing up plans for an exit strategy. You know, as you say, we invite these officials here, we go there. We talk, we engage. We lift some sanctions as opposed to enforcing our existing sanctions, as opposed to broadening our sanctions, and the thing is is that we know that pressure works. The other element of this is that there are aiders and abettors of the Bashir regime and we need to be approaching and focusing and pressuring them as well.

When Chairman Wolf a few years ago went after -- he challenged Malawi when it welcomed Omar al-Bashir to its country and he challenged the Millennium Challenge Corporation support for Malawi and that -- just raising that question and putting pressure on and questioning our relationship to Malawi, the response was -- the government of Malawi did not invite Omar al-Bashir to a conference that he was scheduled to go in the next year. In fact, they didn't have the conference because it would mean welcoming Omar al-Bashir to their country and there are some other incidences of that. So pressure works. This accommodation, these signals, this action that signals that things are normalizing or heading in that direction, I think, are lethal.

Mr. PRENDERGAST. Just to add to Tom's points, I would say that the dialogue in and of itself is not problematic. The U.S. and Soviet Union had -- held a substantial dialogue at the height of the time when nuclear missiles were aimed at each other.

What is connected to the dialogue is the question. The problem is what you were getting at in your questioning of the witnesses, as Tom said, and to me we are basically supporting a peace process through the African Union and setting it up for failure because that peace process has no leverage. There is simply no -- we know of much higher negotiations -- much higher order negotiations that are occurring now in Iran. Without real serious leverage, what did the United States do for the last five years? We put every conceivable screw that we could and turned it as hard as we could on the Iranian economy to get to the point. Whether you agree or not with whether the negotiations, to have the Iranians at the table thinking about possibly doing anything resulted from that kind of pressure.

We are not doing any of that on Sudan, and so it is really -- and Sudan is exposed quite substantially to the international financial system. Much of the international financial system goes through U.S. dollars, goes through New York, goes through London. These are tremendous pressure -- potential pressure points

that we could be using, leverage we could use. And I want to just echo Tom Andrews' point about pressure working. Like, you know, you can look through the history of the relationship between the United States and Sudan during this regime and find examples when there actually was substantial pressure placed, when there was an effort to bring international pressure to bear on the Sudan government, that they actually altered their behavior.

In 1997 when I worked in the White House, there was a substantial -- '96 and '97 there was a substantial effort to work through the United Nations Security Council to press the Sudanese government to remove bin Laden, to address the quite enormous ties that the Sudanese government had been developing with a number of terrorist groups and that had impact. They altered their strategies. They altered their policies. In 2003, '04 and '05 the Bush administration placed -- and internationally there was a tremendous -- and the Congress particularly placed a tremendous amount of pressure on Sudan that helped lead -- it was a factor in leading to the 2005 peace agreement between the North and South Sudan.

Of course, there is things you can criticize about that but it demonstrates the principle. And then, finally, in 2010 -- in the latter half of 2010 President Obama personally, and John Kerry when he was a senator, and this House placed a tremendous amount of pressure on China and Egypt and Russia and a number of other countries to place pressure on Sudan to allow that referendum to occur and not to allow the war -- the country to be plunged back into war. Again, the Sudan government, which was going to undermine that referendum, allowed it to happen because of international pressure. There are -- there are things you can do. So I end where I started.

Empty dialogue just for dialogue's sake is going to have no impact. Having a peace process run from the AU with no leverage will have no impact. We need to build -- create leverage. It doesn't grow on trees. You have to create it.

Mr. McGOVERN. Jan?

Ms. SCHAKOWSKY. Thank you. Thanks to this amazing panel. It seems to me, in answer to the response that you get from the administration, that the very idea that the things that we are talking about are going to bring down the government in Khartoum, I mean, it seems like there is a lot of things that you are talking about that we can do that are well short of that that could have an effect.

So I think to be told, well, we shouldn't do this or we shouldn't do that because a government beyond al-Bashir would be much worse, I think is not the real topic of discussion. What you are telling us here today is that there are a number of things that Congress can do.

I want to talk to you, Tom, about this idea of -- I mean, if the administration is having representatives from Khartoum as guests of the United States, have we -- have we sent public letters protesting that, or even saying, you know, we think -- we think it is not a good idea to bring this rogue government officials here but if they do -- these are the questions that should be asked, these are the things that we should be demanding of them, this should be the agenda?

You talked about letters that -- the Malawi. Did you mention that, Tom, or -- okay. The Malawi example. You know, are letters, statements by Congress short of legislation, although we certainly can talk about that, are they effective? I

mean, is it heard worldwide in the countries that we are targeting in Sudan? Does it matter?

Mr. ANDREWS. Yes. In a word, yes. I was amazed, frankly, as I travelled around the world people -- when I testified before Congress in various forums people listened. People hear it. It is reported and it is discussed, and sometimes much to the chagrin of some of the people that I am meeting. But it really does have an impact and if it is done on a systematic basis, if people are held accountable and the voices are raised and there is a variety of ways from the floor of the House to committees to letters --

Ms. SCHAKOWSKY. Right.

Mr. ANDREWS. -- to signing on it, we have -- we have a thing called Bashir Watch where we watch as he travels around the world and call out for those countries welcoming him and inviting him to meet their treaty obligations and arrest him. And if they don't to raise questions in bodies like the United States Congress about the U.S. relationships with those countries.

Ms. SCHAKOWSKY. I am just -- I am just wondering if the Commission could have a more systematic way of tracking that kind of thing and weighing in as we go.

Mr. McGOVERN. Yes, and I think that is a good suggestion. We have complained and you mentioned the Prayer Breakfast and we raised that issue. We were told that the administration does not invite people to the Prayer Breakfast. That is a separate thing entirely, although they did say they invited these officials to come here for ongoing talks about their dialogue -- with the dialogue. But that is an example where, you know, where we criticized them and it was reported there in their press. But the administration's response was used to kind of show that there is a -- kind of chasm between what we think and what they think.

Look, I am not against dialogue but it has got to produce something and while you are having this dialogue you ought to be, you know, turning up the heat to make sure they get the message. This is not -- the concern is not going to go away. The sanctions aren't going to go away. They will get worse until the human rights situation begins to improve. I mean, that is the price. That is the deal. And we all need to be saying that together and that is why I, you know -- the president, the vice president or the secretary of state ought to take their public opportunities that they have, many of which, when they talk about human rights, to mention what is happening here, to show a picture, to talk about the terrible atrocities, the rapes that have been going on and, you know, and that -- I mean, the world community at a very minimum needs to speak up more loudly on this, I think. But I think we can do a better job of kind of --

Ms. SCHAKOWSKY. That is what I am saying. I mean, we can't control everybody including the administration all the time. But we can take responsibility ourselves for certain things and I really want to thank this panel for making concrete suggestions from legislation all the way to a variety of other things, and I think consistency on our part would be helpful.

Admittedly, it is hard. I mean, there are so many things happening all over the world where we do want to weigh in. But I was in -- I went with Leader Pelosi, because she was Speaker Pelosi, in 2006 or 2007 it must have been, to

Darfur -- to North Darfur. Are those people still living in those little tents that I saw nine years ago? I mean, is that -- it is just -- do you know, Mr. Loeb?

Mr. LOEB. I mean, the -- for example, the refugees in Chad there is about 360,000 there now but about a quarter million of those have been there for over -- about a decade now, if not more. I mean, we are in the thirteenth year of the conflict. The IDP camps definitely -- I mean, there have been some returns and there have been people who have returned and then been displaced again. But the majority --

Ms. SCHAKOWSKY. I think of the little kids that I saw, the, you know, two-year-olds who would, you know, now be --

Mr. LOEB. Yes, there is a generation of children in Darfur who have grown up in the IDP camps.

Mr. PRENDERGAST. The number of new displacements over the last two years far outstrips the number of people who have returned from those camps that you visited to their areas of origin. So the numbers continue to blossom.

Ms. SCHAKOWSKY. You know, and the other thing, I mean, I think the Bipartisan Women's Caucus is very interested in rape and on the kind of scale that you are talking about and so there may be ways to segment some of these issues in terms of messaging and in terms of action that we can take that I think suggests that we could be more strategic in thinking about how we address this because I couldn't agree more with our chairman -- you know, the same opening statements year after year after year and it does seem to be getting worse.

We met with al-Bashir when -- no, we went with the vice president when we were there and there is such a cavalier attitude. As I recall, he pointed to, you know, well, you have got Guantanamo or something -- you know, don't talk to me because look at what you do. I mean, it was, you know, not taking any responsibility or feeling accountable for anything that was going on. It was really pretty insulting and it seems that the impunity issue is, obviously, deadly. Thank you.

