

# REFUGEES AND IDPs IN SUDAN THE CRISIS CONTINUES

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## HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

ONE HUNDRED AND ELEVENTH CONGRESS  
SECOND SESSION

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SEPTEMBER 30, 2010

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TOM LANTOS HUMAN RIGHTS COMMISSION

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# CONTENTS

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## WITNESSES

Eric P. Schwartz, Assistant Secretary, Bureau of Refugees, Population, Migration, U.S. Department of State .....	2
Vincent Cochetel, Representative to the United States and the Caribbean, UNHCR – United Nations High Commissioner for Refugees .....	18
Michel Gabaudan, President, Refugees International .....	28
Thon Chol, Former Executive Director, Sudanese Community of Western Michigan and Unaccompanied Refugee Minor from Sudan .....	39
Elizabeth Kuch, Board Member of the Lost Boys & Girls of Sudan National Network and Former Unaccompanied Refugee Minor from Sudan .....	44

## LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of Eric P. Schwartz .....	4
Prepared Statement of the Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey and Member of the Tom Lantos Human Rights Commission .....	7
Prepared Statement of the Honorable Donna F. Edwards, a Representative in Congress from the State of Maryland and Member of the Tom Lantos Human Rights Commission .....	9
Prepared Statement of Vincent Cochetel .....	22
Prepared Statement of Michel Gabaudan .....	31
Prepared Statement of Thon Chol .....	41
Prepared Statement of Elizabeth Kuch .....	46

## APPENDIX

Hearing Notice .....	55
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## REFUGEES AND IDPs – THE CRISIS CONTINUES

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THURSDAY, SEPTEMBER 30, 2010

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

The commission met, pursuant to call, at 2:30 p.m. in Room 2226, Rayburn House Office Building, Hon. James P. McGovern [cochairman of the Commission] presiding.

Cochairman McGOVERN. We will begin, and I want to welcome everyone to this hearing. I want to thank all of you and our witnesses for braving the bad weather. I think some of you came here by canoe, but we very much appreciate you being here. Before I begin my remarks, I would like to thank Galina Russell and Lars de Gier and Hans Hogrefe and Elizabeth Hoffman on the commission staff for helping to coordinate today's hearing.

Now, I didn't think I would ever say this, but the sad fact is that the international humanitarian crisis of Sudan's internally displaced and refugees seems to have fallen off the radar screen. A couple of years ago, you would find frequent articles about the refugees in Darfur, the camps in eastern Chad, which I visited, but no longer. This is a very serious matter, not only because the crisis continues, but in order to rally international action and provide the level of necessary resources, the crisis needs to be kept in the spotlight.

In Darfur, the humanitarian crisis endures, and continuing fighting and attacks against villages and civilian populations only increase the size of the internally displaced population. Khartoum's continuing hostility towards international humanitarian aid workers only serves to increase the uncertainty and insecurity of the IDP populations in the camps.

In southern Sudan, the return of the population displaced by the long north-south conflict continues to be difficult. In addition, inter-tribal fighting, attacks by a unit of the Lords of Resistance Army, and other criminal bands, coupled with evictions and other local government actions, have created an environment of insecurity and increasing displacement. This situation is very troubling in its own right, but even more so given the importance of the upcoming referendum in January on southern Sudan's future status in self-determination. And neighboring countries, such as Chad and the Central African Republic, continue to house hundreds of thousands of Sudanese refugees, mainly from Darfur.

This is the painful continuing crisis that the commission has asked our distinguished witnesses to address today. We will hear from the State Department, the UNHCR, Refugees International, and Sudanese familiar with southern Sudan because they were once among those children who came to be known as the Lost Boys or the Lost Girls of South Sudan. And before I introduce our first witness, I

want to also thank Ari Levin, who is new on our staff, and we want to thank him for his work in putting today's hearing together.

And so without further ado, I want to welcome our first witness, Assistant Secretary of State for Population, Refugees, and Migration, Eric Schwartz, and a great friend, and a person who has been very sensitive to these issues for many years, and I appreciate all of your work and the work of this administration, and we welcome your testimony. Thank you.

Mr. SCHWARTZ. [off-mic.] -- in a variety of capacities, and I think probably starting at Human Rights Watch Asia in the late 1980s, although I don't want to reveal my age by --

Cochairman McGOVERN. We all looked younger.

**STATEMENT OF ERIC P. SCHWARTZ, ASSISTANT SECRETARY,  
BUREAU OF REFUGEES, POPULATION, MIGRATION, U.S.  
DEPARTMENT OF STATE**

Mr. SCHWARTZ. Well, first, before I began my prepared remarks, let me applaud you for focusing attention on this issue. I couldn't agree more with you. The critical importance of focusing attention on this, it has been of great importance to me, and I think we need to look at a variety of issues, which is why our bureau was deeply involved in the discussion about the presence of the MINURCAT mission in eastern Chad, which is now leaving, which is I think a source of real concern; why I jumped at the chance to appear at this hearing, why I am going to be visiting Chad and hopefully Sudan in early November. And so I think what you are doing and what you are trying to do by focusing attention on these issues is critical.

I also want, as a resident of eastern Montgomery County, I also want to thank my own congressperson, Representative Donna Edwards, for her role I know she played in promoting this hearing. Our Bureau, the Bureau of Population, Refugees, and Migration, we provide a range of aid. And I will speak for about eight minutes, as I have been instructed, so you know how long I am not going to speak for. We provide a range of aid for refugees and conflict victims across Sudan and in neighboring countries. It amounted this year to well over \$100 million. There are about 4-1/2 million refugees and internally displaced persons, IDPs, in Sudan, and from Sudan in neighboring countries.

Our ultimate goals are to enable the protection of their basic human dignity and their basic rights, and to facilitate durable solutions to their displacement and to help ameliorate their suffering.

Allow me to begin with southern Sudan, and allow me to welcome Representative Smith as well. We recognize that the ultimate solutions to the humanitarian problems in Sudan and anywhere else are good, smart, inclusive political agreements and a reconciliation process that works. That is the dilemma of humanitarians everywhere. The problems we are trying to solve are not solvable with the tools that we have.

So with just over three months to go until the referenda on southern independence, the U.S. Government is using the tools at our disposal to help ensure that the January referenda in the South occur on time and reflect the will of the

Sudanese people. At the same time, and no matter what political events transpire over the next several months, we will remain directly focused on the humanitarian situation. In southern Sudan, we are supporting return of refugees and reintegration, and in light of upcoming events, seeking to ensure that the humanitarian organizations that are out there are prepared to respond to a range of humanitarian developments, not all of which -- we don't know exactly how it is going to happen, but we can envision a variety of scenarios.

We are also focused on preventing statelessness. Should there be a vote in favor of independence, statelessness of southerners who want to remain in the North and northerners who want to remain in the South, and of refugees who are still outside the country. I was in New York last week at the opening of the U.N. General Assembly. I saw both the Sudanese Foreign Minister Kharti and the government of southern Sudan's minister of regional cooperation, Deng Alor. And I urged them to reach agreements that would ensure against statelessness.

Let me depart from my prepared remarks. I also -- the point I made to the foreign minister is, you know, when he described to me the challenges, I said that this is about political leadership. Political leaders have to set the tone to ensure the kind of reconciliation process that is going to work. The ministers respectively invited me to visit Khartoum and Juba, and we are looking at whether and when a visit to continue the dialogue on these issues might be valuable.

Since 2005, more than 2 million people have returned to their homes in southern Sudan in the three areas of Blue Nile, Abyei and Southern Kordofan. The majority of have been IDPs, internally displaced persons, but more than 340,000 have returned from camps and from settlements in Ethiopia, the Central African Republic, Uganda, Kenya, Egypt, and the Democratic Republic of the Congo to return to southern Sudan.

Our assistance helps to meet the needs of these returnees, and although they have slowed, these returns have slowed, in advance of the referendum, we stand ready to provide support for many tens of thousands of refugees or more who could be returning next year. The U.S. also remains deeply concerned about the pressing humanitarian situation in Darfur. And even as we focus on humanitarian issues, we can't lose sight of the human rights situation and the requirements of justice. As President Obama said last week in New York, no lasting peace is possible without accountability for the crimes committed, and that rules and universal values must be upheld.

In Darfur, we assist internally displaced Sudanese and also provide support for about 40,000 Chadian refugees. Our bureau provides support through two partners, the U.N. High Commission for Refugees, UNHCR, and the ICRC, and we work very closely with our partners at USAID, which is supporting a range of other assistance providers. In fact, the work of USAID in Sudan is critical.

The humanitarian situation in Darfur continues to pose enormous challenges, in particular the challenge of access for humanitarian providers. And just as in Darfur, providing protection and assistance for some of the 270,000 Sudanese refugees in eastern Chad, as well as about 170,000 internally displaced Chadians is a huge challenge, given the insecurity there in particular.

In this fiscal year, we provided about \$50 million in support for these populations for programs focused on protection, focused on healthcare, focused on education, focused on water, and focused on sanitation. The withdrawal this year of the U.N. mission in eastern Chad, or MINURCAT, done at the behest of the government of Chad, will remove important security capabilities from the area, and we are now focused on promoting other mechanisms for ensuring continued protection. In short, MINURCAT's withdrawal creates some serious issues, and we are working through how to address them, but we aren't there yet.

We are deeply engaged with our international partners and the government of Chad to develop effective means to address the security challenges faced after MINURCAT's withdrawal. Beyond our overseas efforts for Darfurees, U.S. resettlement has been a durable solution for some of the most vulnerable Darfurees, and we intend to modestly expand those efforts in 2011. It is a complicated issue, but resettlement of Darfurees is important.

I should also mention that Sudan has been a long-time host to refugees fleeing conflict in neighboring countries. At present, these include over 160,000 Eritreans in the east, who continue at a rate of 1,800 a month, more or less. Some 20,000 Congolese and Central Africans in the south, who have fled the Lord's Resistance Army, escaped attacks in their home countries, as did some 12,000 Ethiopians.