Mr. ANDREWS. And we know, just to put a fact on the table, we know that 40,000 additional people have been displaced since the first of January and those are confirmed. There are additional reports of an additional 60,000 that have yet to be fully confirmed. But there are reports of -- between confirmation and reports we are talking 100,000 people since the 1st of January, new.

Ms. SCHAKOWSKY. Of this year?

Mr. ANDREWS. Yes, in Sudan. Of new and to Darfur of new people who have been displaced.

Ms. SCHAKOWSKY. Anybody else want to --

Mr. PRENDERGAST. One last point about Congress' voice. I think there is some value in the people who are in Darfur and Nuba Mountains, Blue Nile and parts of South Sudan when you guys speak out forcefully, just that they know they are not forgotten. I don't think that is meaningless. But more importantly, when you speak out --

Ms. SCHAKOWSKY. And the message gets to them? They know?

Mr. PRENDERGAST. Because of Radio Dabanga and other forms of communication, when there is a big congressional action -- well, big in the sense of African they will find out about it or word will spread about it.

And then, secondly, I think, more importantly here is that if -- when you speak out it is connected to real action. So this bill that you guys are putting together now, having as many teeth as possible in that bill -- they -- the Sudanese government has basically discounted -- like a stock who has already reported its earnings they know then the U.S. talks tough about Sudan they haven't been doing anything to back it up. So when Congress comes with a bill that will have real teeth in it and then speaks out and you connect it to that and you build -- you work through the other caucuses and other interested coalitions within Congress to get as many co-sponsors as we can and then maybe find a way to get it through Congressman Royce's committee, I think that is going to have a potentially major impact on U.S. policy and on the Sudanese government's calculations.

Ms. SCHAKOWSKY. Let me ask one more. Are there any corporate actors, private-sector actors that a little light -- or a lot but even a little light shown on them would be useful?

Mr. PRENDERGAST. U.S. corporate or any international corporations?

Ms. SCHAKOWSKY. Any.

Mr. PRENDERGAST. The international banks, yes. This is what --

Ms. SCHAKOWSKY. This is the only goal -- the goals?

Mr. PRENDERGAST. On a variety of sanctions busting. About six months ago -- I am always bad at dates -- the bank, French bank BNP Paribas was fined a record \$9 billion roughly because of its sanctions busting. It is so profitable for these banks to go around to try to hide what they are doing. People will pay huge premiums who are on sanctions lists. Governments pay huge premiums, and so they are constantly -- with real enforcement capacity constantly finding that these people -- that banks are often going around so the existing sanctions and regulations.

So that fine and that kind of action could be followed up by a number of other banks that are complicit in connections with Sudanese banks or corresponding banks that are connected to Sudan. I think that is a real serious --

Ms. SCHAKOWSKY. I think there is a number of pressure points that maybe we could just do a better job of honing in on. Thank you.

Mr. McGOVERN. We have a number of new assignments. Ms. Jackson Lee of Texas?

Ms. JACKSON LEE. Thank you, Mr. Chairman, and thank you for -- this was a busy day. Thank you so very much for engaging in this and, again, I reaffirm my sense of responsibility to be a member of the Tom Lantos Human Rights Commission, being reminded of the iconic figure which this was named, and I am delighted that Congressman McGovern and myself and Congresswoman Schakowsky and others know the seriousness of keeping this human rights commission strongly looking at issues.

I am going to do something a little unusual. Are there any persons here from Sudan in the room? Let me, with a little sense of recognition that these kinds

of hearings are not pleasant, I could tell by the consternation of your demeanor that you may disagree or have concern.

I think the point that I am trying to make, all these gentleman here we know. I have seen all of you and, again, I thank you for your service. It has been, as Jan has mentioned, nine years. It has been longer than that. I remember going to the Sudanese embassy with Tom Lantos and being arrested. I was thinking I am overdue for another time.

Mr. McGOVERN. I was with you.

Ms. JACKSON LEE. And you were, and we were -- we haven't aged a bit. I say that and the friends in the room because we will never get anywhere unless we can get to the table and for the friend from Sudan who I have had come to explain their circumstances understand our pain and what is being said that can be documented. So let me ask these questions and, again, I am not trying to put anyone on the spot, meaning the guests from Sudan. But the point is is that we are repeating this. It is getting worse and the only real answer is a commitment from the actors to stop or to completely disprove the testimony of the witnesses, and I imagine that all of you would want to be disproved. You would want to be where this is not a factual set of circumstances.

So I am just going to pursue the line of questioning that I know that all of you have done and that is, if I was to go to Darfur right now, could I tell whether anything had changed from when Tom and Jim and Sheila and an array of others, Jan, went to that embassy with a great depth of passion, hoping and thinking that we were raising the ire of the world? That is my first question.

My second question is I think you mentioned at the end of Jan's comment of the conditions in South Sudan and is there -- how do those two things mesh together? It is very, very important, and is there any relief for the relief agencies? Are they getting any respect or any room to do their work in these devastating areas?

And I know that this hearing has gone on so I will yield just for those questions and hope that those who are in this room are listening from the perspective that we are here to do good. We are here to save lives. We are here -- I have heard some people say when they have been in some businesses fighting Ebola we would like the Ebola fighters to be put out of work. It is something we say here in America. We don't want human rights to be put out of work but we want to be able to say that we have brought relief to people, so let me start. Who is eager to start?

Mr. PRENDERGAST. Well, I think we are all equally eager. Thank you so much, Congresswoman.

Ms. JACKSON LEE. And John, it is good to see you again.

Mr. PRENDERGAST. To you, too. Thanks for sticking with us on all these issues.

I would say -- I think each one of us will pick pieces of your question so --

Ms. JACKSON LEE. Okay. That will be fine. I don't want to keep members here longer.

Mr. PRENDERGAST. For me, I will take the South Sudan one real quick and that is --

Ms. JACKSON LEE. And, you know, we were there welcoming folk back to a place that we thought we had created in tribute to Don Payne. We thought we had done what we were supposed to do.

Mr. PRENDERGAST. And I think that we are at a real pivotal moment right now where the African-led peace process has set a deadline, basically its own deadline, tomorrow, for the two parties to come to an agreement. The United Nations Security Council fairly dramatically 15 to nothing -- I am somewhat surprised that China and Russia went along with it -- agreed yesterday to -- unanimously to allow or to begin to put sanctions together. They haven't imposed sanctions but it has enabled sanctions in -- for parties in South Sudan that are undermining peace.

So you have a moment here that is very fraught and Congress, again, becomes terribly important because if the moment passes and there is no peace deal, or it is some very, very fractured and incomplete deal that just sort of allows everybody to pat themselves on the back and go home but the conflict continues on the ground, then there will a choice that the administration and other governments around the world will have to make. Are they going to press and push for real consequences for committing atrocities that are being committed on the ground, for undermining peace, and I think that Congress can help stiffen the backbone of the administration to take those kinds of actions if necessary. So I think it is the same kind of thing where Congress can be the battering ram, the support structure for the administration to increase its leverage in support of peace both in Sudan and in South Sudan.

Ms. JACKSON LEE. Thank you. Anyone else?

Mr. PRENDERGAST. I will just talk I guess on the --

Ms. JACKSON LEE. Thank you so very much, John.

Mr. PRENDERGAST. -- on the humanitarian assistance issue.

Ms. JACKSON LEE. Thank you, John. Yes.

Mr. PRENDERGAST. Just to say that there are big parts of Darfur, particularly Jebel Marra and East Jebel Marra, the sort of mountainous areas in the center of the region, where there is absolutely no humanitarian access and there hasn't been humanitarian access for several years, and these are areas where humanitarian needs are arguably the most urgent, particularly health care. And so this should definitely be something that U.S. policy focuses on much more strongly. They should -- U.S. government should be demanding access to these areas for U.N. agencies and for international NGOs and then they should also be undertaking more creative approaches to supporting local groups who may have some more success in actually being able to access these areas and deliver urgently needed services.

Ms. JACKSON LEE. And if I might cross dialogue to the chairman, that seems like I know that we will join you on the work that you are doing but I would like to look at some sections that answer some of these concerns and so look forward to working with you on that. But Tom, good to see you again.

Mr. ANDREWS. Great to see you. Let me just say that -- add on to what you have just heard, that in addition to blocking humanitarian access, as I mentioned in my testimony and in some of my written testimony, medicine and

food are being used as weapons of war. We know that the Sudanese air force are deliberately targeting field crops, destroying food. We know that hospitals have been bombed. Doctors Without Borders had a facility bombed and they had to leave after their facilities have been bombed. So it is not only denying access to humanitarian aid. It is actually attacking the very elements that allow life.

Let me also say again, reiterating what you have -- we have heard is that the key here is accountability. And we need to insist that those who are committing these heinous crimes and the Bashir regime are behind these crimes and those that aid and abet those crimes, whether they be institutions, private institutions like banks, as John was mentioning, or whether they be nations who collaborate and hide and welcome, as mentioned in my testimony. Bashir went to nine different countries last year without comment, including from the United States. So holding those who commit these crimes, holding those that aid and abet these crimes, is extremely important and the legislation that this Commission championed last year under the leadership of Congressman McGovern I think is extremely important because it is comprehensive. It has all of these elements combined in it. And as I mentioned, we believe it very important for that legislation, an updated version recognizing what has happened in those two years, be introduced and we would work as hard as possible to advance it.

Ms. JACKSON LEE. Let me thank you, Mr. Chairman. I yield back to you and excuse me for being excused but thank you so very much for this work of the Commission, and I --

Mr. McGOVERN. And I am so happy you are here. And let me just say in kind of closing, just for the record I am going to formally submit to the record the written testimony from Professor Eric Reeves of Smith College I mentioned at the beginning who could not be with us here today.

But I want to especially thank Eric for the crucial role he has played over the many years in bringing the world's attention to the unjust and tragic reality in Sudan.

And I should tell people here that we will at some point be doing a hearing on South Sudan, so that will come, and I want to thank all of the witnesses. You have given us a lot of good information but also good suggestions and we are going to follow up with the administration on making sure that they have the resources to do the enforcement of the sanctions because you are right, we could pass all the bills in the world, you know, that impose sanctions and if you don't have the resources then you can't enforce it. So but that will be certainly one of our follow-ups, as well as on this whole issue of the gold, which we will do and we are working on a kind of updated version of our last year's bill.

But, look, the message is clear. We are not going to forget this and we are not going away and, you know, and if the government of Sudan doesn't want additional sanctions or then they ought to get with the program here and begin to respect the human rights of their own people. I mean, this is -- this is -- it is unconscionable that we are still here and it is even more unconscionable because we have known what has been going on. We called it genocide ten years ago. We have known this. This is not a surprise. This is not something where there is a gray area. There is more than enough documentation. You know, technology has

enabled us to understand even better the extent of the killing. So we need to do our jobs here and I look forward to working with you all.

Thank you for your patience and thank you for being part of this hearing. The hearing is adjourned.

[Whereupon, the hearing was concluded at 3:57 p.m.]

A P P E N D I X

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Tom Lantos Human Rights Commission Hearing

Hearing Notice

Human Rights Violations in Sudan

Wednesday, March 4th, 2015

1:30 PM – 3:30 PM

2255 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a hearing on the ongoing human rights and humanitarian crisis in Sudan.

Even as Sudan's conflicts have faded from the international headlines in recent years, many experts believe that the situation in Sudan is deteriorating. A recent UN report indicated that the conflict "threatened to produce levels of violence, chaos, and confusion not seen in Darfur since 2004." More than a decade after the conflict began in Darfur, over 2.4 million people are displaced internally, with nearly half a million displaced in 2014 alone. The threat of violence prevents some 370,000 Darfur refugees in Chad from returning to their homes. The fighting in Blue Nile and South Kordofan states has been ongoing since 2011. Relief agencies like Medecins Sans Frontieres report increasingly difficult operating conditions and restrictions imposed by the government. On January 20th of this year, Sudanese forces bombed a hospital in Southern Kordofan operated by MSF for the second time in less than a year, forcing it to suspend operations. Hospitals and villages have also been targeted by air strikes in Darfur. In December 2014, Sudan expelled two top UN officials from the country. New reports also indicate that sexual violence is being used as a weapon in the conflict. Today, the UN estimates that 6.6 million people in Sudan are in need of humanitarian aid. The government in Khartoum has called for a national dialogue with opposition groups, but political repression and ongoing offensives in the conflict zones led opposition groups to suspend participation in January of this year and raise questions about Khartoum's commitment to reform.

Please join us as experts discuss the ongoing conflict, human rights violations, including gender violence and forced internal displacement, food insecurity, and the related humanitarian needs and challenges in Sudan. Panelists will also provide recommendations on what the United States Congress can do to alleviate human rights abuses and human suffering.

Panel I:

- Catherine A. Wiesner, Deputy Assistant Secretary, Bureau of Population Refugees and Migration
- Steven Feldstein, Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor

Panel II:

- Former Rep. Tom Andrews, President, United to End Genocide
- Jonathan Loeb, Fellow, Africa Division, Human Rights Watch
- John Prendergast, Founding Director, Enough Project

For any questions, please contact Dan Hall at 202-225-3599 or daniel.hall@mail.house.gov.

Sincerely,

James P. McGovern
Co-Chair, TLHRC

Joseph R. Pitts
Co-Chair, TLHRC



Tom Lantos Human Rights Commission Hearing

Witness Biographies

Human Rights Violations in Sudan

Panel I

Ms. Catherine A. Wiesner, Deputy Assistant Secretary, Bureau of Population Refugees and Migration



Catherine Wiesner assumed the position of Deputy Assistant Secretary in February 2012, overseeing the Offices of Assistance Programs for Africa, Multilateral Coordination and External Relations, and International Migration. Ms. Wiesner served previously as Principal Director to the Deputy Assistant Secretary of Defense for African Affairs at the Pentagon (2009-2012). Prior to government service, Ms. Wiesner worked as a practitioner and consultant in the fields of humanitarian assistance, peace process, and post-conflict programming.

Ms. Wiesner's most recent overseas post was in Sudan, where she worked for the UN Children's Agency (UNICEF) in a variety of roles, including in Juba on the mediation team for the 2006-2008 peace talks between the Government of Uganda and the Lord's Resistance Army, in Khartoum on the design and implementation of the child DDR program mandated by the 2005 Comprehensive Peace Agreement (CPA), as well as North-South IDP return issues, and the initial emergency response in Darfur in early 2004.

From 2001 to 2003, Ms. Wiesner directed all of the International Rescue Committee (IRC)'s programs for war-affected children and adolescents in Sierra Leone. Ms. Wiesner also worked with the IRC's emergency response team, traveling to Jordan, Kuwait and Iraq in the spring of 2003, Liberia in the summer of 2003, and Indonesia in January 2005 after the Tsunami.

Previously, between 1997 and 2000, Ms. Wiesner interned with USAID's Office of Foreign Disaster Assistance in Washington, DC, worked for the UN Refugee Agency (UNHCR) in Geneva and Ethiopia, and for Save the Children in Zimbabwe.

Ms. Wiesner holds a B.A. in Comparative Area Studies from Duke University, and earned a Masters degree in Public Policy in International Security and Political Economy from Harvard University's John F. Kennedy School of Government.

Steven Feldstein, Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor



Steven Feldstein is a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor (DRL). He is responsible for DRL's work in Africa, international labor affairs, and international religious freedom.

Previously, Mr. Feldstein served as the Director of the Office of Policy in the Bureau for Policy, Planning and Learning at the U.S. Agency for International Development and was responsible for guiding strategic planning and operations, providing high-level policy direction on emerging issues and priority areas, and shaping USAID's policy leadership in the development community.

From 2007-2011, he served as Counsel on the Senate Foreign Relations Committee (under former Chairmen Joe Biden and John Kerry) where he oversaw a portfolio that included oversight over all U.S. foreign assistance agencies, budgets and programs, State Department management and operations, and international organizations. He has also worked at the State Department for the Under Secretary for Economics and Business Affairs, as well as with the International Rescue Committee in Rwanda and Croatia. He is currently a member of the Board of Directors for the Society for International Development – Washington Chapter, and has taught at American University's School of International Service. He is a term member of the Council on Foreign Relations and received his J.D. from Berkeley School of Law and his A.B. from Princeton University. He was born and raised in Bloomington, Indiana.

Panel II

Former Rep. Tom Andrews, President, United to End Genocide



Tom Andrews is President and Chief Executive Officer of United to End Genocide. A former Congressman from Maine, Tom most recently served as National Director of Win Without War, a coalition of forty national organizations promoting a more progressive national security strategy that calls for prudent use of military engagement.