Third-country resettlement is also an important option for many of the most vulnerable, who have no other alternatives. And in fact, our government has resettlement -- our government and our people -- have resettled more than 30,000 Sudanese refugees over the last two decades. Most of them now are U.S. citizens, and they have developed vibrant communities throughout the country. I am pleased to say that in my visits over the past year to about seven cities around the country with resettled refugees, I have had the opportunity to meet some of these folks.

As I just mentioned, the ultimate way to address the humanitarian crisis is through political resolutions that include accountability and reconciliation. While working toward that end, we will continue to play our part in direct international humanitarian response, providing strong assistance to these populations and continuing to support bilateral and multilateral efforts to seek durable solutions, and a brighter future for the many vulnerable refugee and displaced populations in and around Sudan.

Thank you for your time and your interest in this issue, and I look forward to answering your questions.

[The statement of Mr. Schwartz follows:]

PREPARED STATEMENT OF ERIC P. SCHWARTZ

**A/S Schwartz's Opening Statement  
for the Tom Lantos Human Rights Commission  
Thursday, September 30, 2010, 2:30p.m.**

Good afternoon, it is a pleasure to be here today to testify on the refugee situation in the Sudan and its neighboring countries. The Department of State's Bureau of Population, Refugees, and Migration, provides a range of multi-sectoral assistance for refugees and conflict victims across Sudan and in neighboring countries, amounting to well over \$100 million in fiscal year 2010. There are over 4.5 million refugees and internally displaced persons (IDPs) in Sudan and from Sudan in the neighboring countries. Our ultimate goals are to enable the protection of their basic human rights and dignity and to facilitate durable solutions to their displacements. To this end, we support critical protection and assistance activities for these vulnerable populations. Let me briefly describe our key issues and populations of concern and share with you some thoughts on future



planning and programs. I hope to visit Sudan later this year, and would very much welcome your insights and recommendations today.

## **SOUTHERN SUDAN**

With just over three months to go until the referenda on southern independence, Sudan has entered a critical make-or-break period. The U.S. government is firmly committed to the North-South peace process in Sudan, and is using all the tools we have to help ensure that the January referenda in the South and Abyei occur on time and reflect the will of the Sudanese people. We have stepped up our diplomatic efforts, and are working with other nations and international organizations to help prepare for the referenda. We recognize that the ultimate solutions to humanitarian problems are good, smart, and inclusive political agreements and a reconciliation process.

At the same time, and no matter what political events transpire over the next several months, we will remain directly focused on the humanitarian situation. In southern Sudan, we are supporting refugee return and reintegration and, in light of the upcoming referendum on southern Sudan self-determination, ensuring contingency planning for the potential of renewed displacement. We are also focused on preventing statelessness – should there be a vote for independence – of southerners who want to remain in the north and northerners who want to remain in the south, and of refugees still outside of the country. During the most recent Sudanese civil war between the North and South, more than 4.5 million people were displaced. However, since 2005, more than 2 million people have returned to their homes in southern Sudan and the Three Areas of Blue Nile, Abyei and Southern Kordofan.

Cementing the transformation of southern Sudan from war to peace remains one of the U.S. government's top foreign policy objectives. The successful return and reintegration of refugees is PRM's signature contribution to this policy priority. Since the signing of the Comprehensive Peace Agreement in January 2005, more than 330,000 refugees have left camps and settlements in Ethiopia, the Central African Republic, Uganda, Kenya, Egypt, and the Democratic Republic of the Congo to return to southern Sudan. Our assistance, channeled through international organizations (IOs) and non-governmental organizations (NGOs), is helping to meet the basic needs of returnees and provide them with a start on livelihoods to sustain them in the future. With the referenda for southern Sudan and on the status of Abyei scheduled for January 9, 2011, returns have significantly slowed down. Should the referenda unfold peacefully, PRM will certainly provide support for the remaining 100,000 Sudanese refugees who could be returning next year -- from Ethiopia, Kenya, Uganda, and Egypt.

We are, of course, also aware of the potential for pre- and post-referenda-related violence, and are working within the U.S. government as well as with our international and non-governmental organization partners to ensure emergency preparedness for a range of scenarios. Of particular concern are the estimated between 1.5 and 2 million southern Sudanese living in northern Sudan, and a much smaller number of northern Sudanese living in the south. Depending on the environment surrounding the referenda and their outcome, southern Sudanese in the North are at risk of violence and intimidation (as are northerners in the South), and – in the absence of agreed upon measures relating to citizenship status – could be at risk of statelessness should the referendum be in favor of secession. To mitigate this risk, the U.S. government continues to press the Government of Sudan and the Government of Southern Sudan to address these citizenship and nationality issues now, in order to prevent statelessness in the future.

## **DARFUR**

As eyes around the world focus on southern Sudan, the United States has not forgotten the pressing humanitarian situation in Darfur. As we work toward providing life-saving services to the most vulnerable populations in Darfur, we do so always with an eye toward durable solutions. As President Obama stated last week in New York, no lasting peace in Darfur is possible without accountability for the crimes committed, and that “rules and universal values must be upheld.” Ensuring humanitarian access and preserving the sanctity of human rights and other universal values for those displaced from Darfur is an ever-present priority for the U.S. government.

In Darfur, we assist internally displaced Sudanese—victims of various conflicts between and among the Sudanese government, Sudanese rebel factions, Chadian rebels, and intra-tribal conflict—, and also provide support for approximately 40,000 Chadian refugees. PRM itself provides support through two partners, the Office of the UN High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), and works closely with USAID which is supporting other IOs and NGOs. The situation in Darfur continues to pose significant challenges to the humanitarian community. Ongoing conflicts between the Sudanese government and Darfur rebel groups, as well as sharp political divides among Darfuris have often limited humanitarian access and made project implementation and monitoring a challenge.

Just as in Darfur, providing protection and assistance for some 270,000 Sudanese refugees in eastern Chad is also challenging given insecurity and difficult environmental conditions. Conflict between Chadian rebels and the government has created some 170,000 internally displaced Chadians, many of whom are co-located with the refugees. In fiscal year 2010, PRM provided nearly \$50 million in support for these populations for programs focusing on protection, healthcare, education, water, and sanitation. We also provided support, through the UN Mission in the Central African Republic and Chad (MINURCAT), for police protection of refugee and IDP camps and relief operations in eastern Chad. With the withdrawal of MINURCAT starting next month, we are currently focused on mechanisms for ensuring continued protection. Among these mechanisms is the Chadian Integrated Security Detachment (DIS), the Chadian special police force that is in the process of assuming protection responsibilities in eastern Chad from MINURCAT. Over the last three years, PRM has provided \$4 million toward DIS operations and we have been deeply engaged in working with our partners to come up with effective and creative solutions to security challenges faced by refugees, internally displaced persons, and humanitarian workers in eastern Chad; and we remain committed to our continued involvement in this cause.

Though the Administration is pressing hard for a resolution to the conflict in Darfur through the ongoing peace process in Doha, and by pressing the Government of Sudan to do what it can to improve the security situation on the ground, we do not foresee an immediate resolution to the refugee and IDP situation. Resettlement of some especially vulnerable Darfur refugees to the United States is one durable solution that we hope to expand in 2011.

## **REFUGEES IN SUDAN**

Sudan has been a long-time host to refugees fleeing conflict in neighboring countries. At present, these include over 160,000 Eritreans in the east, some 20,000 Congolese and Central Africans in the south who have fled Lord's Resistance Army (LRA) attacks in their home countries, and some 12,000 Ethiopians who fled ethnic conflict in their home area of Gambella and who have found themselves in the midst of ethnic conflict in southern Sudan.

In eastern Sudan, new Eritrean refugees have been arriving at the rate of nearly 1,800 per month, adding to a long-standing population which has been in Sudan now for three decades. UNHCR and its Government of Sudan counterparts are pursuing comprehensive solutions for this population, of which 62,000 are camp-based. Plans include improving standards in existing camps, increasing protection and basic services, advocating for adequate asylum legislation, enhancing livelihoods opportunities, and negotiating durable solutions.

The situation in eastern Sudan continues to warrant close attention, although we have faced challenges accessing this population due to security, visa, and internal travel permission constraints. We are concerned not only by the reported serious gaps in basic services – notably food distribution and water, sanitation, and health – but also by the increasing number of unaccompanied minors moving across the border into Sudan, many fleeing the abusive national service program in Eritrea. Our goals for 2011 include supporting UNHCR's efforts on local integration for Eritreans and pursuing U.S. resettlement. We will interview several hundred Eritreans this fall, but anticipate increased referrals from UNHCR in coming years.

## **SUDANESE REFUGEE RESETTLEMENT**

The United States has resettled more than 30,000 Sudanese refugees over the last two decades. While the vast majority were admitted from camps and urban areas in Kenya, Egypt, and Ethiopia, they hail from a total of 54 countries of first asylum ranging from Armenia to Zimbabwe. Most of them are now U.S. citizens, and have developed vibrant communities in Omaha, Seattle, Dallas, and dozens of other cities and towns across the United States. While many of those resettled to date are Dinka and Nuer from southern Sudan, we are also admitting a small but increasing number from the Darfur region of Sudan, primarily from the camps in Chad.

## **CONCLUSION**

Sudan is both a significant generator of refugees, as well as a host to large refugee populations from neighboring countries. These diverse groups of refugees and conflict victims require unique approaches which reflect the differing natures of the persecution and conflicts from which they are seeking refuge. At the same time, our responses must recognize the connections between these groups and conflicts in order to better support protection and durable solutions in the country as a whole. Ultimately, the solution to these conflicts and resulting humanitarian crises is political resolution that includes accountability and reconciliation. While working towards this end, though, we will continue to play our part in the international community's humanitarian response -- providing robust assistance to these populations and continuing to support bilateral and multilateral efforts to seek durable solutions for these difficult challenges. Thank you for your time this morning, and I look forward to answering your questions.