A long-time advocate of democracy and human rights in Burma, Tom has worked closely with the National Coalition Government of the Union of Burma, facilitated the creation of the European Burma Network and served as General Secretary of the Nobel Peace Laureate Campaign for Aung San Suu Kyi. Tom is a Senior Advisor to the National Democratic Institute for International Affairs, chaired by former U.S. Secretary of State Madeleine Albright.

Tom was elected to the Maine House of Representatives in 1982, the Maine Senate in 1984 and the United States House of Representatives in 1990. Tom also served as president of New Economy Communications, a not-for-profit organization providing strategic planning and communication services to individuals and groups advancing labor and human rights issues.

Jonathan Loeb, Fellow, Africa Division, Human Rights Watch

Jonathan Loeb has conducted research on conflict in Darfur, Sudan and supported conflict resolution efforts for the past eight years. He has served as Managing Director of the NGO 24 Hours for Darfur, an advisor to the African Union-United Nations Joint Mediation Support Team for the Darfur peace process, a Visiting Professional at the International Criminal Court, and a consultant for the Centre for Humanitarian and the Humanitarian Policy Group at the Overseas Development Institute. Jonathan is currently the Alan R. and Barbara D. Finberg Fellow at Human Rights Watch. He holds graduate degrees in law and philosophy.

John Prendergast, Founding Director, Enough Project



John Prendergast is a human rights activist and best-selling author who has worked for peace in Africa for nearly thirty years. He is the Founding Director of the Enough Project, an initiative to end genocide and crimes against humanity affiliated with the Center for American Progress. John has worked for the Clinton White House, the State Department, two members of Congress, the National Intelligence Council, UNICEF, Human Rights Watch, the International Crisis Group, and the U.S. Institute of Peace. He has been a Big Brother for over 25 years,

as well as a youth counselor and a basketball coach. John is the author or co-author of ten books.

With George Clooney, he co-founded the Satellite Sentinel Project, which aims to prevent conflict and human rights abuses through satellite imagery and forensic investigations of stolen assets that fuel violence. With Tracy McGrady and other NBA stars, John launched the Darfur Dream Team Sister Schools Program to fund schools in Darfurian refugee camps and create partnerships with schools in the United States. Through the Enough Project, he conceived the Raise Hope for Congo Campaign, highlighting the issue of conflict minerals that fuel the war there. John is an advisor to Not On Our Watch, the organization founded by George Clooney, Matt Damon, Don Cheadle, and Brad Pitt.

John appears in the motion picture “*The Good Lie*,” starring Reese Witherspoon. He is a primary subject of the book by Jane Bussman, “*A Journey to the Dark Heart of Nameless Unspeakable Evil*.” He is also beginning a project on the Congo with actor Ryan Gosling and New Yorker writer Kelefa Sanneh.

John has been awarded six honorary doctorates. He is or has been a visiting professor at Yale Law School, Stanford University, Columbia University, Dartmouth College, Duke University, and others.

John has appeared in four episodes of *60 Minutes*, for which the team won an Emmy Award, and helped create African stories for two episodes of *Law and Order: Special Victims Unit*, one focusing on the recruitment of child soldiers and the other on rape as a war strategy. John has also traveled to Africa with NBC’s *Dateline*, ABC’s *Nightline*, The PBS *NewsHour*, CNN’s *Inside Africa*, and *Newsweek/The Daily Beast*. He has been profiled in *The New York Times Magazine*, *Vanity Fair*, and a number of other publications, and has appeared in several documentaries including *Blood in the Mobile*, *Sand and Sorrow*, *Darfur Now*, *3 Points*, and *War Child*.

Eric Reeves, Smith College, Statement Submitted for the Record

Hearing on Sudan before the Tom Lantos Human Rights Commission of the U.S. Congress, Washington, DC: Current Conditions in Sudan (March 4, 2015)

Written testimony of Eric Reeves
Smith College, Northampton, MA 01063

Thank you for this opportunity Congressman McGovern and Congressman Pitts and distinguished members of this Caucus.

I must be blunt, direct, and unsparing in my comments today, for without the most urgent action by the United State and other international actors of consequences, we are likely to see accelerating, indeed wholesale human destruction in Darfur, the Nuba Mountains of South Kordofan, and Blue Nile State, all in Sudan. The Khartoum regime has become increasingly desperate with the accelerating collapse of the Sudanese economy, growing domestic popular opposition, and an inability to achieve victory on the various battlefields to which it has committed huge national resources. An almost total lack of foreign exchange currency has prevented imports of even the most essential items. Bread lines and bread shortages, for example, have been reported in Khartoum and other northern cities; the regime, which has spent profligately on military equipment, army and militia salaries, and security forces, doesn't have the money to buy the wheat to be ground into flour for bakers.

The face of the Khartoum regime

Domestic uprisings, such as that of September 2013, have been controlled with the immediate issuing of "shoot to kill" orders (more than 200, and likely more than 400 people were killed by the gunfire of security forces in that single episode). But at some point anger among ordinary Sudanese will overcome fear, and the regime will fall. Knowing this, the regime is in full-on survivalist mode, and no means are too extreme in the effort to retain full control of national wealth and political power. These men, let us recall, are responsible for serial genocides: in the Nuba Mountains during the 1990s, in the oil regions along the north/south border (1997 – 2002), in Darfur beginning in 2003, and now again in the Nuba Mountains and Blue Nile State, beginning in summer 2011.

The evidence of accelerating violence, increasing political repression, and economic collapse is everywhere if officials of the Obama administration were only to look, but they have not—not with any real comprehension. And yet these current realities grow in large part out of antecedent actions and the policies of international actors, including most consequentially the United States. I offer two quotes from the last two special envoys for Sudan prior to the present envoy, Donald Booth, who is unable to obtain a visa to travel to Khartoum.

The first comes from retired Air Force Major-General Scott Graton in September 2009—half a year into his disastrous stint as special envoy. Speaking about

inducing the Khartoum regime to change its genocidal ways, Gration—who had no diplomatic experience, no real knowledge of Sudan, and no Arabic—declared:

"We've got to think about giving out cookies. Kids, countries—they react to gold stars, smiley faces, handshakes, agreements, talk, engagement."

It is impossible for me to imagine a more damagingly naïve suggestion about the calculations of a regime that has ruthlessly maintained its monopoly on national wealth and power for over 25 years, having come to power by military coup in order to further a radical Islamist and Arabist ideological agenda—an agenda that is very much alive today.

More dangerously, Gration's successor, Ambassador Princeton Lyman, declared of the Obama administration in December 2011:

"We do not want to see the ouster of the [Khartoum] regime, nor regime change. We want to see the regime carrying out reform via constitutional democratic measures."

It is simply preposterous to believe that the Khartoum regime might preside over reform by "constitutional measures," and surely Lyman knew as much. I'll conclude my remarks today by asking about the motives for such a cynically disingenuous assessment. That the assessment is preposterous is made clear in numerous public statements as well as in various leaked documents containing the minutes of secret meetings attended by senior security and military officials, including President Omar al-Bashir (July 1, 2014 and August 31, 2014). One comment, however, stands out as representative. In the July 1, 2014 meeting, with President al-Bashir in attendance, Defense Minister Abdel Rahim Mohamed Hussein declares:

"We have instructed the Air Force to bomb any location—whether it is a school, hospital or a nongovernmental humanitarian organization—where operations are in rebel-controlled areas without permission from the government. This presence is offensive and should be destroyed."

Both Hussein and al-Bashir have been indicted by the International Criminal Court for massive crimes against humanity in Darfur; al-Bashir has also been indicted on multiple counts of genocide. That their actions are animated by the sentiments expressed here is clear from any number of examples, but in the last year alone I would note the following in particular:

The Mother of Mercy Hospital near Kauda in the Nuba Mountains (South Kordofan) was bombed on May 1 and 2, 2014 by a Sukhoi-24—an advanced, Russian-built military jet aircraft. The hospital has been repeatedly targeted over the past three and a half years (the Sukhoi-24 was identified by an American physician, Dr. Tom Catena, the only surgeon operating in the Nuba Mountains, and all too familiar with Khartoum's military aircraft). The hospital of Nobel Peace Prize-winning Doctors Without Borders/Médecins Sans Frontières (MSF)

in Frandala, South Kordofan was bombed twice, once prior to and once subsequently to Hussein's vicious declaration of July 1, 2014—on June 16, 2014 and January 20, 2015. The second attack was again carried out by a Russian-made Sukhoi-24.

The first attack on MSF in Frandala came just four days after U.S. ambassador to the UN Samantha Power declared (as reported by the BBC):

The US ambassador to the United Nations accused Sudan Thursday [12 June 2014] of intensifying attacks on civilians in South Kordofan and Blue Nile states, and of deliberately bombing schools and hospitals. Samantha Power condemned “in the strongest possible terms” attacks she said were being carried out by the Sudanese government and its rapid support forces against ordinary people.

Four days later, Khartoum deliberately bombed Frandala (MSF had actually given its location coordinates to Khartoum in the mistaken belief that this might protect them from attack). And yet nothing was said by the U.S. after the attack to make good on the implications of a “strongest possible condemnation”—an attack that was clearly Khartoum's reply to Ambassador Power. The regime of course publicly denies these attacks, or attributes them to accident. But the comments of Defense Minister Hussein make clear such attacks are military policy.

These attacks are a continuation of the thousands of aerial attacks on humanitarians and civilians over more than two decades. I have made a comprehensive and detailed study of such assaults by Khartoum going back to 1999 (www.sudanbombing.org). The targets have included many hospitals, churches, mosques, schools, markets, villages with no military presence, and increasingly agricultural production, especially in the Nuba Mountains. Many of the bombings are savagely destructive, and collectively have killed and maiming countless civilians and aid workers. I have seen literally thousands of photographs and videographic clips of the grim aftermaths, coming from scores of sources; I must say they are simply soul-destroying. It should be obvious that the men who order such attacks, knowing full well their consequences, are not men who respond to “smiley faces” or “gold stars.”

Moreover, despite the evident hopes of the Obama administration, Khartoum simply cannot be trusted to abide by any agreement it might make, no matter what rewards are offered. In the twenty-five years since the National Islamic Front (renamed as the innocuous-sounding National Congress Party)—seized power by military coup, it has never abided by any agreement made with any party—not one, not ever. And there is not a shred of evidence that the regime has somehow changed in character. It would take me a very long time simply to recite the names of the agreements abrogated by this regime: with other Sudanese parties, with the UN, with the U.S., with the African Union, and many others (see this lengthy but still partial compendium of recent agreements abrogated).

Ambassador Lyman's absurd hope for democratic reform overseen by this regime is belied by everything we know:

- Political repression has increased dramatically since Lyman's expression of hope that the regime would preside over the democratic transformation of Sudan;
- Freedom of speech has been severely curtailed: recently the regime's security forces seized fourteen daily newspaper runs on a single day. Extreme self-censorship defines the character of all news reporting; all broadcast media are fully regime-controlled;
- When in September 2013 a popular uprising emerged from the desperate economic circumstances created by the regime's disastrous mismanagement of the Sudanese economy, security forces put down the uprising by following "shoot to kill" orders that were given as soon as the demonstrations began to grow. This has been authoritatively established by Amnesty International;
- The minutes of the August 31 meeting of the most senior security and military officials included the comments by senior party official Ibrahim Ghandour, recently officially invited to the United States by the Obama administration State Department. In lengthy comments recorded in the minutes, Ghandour outlines in extraordinary detail how the regime will engineer its victory in the April 2015 presidential election. No consideration is ignored; no calculation of electoral perceptions—national and international—is neglected; the amount of money required to buy off various political opponents, or apparent opponents, is precisely calculated. All contingencies have been considered.
- At one point in the minutes for the July 1 meeting, General Daleel al-Daw Mohamed Fadlalla, Chief of Staff of the Navy, declares “No one other than the Sons of the Islamic movement can rule Sudan. Today the Sudan Armed Forces (SAF) are an Islamic movement, from the Chief of Staff of the Army down to the most junior officer. We reject any attempt that might be made to a transitional government or the holding of a constitutional conference.” This is hardly auspicious for Lyman’s vision of the “regime carrying out reform via constitutional democratic measures.”

I should say that both Arabic documents containing the minutes in which these comments are recorded have been thoroughly scrutinized by many Sudanese native Arabic speakers as well as Arabic-reading specialists on Sudan. The overwhelming consensus is that the minutes are authentic.

Darfur

Genocide continues under this regime—and this never augurs well for democratization. How can we be sure that genocidal counter-insurgency against the Darfur rebels? We have just marked the grim twelfth anniversary of the outbreak of ethnically-targeted violence in Darfur, and the regime remains undeterred in pursuing the ambition articulated in August 2004 by Musa Hilal, the most notorious of the Janjaweed militia leaders. In a memo of policy that went to all the security services deployed by Khartoum, Hilal declared that his task and

that of other Arab militia forces was to “change the demography of Darfur” and “empty it of African tribes” (Julie Flint and Alex de Waal, *Darfur: A Short History of a Long War*; Zed Books, 2005). Those who quibble about issues of “genocidal intent” in Darfur cannot have read this memo with comprehension.

How can we be sure that Khartoum remains committed to the ambition to “change the demography of Darfur” and “empty it of African tribes”? Last year the UN reported that almost 500,000 people were newly displaced, overwhelmingly from African tribal groups; since this includes only those people registered by UN agencies, the actual number is likely much higher. It is the greatest number of newly displaced civilians since the very beginning of the genocide. And throughout the Darfur genocide human displacement has always correlated highly with violence, indeed is our best measure of the extent and locations of violence. The total figure, acknowledged implicitly as an under-estimate by the UN, is now 2.4 million people registered as displaced persons. Many of course never make it to the camps, either dying or living in other, typically tenuous circumstances. Many have fled to eastern Chad. Almost always forgotten are the 380,000 Darfuri refugees in eastern Chad, and their number has grown sharply over the past several years. Ominously, the Internally Displaced Persons (IDP) camps to which people flee are increasingly under-served or simply inaccessible to the humanitarian community—both because of rapidly escalating insecurity and intensifying hostility on the part of the regime to all relief organizations, UN and nongovernmental.

The UN has not offered a mortality estimate for seven years—and even then it was a crude calculation, excluding a great deal of data. The figure promulgated by the chief UN humanitarian official in April 2008 was 300,000 dead from violence and the direct consequences of violence; this was sufficiently staggering that it continues to be cited by nearly all news organizations. In fact, surveying all the data extant in August 2010, I concluded that the mortality figure should be much closer to 500,000. If I am right—and I’ve received no correction from any epidemiologist—then 200,000 lives statistically elided from reporting on Darfur because, as one senior UN official informed me, the UN was simply too fearful to conduct further mortality studies. Indeed, Khartoum has made brutally clear its opposition to any reporting on mortality, malnutrition rates, or the vast epidemic of sexual violence that is a primary weapon of war in Darfur.

I have been haranguing the UN for years about the failure to provide credible data on malnutrition in Darfur, to no avail. Last fall, however, I received from a highly reliable source an internal UNICEF document giving a statistical overview of malnutrition throughout Sudan, including separate figures for Darfur. The levels of malnutrition are utterly shocking, and while I can’t offer even a summary of this highly revealing report, I can report one key statistic that tells us far too much.

Global Acute Malnutrition (GAM) is perhaps the single most important humanitarian indicator, especially for children under five years of age. In a war zone the threshold for a humanitarian emergency among young children is a

GAM rate of over 10 percent within the population. In North Darfur, two years ago, the GAM rate for “under fives” was 28 percent, almost three times the humanitarian emergency threshold. In the intervening two years, North Darfur has seen the worst of the violence in Darfur, particularly in the more heavily populated eastern Jebel Marra region, west of el-Fasher, capital of North Darfur. There is every reason to believe that the violence in North Darfur, in addition to displacing a disproportionate number of civilians, has compromised agricultural production; it has certainly made humanitarian access extremely challenging. The UN’s World Food Program in particular is desperately short of “implementing partners,” those who actually distribute the food that WFP brings to major towns, but not to individual locations and most IDP camps. Rations per person have been repeatedly, sometimes arbitrarily cut.

Indeed, even such access as presently exists may collapse entirely in the near future, as more and more humanitarian organizations withdraw because of insecurity or because they are expelled by Khartoum (more than twenty-five organizations have been expelled to date, often having to endure rapacious “asset stripping” on departure). The dismaying failure of the UN/African Union “Hybrid” Mission in Darfur (UNAMID) will likely culminate on the occasion of the next meeting of the Security Council to vote on re-authorizing the Mission (its current authorization ends in four months). The Mission in meaningful form will almost certainly not be re-authorized, not with the reality of Russia and China poised to veto any re-authorization not approved by Khartoum. For its part the regime has demanded that UNAMID expeditiously draw up an “exit strategy” and indeed withdraw from Sudan, even as the Mission has proved hopeless in protecting civilians and humanitarians. It will almost certainly go down in UN peacekeeping history as its greatest failure.