Cochairman McGOVERN. Well, thank you very much for your testimony. Before I ask some questions, I want to acknowledge the arrival of my colleagues, Congressman Chris Smith of New Jersey, and Congresswoman Donna Edwards of Maryland. And I don't know, Mr. Smith, if you have an opening statement.

Mr. SMITH. I have an opening statement which, since I was a little late, I will just ask to be made a part of the record.

Cochairman McGOVERN. Without objection.

[The statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND MEMBER OF  
THE TOM LANTOS HUMAN RIGHTS COMMISSION

**Tom Lantos Human Rights Commission Hearing:  
Refugees and IDPs in Sudan: The Crisis Continues**

**September 30, 2010**

I would like to thank the co-chairs of the Tom Lantos Human Rights Commission for holding this important and timely hearing on Sudan, particularly focusing on refugees and internally displaced persons in that country.

We are all too aware of the devastating suffering that has consumed Sudan for the last 25 years. The twenty-year war between the north and south of Sudan that ended in 1995 took the lives of over 2 million people and displaced a further 4 million. The genocide in Darfur unleashed the slaughter of over 300,000 women, men and children, and displaced almost 3 million.

The number of refugees and internally displaced persons (IDPs) in Sudan and Sudanese refugees in neighboring countries continues to be extraordinarily high. According to the United Nations High Commissioner for Refugees, 2.3 million IDPs reside in Khartoum, and approximately an additional 2.5 million are in Darfur. Over 160,000 refugees from Chad, the Democratic Republic of the Congo, Eritrea, and other countries also live in Sudan. Sudanese refugee returnees to South Sudan and the Blue Nile State since 2005 number an additional 350,000.

Most of the IDPs in northern Sudan live in urban squatter settlements. Many of them are poor, and without documentation and livelihood opportunities. The number of South Sudanese living in the North, where they have lived for over two decades, is raising additional complications in advance of the January 2011 referendum. Major questions that are still unanswered include the status of this population if the South votes to succeed, and what preparations are being made to accommodate those who chose to return to the South.

I would like to briefly note here that situations of dire need tend to give rise to extraordinarily creative interventions for assistance, and the case of the Sudanese IDPs is no exception. In 2006, Catholic Relief Services started a microfinance program for IDPs in Khartoum using privately raised funds. The program has now grown to include over 3,000 women, and is incorporating both a literacy and peacebuilding component. Women from different ethnic and religious backgrounds, who previously had limited interaction, get together weekly in small groups to help each other save and borrow money. Following their meeting, the women participate in a literacy class that incorporates peacebuilding and conflict resolution messages and themes to promote peaceful co-existence. In the course of sharing and solving their common problems, these women are laying the foundation for peace in their communities and throughout the country. Perhaps we can explore hopeful alternatives such as this one during the course of this hearing.

Like many of my colleagues, I have visited Sudan. I have met with President Bashir personally in Khartoum. His attitude was cold, harsh and calculating, and his only concern was in pressuring the United States to lift the sanctions. I also have met the deeply-grieved IDPs in the Mukjar and Kalma camps, and seen the appalling condition under which they have been forced to live now for years.

The signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement in 2005 marked a potential turning point for the Sudanese people. It called for elections, leading to a referendum in January 2011, to determine whether the south will remain united to the north or secede as an independent state. The region of Abyei is to also hold a referendum on the same day, to determine whether it will remain in the north or possibly secede with the south, should the south chose that course.

The United States has devoted substantial resources during these interim five years – nearly \$9 billion in humanitarian, development and peacekeeping assistance – to support the CPA's implementation. But numerous incidents have exposed the extreme lack of trustworthiness of the Khartoum Government and the urgent need for the Government of Southern Sudan to increase its capacity and accountability.

This Commission as well as the Subcommittee on Africa and Global Health, on which I serve as the ranking member, have held several hearings over the last 14 months. The testimony that we heard at those hearings sounded a major alarm about the ominous storm clouds gathering over Sudan. In fact, the issues raised at two hearing in July 2009, and the proposed solutions to those issues, were so compelling that I together with members of this Commission and other members forwarded the expert testimony to Secretary of State Hillary Clinton and Special Envoy to Sudan Scott Gration, asking them to take this incredibly compelling information into account as the Administration engaged in peace efforts in Sudan.

Unfortunately, the Administration paid little or no heed to that advice. The aggressive diplomatic measures so urgently needed by our Administration have been mystifyingly absent. The President and the State Department have taken some action during the past few weeks, but we have yet to see whether it can compensate for months of lost time.

The extraordinary challenges yet to be addressed prior to the January 9<sup>th</sup> referendum, particularly the demarcation of the North-South border and post-referendum agreements on wealth-sharing and citizenship, can be met if the United States plays a leadership role in garnering the influence and cooperation of the African Union and other international players. A dramatically robust response to what should be considered the referendum “state of emergency” will be required to ensure that the referendum itself leads to a credible outcome that is peacefully accepted by the parties.

All the people of Sudan – particularly the refugees and IDPs – desperately want a lasting, just and stable peace for their country. I look forward to hearing our witnesses’ perspectives as to how that can be achieved.

Mr. SMITH. And welcome, Secretary Schwartz, and I wanted to thank you for your fine work. When we get to questions I do have a few questions. Thank you.

Cochairman McGOVERN. Thank you. And I will go to my colleague, Congresswoman Edwards for any opening remarks.

Ms. EDWARDS. Thank you. And I will take Mr. Smith's lead, since I have arrived late as well, and submit my statement for the record...

Cochairman McGOVERN. Without objection.

[The statement of Ms. Edwards follows:]

PREPARED STATEMENT OF THE HONORABLE DONNA F. EDWARDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND AND MEMBER OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

**Tom Lantos Human Rights Commission Hearing:  
Refugees and IDPs in Sudan: The Crisis Continues**

**September 30, 2010**

This afternoon we will be examining the human rights conditions in Sudan.

I want to start by thanking the witnesses who have taken time out of their day to be here and share with us their insights and experiences about the human rights situation in Sudan.

In recent months there have been positive developments in Sudan beginning with the country's first multiparty elections in more than 20 years. These elections were an important accomplishment towards achieving the Comprehensive Peace Agreement established in 2005.

While signs of progress exist, the conflict in Sudan continues to escalate between the Sudanese government and rebel forces resulting in an increase in the number of deaths and displaced people. Over the past two decades, more than 2 million people have died in Sudan due to war-related violence and famine.

Getting aid to people impacted by the violence has been difficult. According to U.N. Secretary General Ban Ki-moon, humanitarian access is uneven and in some cases, restricted. In many areas there are only limited water and sanitation services available with health care services being even more limited. However, while the funding has been useful to enhance Human Rights initiatives, it is falling short of ending the violence. We need a comprehensive strategy to end the conflict, to promote permanent democratic governance and transparency, and to strengthen international engagements. In order to move the peace process forward we must first implement the 2005 Comprehensive Peace Agreement in conjunction with conflict prevention initiatives, debt relief, and normalization of relations.

The protection and advancement of human rights in Sudan is very important to me and to many of my constituents. I look forward to hearing the testimony of our witnesses.

All nations, including the United States, struggle to improve human rights for their citizens and inhabitants. The aim of this Commission is to, in an objective way, raise awareness of where and how human rights can be improved around the world. This Commission does not operate with a political agenda and will examine these issues fairly.

Today, we will hear where Sudan has made progress, and where there is work yet to be done. It is my hope that the global community can work together to advance human rights in our respective countries and around the world.

Thank you and we will begin with the testimony.

Ms. EDWARDS. I wanted to say thank you very much for your work. This is indeed, you know, sort of a really important moment, an opportunity, I think, that we have. And I look forward to our continuing working together and your leadership to make sure that we find solutions that work in the human rights interest of the people of Sudan. Thank you.

Cochairman McGOVERN. Well, let me begin by saying I thank you for being here. And again, your office has been incredible, and we appreciate your work. But I have to be honest. I am really nervous at this moment in time, when I look at what is going on in Sudan overall. I worry about what is happening in Darfur, the continued killing and displacement of people. Two years ago, I tried to go to Darfur. They wouldn't give me a visa to go to the country, so I went and visited the refugee camps in Chad. And notwithstanding an international presence in some of these camps, the so-called protective camps themselves were very dangerous. And, you know, women would continue to be raped, and there were murders, and the lack of respect for the international humanitarian workers by some of the armed actors in the area also made it very difficult for these humanitarian workers to provide protection and to do their work. So I continue to be worried about that.

Then with this referendum coming up, I worry that the world community is not prepared for what happens if southern Sudan decides to declare its independence. I don't know if you saw Nicholas Kristof's piece in the *New York Times* today, but he begins, he says, "'The global refrain about genocide is "never again," but we may be watching how that slips into one more time.'" And I am really worried about that possibility. And quite frankly, the response from the international community has to be more than that we can provide food or we can provide aid or assistance. I mean, there needs to be some sort of a plan in place, I think, ahead of time in anticipation for the worst.

Maybe the worst won't happen, but I have a tough time believing that President Bashir, who is extremely ruthless, will just let everything go as is. And I fear that they are going to exploit not only this referendum, but exploit every opportunity leading up to it to justify a crackdown on people, and more forced displacement. So my first question is, are we prepared for this? Do we have a plan in place?

Let me just say one other thing, too. With all due respect to General Gration, I am not particularly enthusiastic about his job performance, to be honest with you. And I am worried that not enough attention and not enough of a stern message has been delivered that the world community is not going to tolerate a continued slaughter of innocent people.

So let me ask again, are we prepared for what is going to happen when this referendum takes place?