The obstacles were formidable, given Darfur’s remoteness and the transport and logistical challenges. Moreover, from the beginning Khartoum, in violation of yet another agreement—the Status of Forces Agreement signed in February 2008—has obstructed, harassed, impeded, threatened, and killed UNAMID personnel. The murder of UNAMID soldiers is typically the work Khartoum-allied militias, but there can be no doubt about sponsorship.

It must also be said UNAMID never had adequate material support from militarily capable nations in the West—or the Arab world or India or Japan or Brazil, or indeed the African Union; a particular shortcoming was in the failure to provide the number of helicopters essential in a region as large as Darfur. With its cumbersome, indeed unprecedented “hybrid” nature and Khartoum’s unrelenting hostility—as well as the lack of equipment, trained men, logistics, and a coherent command structure—UNAMID was set up to fail. And it has by any measure. Since the Mission formally took up its mandate on January 1, 2008, more than 2 million Darfuris have been newly displaced, some for the second or third time. Here it is important to note again that from the very beginning of the genocide, displacement and violence have correlated extremely highly. That has certainly been the case even after UNAMID’s deployment as the successor force to the hopelessly inadequate African Union Mission in Sudan (AMIS). There have been

more than 100,000 killed in the years in which UNAMID was providing civilian protection.

Sexual violence in Darfur has finally made it into the news with a report from Human Rights Watch about the rape of more than 220 women and girls (some as young as eight years of age) in Tabit, North Darfur. That the rapes were carried out by regular Sudan Armed Forces (SAF) soldiers made this a particularly terrifying event. Moreover, Human Rights Watch has been able to establish on the basis of interviews with defecting soldiers that men were ordered by their officers to rape women and girls. UNAMID's own initial investigatory report concluded simply that there was "no evidence of rapes," even as the investigators knew that the people being interviewed were closely scrutinized at every step by security personnel and gave only obviously scripted answers.

But an internal UNAMID document describing this deep intimidation reached me some days after the event; my publication of this report—along with a dispatch by Agence France-Presse—infuriated Khartoum, which demanded that UNAMID immediately draw up an "exit strategy." Given the expense of UNAMID, and its failure as a mission, the UN Department of Peacekeeping Operations—particularly its feckless chief, Hervé Ladsous—was happy to oblige. The force had already been drawn down by 6,000 personnel on the basis of Ladsous' wholly factitious finding in 2012 that security had improved sufficiently to allow for the draw-down (violence was escalating at the very moment Ladsous made this determination). Further, according to one reliable report the UN deployed 400 4x4 vehicles from Darfur to Western Africa to assist in the Ebola crisis. They have not returned, leaving UNAMID even less mobile than previously.

But as ghastly as the rapes at Tabit were, they are still only symptomatic. I have written extensively on the use of rape as a weapon of war in Darfur—and as a form ethnic/racial aggression—and surveyed all the reports that have been produced on the subject (obviously none is recent). Using these reports and the myriad dispatches from Radio Dabanga, covering all of Darfur, I believe that we must assume many tens of thousands of women and girls have been raped over the past twelve years—often gang-raped, raped in front of their families, and scarred or branded to ensure that in the conservative Muslim society of Darfur, a terribly disgracing event will not be forgotten or overlooked. The campaign of rape has had devastating physical and emotional consequences for these women and girls. Many have either been shunned by husbands and families or sunk into deep clinical depression; many will never be able to marry; many, especially children, have died from the trauma.

Predictably, Khartoum both denies that any rapes could possibly have occurred at Tabit—and yet refuses UNAMID investigators further access. The regime's denier-in-chief is Foreign Minister Ali Karti, recently invited to the National Prayer Breakfast, nominally hosted by the Congress. In other words, in your name, Congressmen, using a multi-year, multi-entry visa granted by the State Department, a man who denies atrocity crimes for the regime was invited as the "cultivated face" of the regime to this interfaith event. Evidently no consideration

was given to the fact that Ali Karti was appointed head of the particularly brutal paramilitary force known as the Popular Defense Forces in 1997, thereby assuming command responsibility for some of the worst atrocity crimes of the war in South Sudan and the Nuba Mountains.

Radio Dabanga, which reported on the Tabit rapes the day after the orgy of violence ended, is a news outlet created by Darfuris in exile in The Netherlands, and has chronicled in excruciating detail over the past six years countless incidents of rape, gang-rape, mass rapes, the rape of young girls, and the indifference that inevitably greets complaints from the victims. We know as much as we do about the massive escalation of violence in Darfur, again especially North Darfur, primarily because of Radio Dabanga. It has been a voice of truth and courage, with an extensive network of contacts on the ground in Darfur; its reports are authoritative, highly detailed, and reflect the ideals of Western news reporting. It is almost universally ignored.

The Nuba Mountains of South Kordofan

Turning to the Nuba Mountains, we are seeing a reprise of the campaign of human annihilation that defined most of the 1990s for the African peoples of this region, a campaign that very nearly succeeded. There is presently a complete embargo on humanitarian assistance to civilians in rebel-controlled areas; relentless, indiscriminate aerial attacks have destroyed much of the Nuba's agricultural production; people have been forced from their homes and villages to live in caves or flee to South Sudan; hospitals, schools, and churches are targeted; there is, in short, a campaign of civilian destruction that is in high gear. Here is a brief excerpt from the August 31, 2014 minutes. The speaker is General Siddiq Amer, Director of Military Intelligence and Security:

“This year the Sudan People's Army [Sudan People's Liberation Army-North] managed to cultivate large areas in South Kordofan State. We must not allow them to harvest these crops. We should prevent them. Good harvest means supplies to the war effort. We must starve them, so that commanders and civilians desert them and we recruit the deserters to use them in the war to defeat the rebels.” (emphasis added)

“We must starve them.” This is a fully accurate translation of the Arabic at this point in the meeting minutes. The regime has been as good as Siddiq's words, and there have been multiple reports of sorghum crops burning before harvesting last fall, as well as aerial and ground attacks against food storage sites. One humanitarian organizations that retains a tenuous and very risky presence in the Nuba Mountains reported privately that:

The Sudan Armed Forces has been deliberately burning large community farms, estimated to be as much as 400-500 fedans of sorghum fields in Dalami County. One fedan of cereal crops provides between 3-6 months of staple grain for a family of six. Thus, 500 fedans equates to 1,500 people with no staple food for a year. (confidential source)

This is one part of one county in South Kordofan. Despite the commitment to resolve the crisis in the Nuba Mountains militarily, the Sudan Armed Forces and the Rapid Response Forces (RSF, the new Janjaweed) have met stiff resistance from the Sudan People's Liberation Army-North (SPLA-N). In fact, the SPLA-N has recently inflicted several significant defeats on Khartoum's forces, each time capturing more weaponry, ammunition, supplies, and intelligence.

Since Khartoum is waging a similar campaign in Blue Nile State to the east, in addition to war in Darfur, its military forces are stretched very thin—hence the continuing emphasis on recruiting more RSF fighters. But many of these young men and boys have no real military training, are motivated primarily by promises of easy booty, and are quickly demoralized, as are many of the unwillingly conscripted soldiers in the SAF. By contrast, the SPLA-N is highly motivated, soldiers knowing that they and their families will be destroyed if they lose this war. My own experience in the Nuba, talking with many civilian and military leaders, convinces me that the people there they will indeed fight to the death.

Khartoum's response has been to refuse all meaningful peace negotiations with rebels in any of the conflict areas, and to recommit to an even more ambitious military response, however many civilians are killed or displaced. It refuses to grant any humanitarian access to the more than 1.5 million people in rebel-controlled areas of South Kordofan and Blue Nile. For again—and this fact governs all Khartoum can and will do—the regime is fighting knowing that the ticking time-bomb of economic implosion is about to go off. If possible, their methods of violent destruction have become even more extreme.

This is the regime with which the Obama administration is evidently seeking rapprochement.

Rapprochement between Khartoum and the Obama Administration

How do we reconcile all this with the outspoken words of Senator, candidate, and President Obama, who has repeatedly, explicitly labeled Darfur the site of genocide? His trip to eastern Chad in 2006 would certainly have provided him with the opportunity to speak with victims of Khartoum's genocidal counter-insurgency war against the African tribal groups in Darfur, perceived by Khartoum as the civilian base of support for the rebel groups. A year later, comparing Darfur to Rwanda and Bosnia, presidential candidate Obama made a promise about what he would do as President of the United States:

“When you see a genocide in Rwanda, Bosnia or in Darfur, that is a stain on all of us, a stain on our souls. . . . We can't say ‘never again’ and then allow it to happen again, and as a president of the United States I don't intend to abandon people or turn a blind eye to slaughter.” (Video recording available at: <http://www.youtube.com/watch?v=QEd583-fA8M#t=15>)

But it is clear that the Obama administration has in fact abandoned the people of Darfur, of South Kordofan, and of Blue Nile. I would also argue that in trying to be done with South Sudan as a policy concern, the Obama administration irresponsibly pressured the government in Juba to “compromise” further on the historically important Abyei region straddling the North/South border. This was entirely unreasonable, and as some of the most acute students of Sudan said at the time, deeply counter-productive. For what then-Senator John Kerry, special envoy Gration, and Secretary of State Hillary Clinton were pressuring the government of South Sudan to do was compromise in ways that went well beyond the compromises already contained in the Abyei Protocol of the Comprehensive Peace Agreement (January 2005), and also went beyond the recommendations of the Abyei Boundaries Commission stipulated by the CPA (July 2005). Indeed, in fall 2010 they were pressuring the nascent government of South Sudan in Juba to “compromise” further than the “final and binding” terms stipulated by the International Court of Arbitration (July 2009)—committed to in advance by both Juba and Khartoum. The ruling, questioned by a number of experts, was highly favorable to Khartoum; Juba nonetheless accepted this further reduction in the area of Abyei that was guaranteed its own self-determination referendum by the CPA.

Khartoum, it soon became clear, never intended to allow for such a referendum to take place, and when a military build-up around Abyei began in early 2011, there was a last chance for the U.S. and others to warn Khartoum off such aggression. Khartoum, seeing there was no willingness to defend the South’s interests in Abyei, began on May 20, 2011 a two-day campaign that effectively seized all of Abyei. The protests from the UN, the U.S. and others that followed were tepid and inconsequential—yet another signal to Khartoum, and no doubt part of the reason the regime felt so confident in beginning hostilities in South Kordofan just two weeks later (June 5, 2011). And even then special envoy Lyman continuously played down the significance of the murderous, ethnically-targeted—and well documented—campaign against all Nuba in and around Kadugli, capital of South Kordofan; he refused to credit reports of mass graves, even as they were being confirmed by the UN human rights officers on the ground and the Satellite Sentinel Project with unambiguous satellite imagery. Lyman refused to credit Khartoum’s ambition to destroy the Nuba people, despite clear evidence from human rights groups and intrepid reporters that agriculture and livelihoods were the primary targets of a massive bombing campaign that continues to this day.

Given all this, given Obama’s declaration that “as a president of the United States I don’t intend to abandon people or turn a blind eye to slaughter,” what can account for his administration’s consistent refusal to devise a strategy, presumably with European and other allies, to bring sufficient pressure on the Khartoum regime to compel a change in its genocidal ways?

To be sure, there are many foreign policy issues and crises on the administration’s plate at the moment, particularly ISIS and Ukraine. We might expect that Darfur would not get the full attention it deserves despite being the scene of ongoing

slaughter. But it is the misfortune of Darfur's victims to be black, Muslim, and without great natural resources underground. Beyond this, however, Darfur has an even greater misfortune: in the elaborate steps of quid quo pro arrangements that are currently part of a "rapprochement dance" between Washington and Khartoum, Darfur was long ago traded out. Indeed, in November 2011 a "senior State Department official" announced that when it came to counter-terrorism, and terrorism issues more broadly, Darfur had been "de-coupled." This is not a word of my invention, but rather the word of an unnamed senior figure in the State Department, recorded in an official transcript of the November 8, 2011 meeting.

There were of course also the obligatory words about continuing concern:

"[By de-coupling Darfur] we would in no way undermine the importance that we attach to having a resolution of the humanitarian and political problems that have plagued Darfur for the last decade"

But this was all for show: the signal given to Khartoum by the Obama administration's "de-coupling" of Darfur was that the regime could do what it wished in the region and this would not affect the singularly important strategic issue in the bilateral relationship: concern for terrorism and counter-terrorism intelligence on the part of the U.S., and a desire for international rehabilitation by Khartoum, along with the lifting of U.S. sanctions. Khartoum, all too predictably, read the "de-coupling" statement in precisely this fashion. Of note, since November 2011 approximately 1 million Darfuris have been newly displaced; as I have noted, last year alone approximately 500,000 civilians were newly displaced, more than in any year since candidate Obama declared that Darfur was the site of genocide—and this year promises to be worse.

The most basic fact about Obama's Sudan policy is that it is governed by a lust for counter-terrorism intelligence from Khartoum, something that extends back to the Bush administration. The U.S. has already spent or will spend several hundred million dollars on a new embassy in Khartoum, designed to be the "listening post" for northern Africa. Some \$200 million has already been expended and yet the embassy is not equipped with what will be necessary for it to serve its intended purpose.

And there can be no doubt that North and East Africa will be areas of ongoing terrorist activities—radical Islamic groups, jihadis, and apparently ISIS are making their presence felt, as Khartoum well knows. But in the lust for counter-terrorism intelligence, is the administration getting anything like what it bargained for in this deal with the devil? a deal that entails the "de-coupling" of Darfur and the abandonment of efforts to secure humanitarian relief for highly distressed populations in South Kordofan and Blue Nile?

I have in recent years become something of a magnet for confidential and leaked information, a strange experience, even as the phenomenon seems to be self-reinforcing. The most potent confidential documents that have come to me in my entire sixteen years of Sudan research and advocacy are the minutes for two key

meetings attended by the most senior military and security officials of the regime: one set of minutes for a meeting of August 31, 2014, and very recently the minutes for a meeting of July 1, 2014—this one attended by President al-Bashir. In the August 31 minutes—which have been thoroughly vetted by experts for months now, with an overwhelming consensus that they are authentic—Defense Minister Hussein again offers words whose implications are worth considering closely:

America is facing the crisis of the ISIS and the other Jihadist movements that are newly formed and can move freely outside the traditional surveillance networks. Currently, there are twenty thousand (20,000) Jihadists and fifteen (15) newly formed Jihadist Movements who are scattered all over, from Morocco to Egypt, Sinai, Palestine, Lebanon, Iraq, all the Gulf States, a wide presence in Africa and Europe and nobody owns a data-base on that as the one we have. We release only limited information to the Americans and according to specific requests; the price is the armed movements file.

We may take Hussein at his word here about the parsimonious conveyance of counter-terrorism intelligence to the U.S. Indeed, it has long been the opinion of many that Khartoum gives very little of value. What is most alarming is the assertion that in order to get even this counter-terrorism intelligence, some part of the U.S. government is providing payment in the form of “the armed movements file.” Do the “armed movements” include the Sudan People’s Liberation Movement/Army North? The only force that stands between Khartoum’s military forces and the annihilation of the Nuba people? I cannot obtain a convincing answer from the U.S. government or even an acknowledgement that the document containing these minutes exists.

Moreover, Khartoum is hardly out of the terrorism business itself and the minutes for the August 31 and July 1, 2014 meetings make clear Khartoum’s support for radical Islamist groups, including armed groups such as Hamas in Gaza, the Houthis in Yemen, the Libya Dawn movement in Libya, and Séléka in Central African Republic. Minutes from the August 31 meeting make abundantly clear, and in detail, Khartoum’s view of Iran as its strategic ally in the region; Iran is of course also one of the four countries remaining on the U.S. State Department’s list of state sponsors of terrorism. In addition to Hussein’s comments, the minutes at various points indicate the vast amount of regional intelligence on terrorism and radical Islamist/jihadist groups that the regime possesses. It is certainly not a regime that has any intention of surrendering its place in the world of radical Islam or becoming an ally in the war on terror.

By inviting regime officials like Ibrahim Ghandour to Washington, by lifting sanctions even partially, by sending a State Department official to Khartoum, and by offering the reassuring words of Princeton Lyman (“we don’t want to see regime change),” we are sending the worst possible signal to a militaristic, genocidal regime that has lost all sight of the importance of economic well-being for the people it rules with fear and brutality.