Mr. SCHWARTZ. Let me answer your question five different ways because you have raised a lot of points, and they are all important. First, I think governments prepare largely in response to signals from the very top. And to have the President in New York focus so intently on the situation in Sudan, to have the Secretary in New York last week make clear that Ambassador Princeton Lyman out there will be working very closely with Special Envoy Gration, I mean, I think it reflects a focus

on the part of the government at the very highest level, which to my mind is extremely important.

And it seems to me there is contingency planning, or planning is being prepared for contingencies in two respects. Number one, on the humanitarian side, which is really my brief, and if things don't go the way we want them to go and expect them to go, are we planning for, are we in a position, are we working with international partners saying, you know, what if there is a situation which doesn't go in the right direction. We see large-scale displacements of people. Is the government and our international organizations thinking about the resources we would have to bring to bear, number one, and the kinds of ways to make people's movements easier? And the answer to that question is yes, we are not only thinking, but we are working on those issues assiduously.

In terms of the issue of, right now, the focus of our diplomacy on the referendum is to get the government to move -- to get the government of Sudan to move in the right direction on this issue. But will we be prepared if at the end of all of these efforts, things go in the wrong direction? I think the answer to that question is yes. And I think we don't -- you know, the specific nature of planning for contingencies I think is probably an issue that is better addressed in a private session. But I think the basic answer to your question is yes.

My concerns -- I also would urge you -- I know you have. I have read the testimony of the witnesses who will follow me. There is not much in that testimony with which I disagree, and I think, you know -- and I take many of their -- most, if not all of their recommendations, we will take back and use as guideposts for our further work on this issue.

In terms of, for example, RI's recommendation about capacity building in the South following a referendum, we absolutely ought to -- and we are, but we ought to be absolutely committed to that. So we take those recommendations very seriously.

On the first issue that you raised, the situation in Chad, I am very worried about that. If I had my druthers, and I think if many others in our government had their druthers, you know, we would have -- MINURCAT would not have left eastern Chad. But the government of Chad made clear that this was a mission that had to redeploy, and that is a national -- that is a sovereign government that gets to make those sorts of decisions.

So now we are in a situation where we have to figure out how to protect these individuals -- how to promote the protection of these people. The government has taken the position, which a government can of course take, that is has the capacity and the will to do this. But I think we have to do everything we possibly can to help them make that true. And what we have done in the past, my Bureau has done something pretty unusual in the past. We provided support for a unit of the Chadian police that was playing a protection role in cooperation with MINURCAT.

UNHCR is looking at the possibility of continuing that protection, with our support. And I think those are the kinds of things that we have to look at in a situation where we have just got to do the best that we can.

Mr. McGOVERN. Yes. I appreciate that. And look, we have worked together on these issues for a long, long time, and I know that your heart aches like mine when you go into these refugee camps, and you see, people whose lives have

been totally devastated, and where there is in many cases not a lot of hope. I mean, one of the things I heard over and over when I was touring the camps in Chad, from a lot of the people who had fled Darfur that they don't see a future. I mean, they are not convinced that they are ever going to be able to go home, or that the violence will get better. This violence has been going on for a long time, and I think they have been waiting for the international community to do something and expected more than what we have done.

I again refer to the message of to this Kristof piece, and I know he does not refer to your Bureau. But I am very concerned that we are not doing everything possible to prevent a lot of work for your refugee office, if this doesn't go well. Kristof points out that in our policy, there is a fatal flaw, the lack of serious sticks regarding the Sudanese government. And I do not see any evidence of serious sticks. I hope that this is a message you will take back to the people at State and in the President's office. I worry that this will spin out of control unless there is a serious stick in place, and made very clear to Mr. Bashir that if you decide to engage in mass killings and mass displacement, there is a price to pay, and it is going to be more than just condemnations in our speeches.

So, I am trying to prevent a crisis. I know you are going to be able to respond to a crisis. But I want to prevent this crisis from happening. I appreciated the President's speech, but I wish it happened earlier, and I really think our policy has to come together, not just us, but the international community, with some serious sticks in place to make it clear that the world is not going to sit by and tolerate another genocide. We are not going to sit back and let this all happen .

While I am somewhat reassured listening to you that we have plans in place to deal with every scenario, I hope that you will take back the message that we need to make it a top national and international priority -- and maybe the Administration is already doing this privately, I don't know. But we also need to make it very clear publicly that there are going to be a serious consequences if Mr. Bashir does what he is probably likely to do if this referendum goes the way we think it is going to go.

Mr. SCHWARTZ. Well, let me just say first, again, thank you for your interest and your comments on this, Representative McGovern. First, you shouldn't feel constrained to say -- we all work -- if you sit on this side of the table, you work for the administration, and you are accountable for the policies of the Administration. And you can raise whatever issue you want with me, and I will give you my honest response, even if it is not within the mandate of my ...

Cochairman MCGOVERN. You are also looking at three sleep-deprived members of Congress.

Mr. SCHWARTZ. Yes. And I think -- let me make another point. The reason why I was concerned about MINURCAT, the reason we supported the police units, this operation in Chad that provided security, is because I think humanitarians also have a responsibility not to kind of close their eyes to these broader political and security issues. So no problem raising these issues.

On the issue of sticks, I mean, I think we are making very clear to the government that there are two paths that they can take on this. One is a path that offers the prospect for enhanced relations. The other is in a very different direction. And I think those conversations are taking place.



Cochairman McGOVERN. Okay. Thank you. Mr. Smith?

Mr. SMITH. Thank you, Mr. Chairman. Again, thank you for convening this very, very timely hearing. Secretary Schwartz, let me just ask you first, Kamal Obeid, the Sudanese information minister, said on September 25th that southerners in the North would not enjoy citizenship rights if secession was the outcome of the referendum. He said, quote, ""We will not even give them a needle in the hospital." Many of those classified as southerners in the North have spent all of their lives in the North.

The matter of citizenship and residency rights, as we all know, is a key factor for a decision about return for IDPs in the North and for refugees. Could you elaborate on your take on this very important issue, and how is the information even being communicated to the people so that they can return in a timely fashion?

And secondly, along those same lines, when many of these people do return, they find, as we have often found, that their homes are occupied. We saw it in Bosnia. We have seen it all over the world. When people make that return, somebody is in their home, government officials, somebody. And I am wondering how that is being dealt with because that certainly raises a whole series of very important issues.

Mr. SCHWARTZ. There is no more important issue to me right now in this context in terms of what lane I occupy in the government than this issue of statelessness, of nationality. I was in New York last week, and I met with the Sudanese foreign minister. I met with an official of the government of south Sudan, and we spent a lot of time on this issue. And I left my meetings with the same kinds of concerns that you have just described. And the statement you just articulated is a source of great concern. And what I said to the foreign minister I will say again. I said that, you know, whatever the passions are on this issue in terms of the outcome of the referendum, you know, political leaders need to exercise leadership. And when populations become impassioned, often as not, like I said parenthetically, it is a result of being inflamed by political leaders who use it for the wrong kind of political advantage.

So just as they can use it in the wrong way, they can also exercise political leadership in a way to elevate the dialogue, in a way to promote reconciliation. And I think that option is still available to the government of Sudan. They invited me to go to Sudan, and we are looking at that. And if I go, we will press that message. That message is being pressed by U.S. negotiators day in and day out. And my short answer to your question is I hope that the information minister's statement is not the final word on the subject. It certainly isn't for us, and we will continue to press it.

And we also have enough confidence that this is going in the right direction so that the idea that everyone in the North has got to get back to the South is not something that has to happen because there is enough of a commitment to a peaceful outcome and enough of an agreement on principles that people will not be rendered stateless after the referendum. That is the best answer I can give you.

Mr. SMITH. No. I appreciate it. And I know that you understand the issue thoroughly, how important it is.

Mr. SCHWARTZ. Yes.

Mr. SMITH. You mentioned capacity building a moment ago, how that is obviously a key concern. I have met with the Catholic bishops in southern Sudan, and I have met with other faith-based individuals there, and they get very concerned that they are being bypassed when it comes to allocations of funding, and that includes the Government of Southern Sudan. They get some funding, but certainly not enough to really make a difference. And that was as recently as just a few months ago that I had that conversation. I am wondering what we are doing to ensure that faith-based organizations who have capability, capacity, volunteers receive funding.

You know, in PEPFAR we have discovered beyond any reasonable doubt that if you overlook faith-based organizations as the Global Fund has done, sadly, particularly at the Country Coordinating Mechanism level, it is like cutting off your nose to spite your face. You have a capability there; why aren't you utilizing it? And I am wondering if FBOs are fully integrated into mission plans. I would raise with you a positive story. In 2006, Catholic Relief Services started a microfinance program for IDPs in Khartoum using privately-raised funds. I would note parenthetically I have written two laws on microfinance. I am an absolute fan of it. It is one of the best ways dollar for dollar of achieving maximum impact and building small clusters of economic growth and sustainability.

The program in question, the one in Khartoum, has now grown to include over 3,000 women, and is incorporating both a literacy and peace-building component. Women from different ethnic and religious backgrounds, who previously had limited interaction, get together weekly in small groups to help each other save and borrow money. Following their meetings, the women participate in a literacy class. And it is really one of those programs that is doing extraordinarily well, all with private funds. I am wondering if that is something that you and USAID ought to be looking at to provide some assistance to expand it, and certainly in southern Sudan for the people who are displaced, obviously, and there are people who are in transition, certainly. This is something that you might be considering.

Again, the overarching question here is, are faith-based organizations going to be robustly included in the planning?

Mr. SCHWARTZ. Let me answer your question in general terms, and then on the specifics of this question, Representative Smith, let me have my team get back to you in detail. But on the general proposition, you will get no argument from me about the role -- I mean, you know, so much of my -- about the role of faith-based organizations in these kinds of activities. Anyone who does refugee resettlement in the United States knows the role of organizations that are connected to churches or synagogues or mosques, and whether it is CRS and the terrific work that people like the former Cardinal of Washington, Archbishop McCarrick did, and has done, and continues to do, you know, we value those relationships, and we value those partners as a general proposition.

In fact, I have spent some time overseas in our diplomacy with other governments who are much less willing to see the value of these organizations, explaining to those governments how and why relationships with faith-based organizations can be so valuable in trying to allay misconceptions about what these organizations are trying to do when their goals are completely charitable and very laudatory.

So that is our general perspective on the issue. But with respect to your specific question, let me get back to you in writing on that.

Mr. SMITH. And finally -- and I thank the Chairman for this extra time. Obviously, humanitarian aid cannot go forward without security protections. We have heard very disturbing reports, and I am sure you have as well, about the influx of AK47s to the tune of several hundred thousand perhaps -- nobody knows the exact number. China has not been helpful when it comes to breaking -- it would appear it is all coming through China, maybe other sources as well -- the arms embargo. It has the feel, and God forbid that it has anything but just a feel -- of the caches that were being stockpiled when General Dallaire sounded the alarm prior to the killing fields in Rwanda.

I am wondering what your sense is in terms of the potential for a quick and utterly destructive outbreak of violence. I have mentioned this and raised this with General Gration several times. Others, I am sure, have done it as well. But are we seeing a caching of arms and material that we should be concerned about? Could you respond to that?

Mr. SCHWARTZ. I don't have a response to that question. And if I did, we might have to -- if I did have the information in my head, I might have to ask to discuss it with you in closed session, but I just don't. What I will say is I think there is enough information out there, information to which Representative McGovern alluded, that gives reasonable people good reason to be concerned about the next several months, and I think makes it incumbent upon our government and other governments to be thinking about a range of scenarios, even as we drive toward, you know, the kind of outcome that we all hope will evolve.

Mr. SMITH. Do we know if President Obama raised with Prime Minister Wen in New York during the MDG summit last week, China's lack of a constructive role in Sudan? Did they have a discussion about that, do you know?

Mr. SCHWARTZ. I don't have that information. We can come back to you on it.

Mr. SMITH. Because as far as I can tell, and I am sure my colleagues would agree, China has been the bad actor here. I have raised it, but who listens to me when I am in Beijing?

Mr. SCHWARTZ. I think you would be surprised.

Mr. SMITH. My hope would be that it would be at the highest levels. Obviously, the killing fields that occurred in southern Sudan and then what continued in Darfur was enabled principally by China and Beijing's foreign policy of arming Bashir.

And finally, I will just say for the record, I have met with President Bashir. I had close to a two-hour meeting with him. And frankly, I thought I was talking to Slobodan Milosevic, and a whole host of other bad actors. The trustworthiness is nil. So my hope is that we at least put pressure on his arms provider, and that is China.

Mr. SCHWARTZ. And let me get back -- we will get back to you on this because -- but let me also say that as a general matter, these kinds of issues are very much, very much the subjects of our discussions with the Chinese at very senior levels. But in terms of your specific question, let me get back to you on it.

Mr. SMITH. Thank you.

Cochairman McGOVERN. Ms. Edwards.

Ms. EDWARDS. Thank you very much. You know, it is hard to know where to start because I think I have been trying to figure this out at least for a couple of years now. I have put this question to Special Envoy Gresham several months ago, about where our leverage is with President Bashir because I think I share the frustration of my colleagues. I share the frustration of Chairman McGovern that there have been so many pronouncements about the if-you-don't-then, then what? And so we have the -- in March 29, the ICC issued the arrest warrant for President Bashir. Then after that announcement, the NGOs were expelled. Then in July this last year, there was a subsequent arrest warrant, and still a set of threats.

But I don't know, if I were President Bashir I would say a threat of what. And so I guess I would like to ask you where you think a point of leverage is as we approach January 2011, and what is I think sure to be a situation that President Bashir is not going to be pleased with the result. And I still don't understand then where the leverage of the international community would fall with respect to the protection of people and the insurance that there isn't greater violence and slaughter. Where is our leverage?

Mr. SCHWARTZ. Before I answer your question, let me start by saying, you know, this really -- I won't bag your question. I will answer your question, but I will say that this is really a question which is really much more appropriately addressed to General Gration and our negotiators, even Assistant Secretary Carson than the guy of the government who does humanitarian affairs. But since I promised Representative McGovern that any question is okay, let me do my best by trying to answer it.

It seems to me that, you know, the fact is with respect to Sudan and with respect to any country in the world, our leverage is not unlimited. And so the question is how can we most effectively press our position. It seems to me in this instance that garnering the support of governments in the region, the international community more broadly, is absolutely critical because to the extent that in this sort of a situation, the extent that a targeted government can play one country off against another, it diminishes our effect. So that is what the administration is trying to do, trying to build an international coalition of governments that are pressing on the issues surrounding the referendum.

The prospect of enhanced relationships, greater trade and investment, the lifting of sanctions, conversely the maintaining of sanctions, those are all the traditional instruments of leverage, which, you know, we are trying to bring to bear as effectively as possible. If our leverage was unlimited, then we would know what the outcome is, but it is not, and we don't.

Really, that is the best answer I can give you to the question, at least sitting on this perch. I would urge that you raise this question with my colleagues who deal much more directly with the political and security issues surrounding the referendum.

Ms. EDWARDS. Let me just ask you this then. When, for example, an arrest warrant is issued, do you have some thought as to what the more immediate or direct impact is on the refugee situation? I mean, there are circumstances under which something like that happens. It is a signal from the international community. It could have a positive impact on that community. You would have a government that is

responsive that says, oh, I get it. But that doesn't seem to be the case here. Maybe I am reading that wrong.

Mr. SCHWARTZ. Look, you have asked the most difficult question that you could have asked, especially -- and you have asked it of somebody who is -- and this issue is the subject of -- this issue generally is the subject, as you probably know, of great debate between and within the humanitarian response community on the one hand, and the human rights community on the other hand. You are talking -- you happen to be talking to somebody who cut his teeth in the human rights community, and now has spent much of my career in the humanitarian community.

I will give you my own personal perspective on the issue, which is, you know, there are times in which humanitarians can't speak as loudly as they would like to because they need to preserve their access, their ability to feed people. But at the end of the day, I think that humanitarians, you know, have to do it because, number one, I believe that governments can be moved by that kind of pressure. Number two, I believe we have to keep faith with victims who are listening to what we have to say. And I believe that we have to bear witness. And the process of bearing witness in a public way can have salutary effects for the people who are suffering.

But I say that knowing that in the very short term, when you do that kind of thing, you know, you can lose your access. You can get cut off. So I have to vote, I vote on the side of speaking out.

Ms. EDWARDS. Thank you.

Cochairman McGOVERN. Let me thank you again for your testimony and for all of your incredible work. We really appreciate what your office is doing and the focus your office has on this issue. As you can tell, we are all a little bit frustrated by the way things have kind of played out. I mean, I think some of us had thought that the administration would have taken a -- and not your office, but the President would have taken a stronger and more vocal stand earlier. And I think he gave a great speech, but I am reminded of when I went to that refugee camp filled with refugees from Darfur and Chad, and I witnessed a young woman giving testimony to the people at the International Criminal Court.

And it was one of the most tragic, most horrific stories I had ever heard about her entire family being wiped out before her very eyes. And she delivered the testimony, and I didn't know what to ask her. I said, I don't know how you can recount this. I know how difficult it must be. And she said, the only way that I could not stand living at this particular point is if I thought the rest of the world didn't care what happened to me. And that haunts me, you know, every time I think of this issue, is this woman who has lost her entire family. She is giving testimony before the International Criminal Court, and this refugee camp that is not very safe, even with the international presence there. And given the intensity of the killing and everything that is going on there, it just seems to me that we need to step it up a little bit.

And again, I mean, I go back to Nick Kristof's piece, you know, that there has to be stronger sticks. I mean, I don't think you are going to get Mr. Bashir to be nice if you say we are going to lift this sanction or that sanction. He has got friends that obviously continue to buy his oil and send him weapons. I mean, I think he is probably more interested about his own self-preservation than anything else.

But I do worry that after the referendum, and things begin to deteriorate, you know, that there has to be a stick in place before that referendum because I worry that this awful, terrible tragedy which has been a genocide will continue. And I agree with what Mr. Smith has said. I think China has not been a very good player here. I think it is really -- I can't believe we don't have more leverage with China on this issue. But we are very, very concerned about this. And so what your office does, obviously, is very key to this. And we appreciate very much all that you have done, and what this administration has done in terms of refugees and internally displaced people all around the world. I mean, this is a terrible crisis.

Mr. SCHWARTZ. If I may just say one more thing, two points. First, the level of attention this issue is getting within the administration, in my view, is extraordinary right now, and from the President, the Secretary of State, on down. And so I can't predict how things are going to come out, but I am confident that all the tools that we have at our disposal are being used to get to the right place on this issue. I really believe that. I wouldn't say it if I didn't.

The second point I would make is that your interest is critical, and I applaud it, and I think it should continue, and I think you should stay strongly engaged. Not only do I welcome it, but I think the Administration welcomes it. I know the administration welcomes it.

Cochairman McGOVERN. Your assurance that the administration is taking this seriously at the highest levels is very comforting, and so we appreciate that, and we look forward to working with you in the coming weeks and months.

Mr. SCHWARTZ. Okay.

Cochairman McGOVERN. Thank you.

Mr. SCHWARTZ. Thanks.

Cochairman McGOVERN. Now I am going to call up our next panel. Vincent Cochetel, the regional representative from the UNHCR; Michel Gabaudan, the president of Refugees International; and Thon Chol, the former executive director of Sudanese Community of Western Michigan; and Unaccompanied Sudanese Refugee Minor.

Mr. Cochetel, we will begin with you. Thank you very much for being here.