It is difficult to imagine a Sudan policy that does more to renege on candidate Obama's commitment: "As a president of the United States I don't intend to abandon people or turn a blind eye to slaughter." Sudan today is engulfed by ethnically-targeted slaughter, in Darfur, in South Kordofan, and in Blue Nile. By engaging with Khartoum on present terms, the Obama administration is, precisely, "abandoning" Sudan's long-suffering people. Certainly it is only with a "blind eye" that one can survey the immense landscape of human suffering and destruction wrought by the Khartoum regime and not be moved to action.

Submitted electronically, February 27, 2015 by

Eric Reeves

Human Rights Watch, "Mass Rape In Darfur"

February 11, 2015

[Click here for full report.](#)

Summary

Over the course of 36 hours beginning on October 30, 2014, Sudanese army troops carried out a series of attacks against the civilian population of the town of Tabit in North Darfur, Sudan. The attacks included the mass rape of women and girls and the arbitrary detention, beating and ill-treatment of scores of people. The government of Sudan has denied that any crimes occurred and has prevented the African Union-United Nations Hybrid Operation in Darfur (UNAMID) from carrying out a credible investigation of the incident.

From research conducted remotely in November and December 2014, this report documents 27 first-hand accounts of rape, often by multiple perpetrators, and credible information about an additional 194 incidents of rape. Based on more than 130 interviews, the report provides a detailed account of the serious violations of international law that took place in Tabit from October 30 to November 1.

Sudanese government forces carried out the rapes and other abuses during three distinct military operations against the town during the 36-hour period: the first beginning the evening of Thursday, October 30; the second on the morning of Friday, October 31; and the third starting that evening and continuing until the following morning, November 1. Human Rights Watch found no evidence of a presence of any rebel force in the town immediately prior to or during the attacks.

Witnesses told Human Rights Watch that during each of these attacks, government soldiers went house-to-house in Tabit, searching houses, looting property, severely beating residents, and raping women and girls. On the two nights, soldiers forced many of the men to outdoor locations on the outskirts of the town, leaving the women and children especially vulnerable. The soldiers detained the men en masse, and threatened and physically abused them throughout the night.

Residents recognized some of the soldiers as among those stationed at the Sudanese Armed Forces (SAF) base on the outskirts of Tabit. Two soldiers who later defected to a rebel group, the Sudan Liberation Army/Abdul Wahid, told Human Rights Watch that other soldiers came from bases in El Fasher, the North Darfur capital 55 kilometers northeast of Tabit, and from Khartoum.

The aims of the military operations against Tabit are unclear. Numerous residents told Human Rights Watch that government soldiers entering their homes said that

they were looking for a soldier who had been abducted and to punish his captors. One soldier who later defected told Human Rights Watch that they had been ordered to search for and punish rebel supporters in the town because of information that rebel forces deployed outside the town were planning to attack the SAF base. Two soldiers who had participated in the operations said that superior officers had ordered them to “rape women” because the women were rebel supporters.

Rape and other serious abuses against civilians in Tabit are serious violations of international humanitarian law (the laws of war) and international human rights law. Military personnel who participated in, aided or abetted, or ordered rape are responsible for war crimes. Commanding officers who knew or should have known of the mass rape – and took no action to prevent it or punish those responsible – are criminally liable as a matter of command responsibility.

The mass rape of women and girls in Tabit may amount to crimes against humanity. Crimes against humanity are serious offenses, including murder, torture and rape, committed as part of a widespread or systematic attack on a civilian population. As Human Rights Watch research has found, the rape was on a large scale and thus could be considered widespread. It was carried out in multiple locations at the same time during the course of three successive attacks on the civilians in the town, indicating it was systematic.

Since the attacks, Sudanese government officials, military commanders, and traditional leaders responsible for Tabit have taken drastic measures to prevent information about the rapes and other abuses from becoming public. They have threatened, intimidated, beaten, detained, and tortured residents of Tabit to prevent them from speaking out about what took place. The authorities have also repeatedly denied UNAMID and other investigators access to the town.

The Sudanese government-appointed Special Prosecutor for Crimes in Darfur visited Tabit on November 20; but amid a large government presence residents were too afraid to report what had occurred and he concluded that no crimes had been committed.

Most of the rape victims interviewed by Human Rights Watch said they were unable or unwilling to be treated at Tabit’s limited medical facilities because they feared arrest and further physical abuse by government officials.

Although UNAMID’s mandate includes the protection of civilians, it has not been able to undertake a credible investigation of the incident. On November 9, a UNAMID Integrated Field Mission visited Tabit for several hours, and, the following day the mission said in a statement it found no evidence to support the allegations of mass rape but failed to mention that UNAMID staff members were in the town in the presence of government security officials. Since then, UNAMID’s numerous attempts to obtain permission to enter Tabit have been rejected by the government.

The UNAMID statement and Sudan's denials that crimes had occurred have contributed to the UN Security Council's failure to ensure a strong international response to the incident, with Russia adopting the position that no crimes occurred. The African Union's Peace and Security Council has also failed to respond publicly.

The Tabit atrocities demonstrate the continuing and urgent need for a professional and independent force that can help protect civilian populations in Darfur from attack. It also underscores the reality that the current UNAMID force has been hamstrung in its performance and in the implementation of its core mandate.

The UN and AU's current review of UNAMID should focus on how to urgently improve and bolster the ability of UNAMID to protect people from the kinds of attacks that occurred in Tabit, and effectively investigate human rights abuses without endangering victims and witnesses.

The exact number of women and girls who were raped or subjected to sexual violence by Sudanese military personnel in Tabit will not be known until independent and impartial investigators with expertise in sexual and gender-based crimes are granted unfettered access to Tabit and town residents feel safe to share their experiences without fear of retaliation.

Human Rights Watch calls on the UN Security Council, the AU Peace and Security Council, and UNAMID to take concrete steps to protect civilians in Darfur from further abuse, ensure access to medical care for victims, and see that those responsible for crimes in violation of international law are brought to justice.

Recommendations

To the Government of Sudan

- Immediately issue clear, public orders to the Sudanese armed forces, military intelligence, and allied militia to stop all abuses – including harassment, intimidation, arbitrary arrests, and restrictions on freedom of movement – against Tabit residents for speaking out or seeking to enforce their rights concerning crimes committed in the town.
- Immediately allow UNAMID, humanitarian agencies, and human rights organizations unfettered access to Tabit.
- Ensure the urgent provision of comprehensive and non-discriminatory health services to women and girls who have experienced sexual violence.
- Ensure that any abusive forces are removed from Tabit, and that all military personnel, regardless of rank, implicated in abuses including as a matter of command responsibility are fully held to account.
- Immediately release all individuals who are arbitrarily detained, including those held for speaking about abuses in Tabit.
- The Ministry of Justice should ensure that the Office of the Prosecutor, whether in collaboration with the Special Prosecutor for Crimes in Darfur

or acting independently, should carry out a comprehensive, credible and impartial investigation into alleged crimes committed in Tabit with the view to prosecuting those responsible.

To UNAMID, the African Union-United Nations Hybrid Operation in Darfur

- Continue to demand access to Tabit in order to establish a permanent presence in the town, such as an operating base, and implement proactive patrols in and around the town to protect civilians.

To the United Nations Security Council

- Demand in a resolution that Sudan allow UNAMID immediate and unrestricted access to Tabit, including to establish a permanent presence such as an operating base.
- Impose travel bans and asset freezes on individuals responsible for the attacks on Tabit, and for the continued obstruction of peacekeepers and UN investigators

To the African Union Peace and Security Council

- Condemn the attacks and urgently dispatch a heads of state mission to Khartoum to discuss UNAMID access issues with Sudan's government.
- Support a special investigation by the OHCHR and offer to contribute investigators or experts in sexual and gender-based violence.

To the UN Office of the High Commissioner for Human Rights

- Given the failure of UNAMID to conduct a proper investigation in Tabit, the Office of the High Commissioner for Human Rights should create a special investigative team with expertise in sexual and gender-based violence to conduct an investigation into alleged abuses in Tabit. If independent access is not granted, the team should investigate through telecommunications, interviews outside of Tabit, and other remote research methods.

To the International Criminal Court (ICC)

- The Office of the Prosecutor should investigate, to the extent possible, the allegations of rape and other crimes within the ICC's mandate.

To African Union Special Envoy on Women, Peace and Security, the African Commission on Human and Peoples' Rights, the UN Special Rapporteur on Violence Against Women and the UN Special Representative of the Secretary-General on Sexual Violence in Conflict

- Urgently visit Sudan to raise the issue of sexual violence by Sudanese forces with senior government official.

- Encourage UN agencies and humanitarian aid groups to take steps to ensure victims of sexual abuse in Tabit and throughout.