Mr. COCHETEL. Thank you very much, Mr. Chairman and members of the commission. On behalf of the United Nations High Commissioner For Refugee --

Cochairman McGOVERN. If you could hold for just one second, Mr. Cochetel. I forgot to introduce Ms. Elizabeth Anok Kuch, who is a board member of the Lost Boys and Girls of Sudan National Network, and a former unaccompanied refugee minor. I welcome you here today as well. I am sorry. Mr. Cochetel, you may continue.

#### **STATEMENT OF VINCENT COCHETEL, REPRESENTATIVE TO THE UNITED STATES AND THE CARIBBEAN, UNHCR – UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

Mr. COCHETEL. Thank you. On behalf of the United Nations High Commissioner for Refugees, I would like to thank you for the opportunity you are giving us to appear before you today to address UNHCR's concerns about the

humanitarian situation in and around Sudan. My name is Vincent Cochetel. I am the new regional representative for UNHCR. I have been working 25 years with UNHCR in various parts of the world. I have traveled a couple of times to Sudan and countries neighboring Sudan, I think all of them except Eritrea. And although I just arrived in Washington a few weeks ago, I am aware of the critical role that your Commission is playing in shedding lights on the humanitarian crises and human rights violations. I look forward to the opportunity to continue the excellent relation between the Commission and our office.

UNHCR's presence in Sudan spans over four decades. It started in the late 1960s with the victims of the Eritrean- Ethiopian War in eastern Sudan, and our operation extended to assist internally displaced persons in Darfur as of 2004, then with the returnees in south Sudan in 2005. We have 19 small offices throughout Sudan, and thanks to the funding that we receive from the U.S. Government and other donors, together with NGO partners, including faith-based organizations and community-based organizations, we currently assist and try to provide some protection services to about 1,800,000 persons in Sudan.

These are people in three main categories: internally displaced persons in Khartoum, in Darfur, and in the South. Those account for about 1,200,000 people. We have refugees from different countries, many in Khartoum, a few in the west of Sudan. Those refugees are, like Assistant Secretary Schwartz said, mostly from Chad, DRC, Eritrea, and Ethiopia. And we have been assisting refugees returning to the south of Sudan since 2005, approximately 330,000 persons. We should not forget the 400,000 Sudanese refugees or asylum seekers that are living in countries surrounding Sudan and further afield.

I won't go into details regarding developments affecting all these populations in Sudan and around Sudan. Assistant Secretary Schwartz covered part of that, and I don't want to sound too repetitive. But in my written testimony, there are details on those developments that are not very positive in relation to Darfur, but a bit more promising in relation to solutions for people in eastern Sudan.

I would like to focus my comments today on three issues which all relate to the upcoming referendum in south Sudan. Those issues are the potential large-scale return from the North to the South; the second issue, potential large-scale forced displacement affecting southerners in the North, and possibly some northerners in the South. And the third issue would be issues relating to the potential lack of effective nationality or statelessness following the referendum.

On the large scale return from the North, a few weeks ago the government of south Sudan, unveiled a master plan called the ""Come home and choose" program, which foresaw the return of about 1-1/2 million people to south Sudan. Following comments by the humanitarian community, the government of south Sudan has revised the figure downwards. It is now talking about the return of half a million people for the referendum. The new plan is focusing a bit more on sustainable return, sort of dealing with the issues of return and the referendum. We welcome this development. We also believe that any movement should occur within a climate of respect for the principle of freedom of choice and movement, and secondary displacement should be prevented.

We also think it is important to ascertain the wishes of the IDP population. Many of them may adopt some sort of a wait-and-see attitude for the time being. They will let the referendum go, and they will decide about the future when the options are becoming clearer. One of our underlying concerns about potential large-scale return would be the creation of all sorts of temporary sites, and I have seen that in too many places. You create a temporary site for the return, and the temporary site remains there 20 years later.

We don't want to have protracted camps in that situation, so we have to make sure that all of the reintegration efforts by the government of south Sudan and by the humanitarian agencies focus on services in and around the urban centers in the south rather than in temporary sites. We should keep in mind that most of the IDPs have been displaced for more than two decades. They are living in urban centers, and they are not likely to return to rural areas.

Risk of forced displacement. As Representative Smith mentioned, we are very concerned about all sorts of press articles and media reports that we get from Sudan, including again this morning. Those statements suggest that southerners living in the North could lose their citizenship or some basic human rights related to their citizenship should the outcome of the referendum lead to a declaration of independence.

Many southerners living in the North or in neighboring countries may wish to remain where they are currently living. Some of them have re-established where they are for a number of years. But they are afraid. There is a lot of speculation within the IDP community. They are afraid that their situation could become quickly untenable in the aftermath of the referendum. The same concern applies also to some northern traders or members of mixed marriages living in the south of the country. It is very important, therefore, that a negotiation process quickly addresses all key outstanding issues. But unfortunately, we are only three months away from the referendum, and there are still many key outstanding issues, including the question what is the border between the North and the South.

Other outstanding issues relate to the sharing of the debt of the wells. And there are many clarifications needed regarding the rights of the people in the post-referendum era, in particular minority rights for the groups that straddle the border, including semi-nomadic and pastoralist tribes in the South.

Third point, citizenship arrangements in the context of the referendum. While there are some possibilities for statelessness to result following the referendum, more likely is the potential for lack of effective citizenship that guarantees the full right of nationality, like freedom of movement, property rights, family reunion, and employment. An estimated 2 million people could be impacted by the discussion on citizenship. This is why it is important that those discussions take place very soon on all issues relating to citizenship.

At present, very little information is known as to what will be the post-referendum status of southerners in the North. There is also very little information available at this stage on voter registration procedures. For example, will nationality and citizenship for the purpose of voting depend solely on ethnicity, or will other factors be taken into consideration, such as, for instance, the residence? But then



comes the problem, how people are going to be able to provide evidence for the lengths of their residence where they are living.

Failure to address these questions quickly could lead to statelessness and even to some new displacement. Thus, it is essential that the issue of citizenship be placed high on the political agenda and that respective populations be made aware of their options. Negotiations on citizenship should not be treated as a last minute bargaining chip. Rather, agreement on citizenship rights must be reached soon in order to allow individuals to make informed decisions regarding the voting and regarding their future.

If agreements cannot be reached prior to the referendum, reassurances should be provided to the affected population in order to avoid a panic that could be related to deadlines, and to help calm the situation in the context of rising tensions. There should be a transitional agreement, and if necessary, a moratorium on government actions relating to citizenship in order to preserve the status quo until another agreement is worked out.

Let me conclude, Mr. Chairman and members of the Commission, with five priority recommendations for the U.S. Government and the international community that UNHCR would like to table. The first one is to emphasize in all of your contacts with Sudanese officials, especially members of the government of south Sudan, the continued need to dealing with the referendum and the return movement. Making plans for the return of 1,500,000 people is not realistic. It is important that those movements occur in a climate of respect for the principle of choice and of movement, and that secondary displacement is avoided.

The second recommendation would be to support diplomatic efforts to address quickly outstanding issues under the comprehensive peace plan, and ensure that the referendum is conducted freely, fairly, and on time. Any delay could be conducive to violence.

The third recommendation would be to support the planning efforts by the humanitarian agencies on the ground to prepare for a possibly significant return movement to southern Sudan in the period leading to the referendum or just after the referendum. To answer the question you put to Assistant Secretary Schwartz earlier, Mr. Chairman, I don't think humanitarian agencies at this stage are ready. We can absorb a couple of thousand returnees, but we certainly don't have the capacity to absorb and assist the government of south Sudan to receive half a million people in the next three months.

The fourth recommendation would be to encourage the parties to prioritize negotiations on citizenship and facilitate an agreement on this point. There has been a lot of talking in New York, but there has not been any decision taken regarding citizenship. UNHCR participates as an institutional expert in a joint task force between the government of Sudan and the government of south Sudan on citizenship, and we need the support of the U.S. government for the participation in that task force in order to make sure that we reach on time a realistic agreement.

Then -- and I don't want to talk about worst-case scenario, but you mentioned that article in the *New York Times* this morning -- we also have to prepare for the worst. That is part of our work, and we have to learn the lessons of what did not work in other situations in the past. Should large-scale violence be directed at the

southerners in the North, or at the northerners in the South after the referendum, we would like to urge the U.S. government as well as the international community to immediately intervene in the international arena, and to provide funding support for immediate safety measures, such as airlifting or safe corridors if appropriate and if feasible.

I thank you for your attention, and I am ready to answer any questions you may have.

[The statement of Mr. Cochetel follows:]

PREPARED STATEMENT OF VINCENT COCHETEL



**Statement of Vincent Cochetel  
Representative to the United States and the Caribbean  
United Nations High Commissioner for Refugees**

**Regarding**

**Refugees and Internally Displaced Persons in and from Sudan**

**Before the  
Tom Lantos Human Rights Commission  
September 30, 2010**

#### **Introduction / Overview**

Mr. Chairman and members of the Commission, on behalf of the Office of the United Nations High Commissioner for Refugees (UNHCR) I would like to express our appreciation for the opportunity to appear before you today to address UNHCR's concerns about the humanitarian situation in and around Sudan. My name is Vincent Cochetel, and I am UNHCR's Regional Representative for the United States and the Caribbean, based here in Washington, D.C. I have been with UNHCR for nearly 25 years, primarily in a protection capacity in various parts of Europe and elsewhere, including most recently as Deputy Director of the Division of International Protection at our Geneva headquarters. While I have only recently taken up my position in Washington, I am aware of the critical role of the Commission in shedding light on numerous human rights and humanitarian crises. I therefore look forward to the opportunity to continue the excellent working relationship between the Commission and our office.

UNHCR's presence in Sudan spans over four decades, since the late 1960s, and was initially focused on East Sudan with programs for refugees from Eritrea and Ethiopia. Our operations to assist internally displaced persons (IDPs) in Darfur and returnees in South Sudan are more recent (2004 and 2005, respectively). We currently have about 450 staff in 19 offices in Sudan, in all regions with significant numbers of refugees or internal displacement—including the East, Darfur, the South, Blue Nile State, and Khartoum. These offices currently assist more than 1.8 million persons in Sudan. These are in three main categories:

- **Internally Displaced Sudanese** (in Khartoum, Darfur, and the South)—**1.25 million**
- **Refugees from other countries in Sudan**, mostly from Chad, the Democratic Republic of Congo (DRC), Eritrea, and to a lesser extent the Central African Republic (CAR), Ethiopia, Somalia, and elsewhere—**221,000**
- **Refugee Returnees** (in South Sudan and Blue Nile State)—**330,000**

In addition, Sudanese refugees and asylum seekers are present in nearly 50 countries, primarily neighboring countries such as Chad, Egypt, Ethiopia, Kenya, and Uganda.

More detail on these populations is as follows:

- **Internally Displaced Sudanese in South Sudan:** An estimated 600,000 South Sudanese have been internally displaced for varying periods of time during the past 18 months, due primarily to violence by or between armed forces and armed groups. These armed groups include Uganda's rebel group the Lord's Resistance Army (LRA), which has made incursions into Southern Sudan. Inter-tribal clashes in the South are also a source of displacement. The situation is compounded by general underdevelopment and food insecurity.
- **Internally Displaced Sudanese in Khartoum:** This population is mainly from South Sudan and is dispersed among the urban population in Khartoum. Those who are living in four formal sites recognized by the authorities are estimated to be around 400,000, but the majority of the 1.9 million IDP/former IDP population is scattered across a large number of sites. UNHCR recently received US funding for an IDP survey in Khartoum through which we hope to get updated information about durable solutions intentions and other concerns of this group. While IDPs in Khartoum were previously regarded primarily as part of the urban poverty problem, the Southerners in this population have recently been more rightly viewed through a protection lens as implementation of the Comprehensive Peace Agreement (CPA) comes to fruition.
- **Internally Displaced Darfurians:** This population of between 2.2 and 2.7 million (not all of whom are assisted by UNHCR) faces continued insecurity and protection problems despite the fact that the nature of the violence has changed considerably since the end of the 2004 crisis (mostly due to the fragmenting of rebel groups and militias). There is a continued absence of a comprehensive peace agreement, and the current state of the Doha talks is not encouraging. In the meantime, there is limited humanitarian space for humanitarian actors—and thus limited access to the persons in need—due to the ongoing security situation. Solutions for this population are urgently needed.
- **Refugees from other countries in the East of Sudan:** These are mainly Eritreans and Ethiopians in twelve camps and represent a longstanding protracted refugee situation. This population currently totals some 60,000, with a steady stream of new arrivals (about 1,800/month, of which the majority moves on to other locations). For those who have been there for a longer time, UNHCR pursues a solutions strategy with a heavy emphasis on self-reliance.
- **Refugees from other countries in Khartoum:** This population consists of an estimated 40,000 refugees from CAR, DRC, Eritrea, Ethiopia, Somalia, and elsewhere. Thus far, the Government of Sudan does not have a policy with respect to these urban refugees (as opposed to the situation of camps in the East), which leaves this population vulnerable to round-ups, detention, and forced return. An urban refugee policy is urgently needed.
- **Refugees from other countries in Darfur:** These refugees, totaling some 41,000 persons, are mainly from Chad but also from CAR. The majority of these refugees live in border communities where they generally have ethnic/kinship ties, although some are in two camps at Um Shalaya and Mukjar. These refugee groups continue to require protection and assistance. In addition, the possibility of new arrivals is not excluded. For now, there are no indications that returns are imminent.
- **Refugees from other countries in South Sudan:** This population, totaling approximately 25,000 is primarily from DRC, CAR, and Ethiopia. The continued influx from the DRC is due to LRA violence, which is likely to continue.
- **Returned Sudanese Refugees in South Sudan:** More than 350,000 Sudanese refugees have returned from other countries since 2005. In most cases, they return to areas where decades of conflict have destroyed even the most basic infrastructure, affecting the returnees and the local communities alike. Another 60,000 refugees from South Sudan remain in countries of asylum and may choose to return after the referendum, making it even more urgent that they have something to return to.
- **Sudanese Refugees in Other Countries:** The largest group of Sudanese refugees in another country is the 260,000 refugees from Darfur in Chad. In addition, some 60,000 Southern Sudanese remain in countries of first asylum, with smaller groups of Sudanese refugees and asylum seekers in Egypt, the Middle East, and elsewhere.

The situation of internally displaced Sudanese, as that of refugees in and from Sudan, is obviously quite complex. I would therefore like to focus my comments today on three issues, which relate to the upcoming independence referendum in South Sudan. Those issues are: (1) the potential for large-scale return of internally displaced South Sudanese from the North, (2) the risk of forced displacement, and (3) the potential for lack of effective nationality following the referendum.

#### **Large Scale Return from the North**

A few weeks ago, the return of 1.5 million South Sudanese from the North prior to the referendum (through what it known as the "Come home and Choose" program) was proposed by the Government of South Sudan (GoSS). Following comments by the humanitarian community, the GoSS has now revised the figure downward and speaks about a longer period for the return plan, de-linking it from the referendum voting. The new plan, called ARERI (Accelerated Returns and Reintegration Initiative), only foresees the return of half a million people prior to the referendum. With respect to the potential for such return, UNHCR agrees with the need to de-link the referendum and the return movement. We also believe that any movements should occur within a

climate of respect for the principles of freedom of choice and of movement, and that secondary displacement must be prevented. To this end, it is important to ascertain the wishes of the IDP population; many of them may wish to adopt a “wait and see” attitude and will only make decisions regarding durable solutions after the referendum when options are clearer.

One underlying concern is that the potential for large scale returns would lead to the creation of temporary sites in Southern Sudan. These sites could eventually turn into protracted camps due to a lack of alternative services in the returnees’ places of origin. These IDPs have been urbanized for years and will likely prefer to settle in and around urban areas. Returnees should be able to settle in the place of their choice in Southern Sudan. To make this possible, reintegration assistance—by the GoSS and the humanitarian community—should focus on areas of destination, as opposed to transit camps, and should consist of peri-urban services to avoid the congestion of major towns.

### **Risk of Forced Displacement**

The humanitarian community is concerned by some statements made in Sudanese media suggesting that Southerners living in the North could lose their citizenship or some basic human rights, should the outcome of the referendum lead to a declaration of independence. While many Southerners living in the North or in other countries may wish to remain where they currently live after two decades of displacement, they are afraid that their situation could become untenable in the aftermath of the referendum. The same concern may apply to some Northern traders or mixed families living in the South. It is therefore important that the negotiation process quickly address all key outstanding issues, such as the clarification of the North/South borders and the protection of the rights of the people in the post-CPA era, in particular minority rights primarily for groups that straddle the border including semi-nomadic and pastoralist tribes.

### **Citizenship arrangements in the context of the referendum**

This issue is of concern to UNHCR not only due to our mandate for prevention of statelessness and protection of stateless persons, but also because of our lead agency role in IDP protection. While there are possibilities for statelessness to result following the referendum, more likely is the potential for a lack of effective citizenship that guarantees the full rights of nationality including freedom of movement, property rights, family reunion, and employment.

Populations at risk of statelessness include an estimated 2 million Southerners internally displaced in the North, migrants in the North, and/or migrants and refugees in other neighboring countries. Many of them are the second generation born in the North or in neighboring countries. Some nomadic groups in the South, persons in the Transitional Areas, and mixed marriage families may also be at risk of losing their citizenship. This potential will be impacted by the pre-referendum discussions regarding citizenship.

At present, three months before the referendum, the post-referendum status of “Southerners in the North” and vice-versa is unclear. There is very little information available at this stage on voter registration procedures. For example, will nationality/citizenship for the purpose of voting depend solely on ethnicity, or will other factors (e.g., period of residence) be considered? How will displaced persons be able to overcome the hurdles to prove the length of their residence? Failure to address these questions promptly could lead to statelessness and even some new displacement. Thus, it is essential that the issue of citizenship be placed high on the political agenda and that respective populations be made aware of their options. Negotiations on citizenship must not be treated as a last minute bargaining chip. Rather, agreement on citizenship rights must be reached soon, in order to allow individuals to make informed decisions related to voting, movements to and from the South, and voluntary durable solutions. Arrangements should ensure that statelessness is prevented and that arbitrary deprivation of nationality is avoided.

If agreements cannot be reached prior to the referendum, reassurances should be provided to the affected populations in order to avoid the panic of deadlines and to help calm the situation in a context of rising tensions. There should be transitional arrangements and, if necessary, a moratorium on government actions related to citizenship rights and preservation of the status quo until a detailed agreement has been reached.

The resulting citizenship arrangements should provide respect for individual rights, particularly regarding acquired rights relating to property, family unity, residence, freedom of movement and employment.

### **Protection in South Sudan**

The implementation of the 2005 CPA—which ended Africa’s longest running civil war—is coming to completion, with attention now focused on the January 2011 referendum on self-determination of the South. The return of Southern Sudanese that has happened thus far has created significant “peace dividends” but also demonstrates the limited capacity of public services in the South. At the same time, ongoing armed violence continues to generate new internal displacements.

UNHCR’s main protection concerns related to South Sudan are therefore as follows:

- Whether the rights of Northerners in the South (e.g., Darfur IDPs, Northern traders) will be respected in the context of the referendum;
- Continued insecurity in DRC, CAR, and South Sudan due to LRA activities, which may lead to increased displacement that may worsen in the lead-up to the referendum;

- Radical shift in the nature of violence of inter-tribal clashes, which historically revolved largely around cattle raids, toward a clear targeting of women and children using modern firearms;
- High incidents of gender based violence—probably much higher than reported levels, as it is generally dangerous to collect prevalence information and survivors are often fearful of seeking treatment.
- Limited availability of implementing partners (a long-standing issue in all parts of Sudan for a variety of reasons);
- Logistical challenges in reaching remote areas (although USAID support to road rehabilitation is making a considerable difference, including in facilitating access by humanitarian actors).

### **Protection in Darfur**

The conflict in Darfur is moving into its eighth year. Although the nature of violence and the conflict dynamics have changed from that of the early years, the absence of a peace agreement and ongoing clashes mean continued insecurity for the people of Darfur. The rapprochement between Chad and Sudan in early 2010 has reduced cross-border tensions but also intensified the conflict within Darfur. May 2010 was the deadliest month in Darfur (per UNAMID statistics) since 2008, with over 600 casualties. There are some limited IDP returns, though mostly seasonal. A large percentage of the displaced population has become urbanized and may not choose to return to their places of origin.

General insecurity in the countryside remains a huge concern to the IDP population. During years of low rainfall—such as the 2009/10 cultivation season—the migration routes constrict and pastoralists graze their animals closer and closer to farms, increasing conflict and violence between sedentary and nomadic groups. Farmers routinely cite significant crop destruction by livestock as among their key security concerns. Rural insecurity remains a key obstacle to IDP returns.

In addition, the humanitarian situation in Darfur continues to be affected by a lack of access and limited humanitarian space. For example, UNHCR has not had access to Eastern Jebel Marra, and access in South Darfur is severely limited. As a result of government restrictions, UNHCR's role in IDP protection is significantly compromised.

The Government of Sudan recently released a "Strategy for Achieving Comprehensive Peace, Security and Development in Darfur." While the strategy's general tone of partnership is welcome, there are some elements that must be followed closely, including the relocation of a number of camps (such as Kalma in South Darfur and two camps in the Zalingei area). The UN urges that humanitarian principles be respected in the relocation process (i.e. return must be voluntary and conducted in conditions of safety and dignity, and IDPs must be informed of their options and be able to exercise a free choice in their decisions). In addition, any significant engagement in early recovery and reconstruction must not be undertaken without basic security conditions and progress on major issues such as land tenure, land occupation, and impunity. The strategy currently lacks the support of the rebel movements and civil society within Darfur, and it makes little mention of addressing the underlying causes of flight. To achieve the critical buy-in of national stakeholders and civil society in Darfur, the Government of Sudan should enlarge the debate to reflect the multiplicity of interests and grievances.

Our main protection concerns related to Darfur are as follows:

- Insecurity due to clashes between fragmented rebel groups, tribal feuds, and criminal activities fed by general lawlessness throughout the region, which poses serious obstacles to access by the humanitarian community and the voluntary return of IDPs;
- The fact that IDPs who have adopted new lifestyles after nearly eight years of residing in peri-urban camps are unlikely to return permanently to their places of origin. UNHCR is concerned that the Government of Sudan's strategy focuses solely on return, rather than the range of durable solutions that IDPs might choose following prolonged periods of displacement in predominantly urban areas.
- Lack of acceptance by some government entities of UNHCR's protection role with IDPs, which is leading to increasing difficulties in the performance of the protection cluster lead role and the protection activities of UNHCR as an operational agency.

### **Protection in East Sudan**

Despite being rich in natural resources, much of the population in the East continues to endure chronic poverty and underdevelopment, which constitutes a major gap in the implementation of the Eastern Sudan Peace Agreement (ESPA). Refugees in East Sudan have been dependent on camp-based assistance for the past 40 years, and there has been limited success in resolving this protracted refugee situation. There are continued new arrivals from Eritrea (fleeing forced conscription) of largely young males with an urban background, most of whom do not remain in the camps but move on towards Europe.

Our main protection concerns with respect to East Sudan are as follows:

- The need to promote local integration, including new impetus to advance self-reliance and support the conversion of camps into self-sufficient local villages. However, momentum needs to be maintained and efforts must be integrated into larger area-based interventions by development actors. Legal aspects of local integration (e.g. freedom of movement, legal access to the labor market, access to naturalization) also need to be highlighted. Access to

naturalization is provided for under the Nationality Act and reaffirmed in the draft Asylum Bill, but freedom of movement and legal access to the labor market are pending issues.

- The need to pursue resettlement as an important corollary to integration efforts, while not detracting from the self reliance initiative. UNHCR welcomes the resumption of resettlement operations by the United States and is planning for group resettlement in 2011.
- The need to promote large scale development of the East, for which donor support is crucial. The level of basic services in East Sudan is sub-standard (not only for refugees). The level of poverty among communities in rural areas is high and many live on less than \$1 per day. Surveys suggest that malnutrition levels and crude mortality rates in the East are significantly higher than in Darfur.
- The vulnerability of new arrivals—many of whom are seeking to move on beyond Sudan—to trafficking and to abuses involved in the smuggling process. This group includes unaccompanied minors and women at risk.

### **Recommendations**

With respect to the three main issues that I have addressed today, regarding potential large scale displacement and/or statelessness, UNHCR would like to make five priority recommendations to the U.S. Government and the international community:

1. To emphasize in contacts with Sudanese officials, especially the GoSS, the continued need to de-link the referendum and the return movement and to stress that any movements must occur in a climate of respect for the principles of freedom of choice and of movement, and that secondary displacement must be avoided.
2. To support diplomatic efforts to address outstanding issues under the CPA and ensure that the referendum is conducted freely, fairly, and on time. Any delay could be conducive to violence. Of key importance is access to voter registration and actual voting for the Southern population in the North and in designated third countries.
3. To support planning efforts by humanitarian agencies on the ground to prepare for the possibility of significant population movements within Sudan in the period leading up to and following the referendum. Provide immediate funding support to humanitarian agencies should mass return occur, as agencies currently do not have the resources to adequately cover returns of this scale.
4. To encourage the Parties to prioritize negotiations on citizenship and facilitate an agreement on citizenship rights and to provide support for UNHCR's role as an institutional expert to the National Congress Party (NCP)/Sudan People's Liberation Movement (SPLM) Working Group on Citizenship, in order to assist the parties in achieving workable and transparent citizenship arrangement.
5. Should large scale violence be directed at Southerners in the North or Northerners in the South after the referendum, to immediately intervene in the international arena and to provide funding support for immediate safety measures such as airlifting or safe corridors if appropriate and feasible.

Other recommendations, related to the ongoing humanitarian situation for IDPs and refugees in Sudan, are as follows:

#### ***South Sudan***

- Support more robust implementation of the United Nations Mission in Sudan's (UNMIS) Protection of Civilian mandate. This may include the following:
  - Possible establishment of safe North-South and South-North corridors in the event of voluntary or forced return. There is some discussion of the creation of safe havens, particularly if groups in need of protection are not immediately accessible by humanitarian agencies.
  - Negotiations to ensure that borders remain open in the event of violence resulting in population exodus.
  - Information campaigns (with GoS and UNMIS support) to ensure that persons of concern are aware of their options for durable solutions.
  - Child protection considerations—including worst cases, family separations and/or forced recruitment of children.
  - Work to involve UNPOL in physical protection issues in and around Khartoum, where UNMIS forces have no mandate.
- Invest in basic governance infrastructure to assist the GoSS in providing services.
- Support capacity building of the new state in the event of secession (e.g. legal frameworks, institution building).

#### ***Darfur***

- Promote acceptance by the Government of Sudan for UNHCR's protection role with IDPs. Lack of such support is leading to increasing difficulties in the performance of the protection cluster lead role as well as protection activities of UNHCR as an operational agency.

- Help facilitate the continued involvement of refugees and IDPs in the Doha peace process.
- Provide support for protection agencies working under difficult conditions, including support for UNHCR's role as protection lead under the IASC cluster approach.

#### ***East Sudan***

- Continue the momentum for solutions by pursuing a comprehensive strategy. In this vein, the strategic use of resettlement could leverage other solutions.
- Support and advocate for broad area development in East Sudan.

#### ***Khartoum***

- Support measures to ensure security and protection of IDPs and other communities of Southerners in the context of the referendum.
- Support the development of an urban refugee policy, including advocacy for the Government of Sudan to reconsider its reservation on freedom of movement of refugees under the 1951 Convention relating to the Status of Refugees.

#### **Conclusion**

Mr. Chairman and members of the Commission, I have only briefly addressed the many protection and assistance needs of Sudanese refugees and IDPs, as well as those of refugees from other countries in Sudan. However, UNHCR has available much more detail that my office would be happy to share with you. I thank you again for the opportunity to speak at this important briefing and for your ongoing interest in the human rights and humanitarian situation in Sudan and the region. I would be happy to answer any questions that you might have.

Cochairman McGOVERN. Well, thank you very much. And now we will turn to our next witness, Mr. Gabaudan, from Refugees International. And I also want to congratulate you on your new position. Welcome back.

**STATEMENT OF MICHEL GABAUDAN, PRESIDENT, REFUGEES INTERNATIONAL**

Mr. GABAUDAN. Thank you very much, Mr. Chairman, Representative Smith and Representative Edwards. I want to really thank you for your interest in Sudan. It is a country which is at the top of the concerns of the humanitarian community here, and I think it is a very timely occasion to discuss these issues. Refugees International, as you know, is an independent, non-governmental organization which advocates for protection and lifesaving assistance to victims of forced displacement. I will not cover Darfur in any length because my colleagues have been prevented from accessing Darfur since 2006. But I will say one thing. The current plans of the government to relocate or return to areas of origin large numbers of those displaced people who are in settlements right now is worrisome, because it doesn't seem to be following international principles on how these processes should take place, which is assessing voluntariness and preparing the areas of return.

So we would certainly caution against these movements. And at a time when many agencies have been removed from Darfur, I would advocate for continued support of UNHCR, I should say, which despite the constraints under which they operate in Darfur remain one of the few agencies who can try to deliver some protection there.

I will focus my comments today on the question of southern Sudan as the country is approaching a historical crossroad with the referendum plan scheduled for the ninth of January. And while we all hope things will go well, the signals, as have been discussed, are rather worrisome right now. The plight of the southern Sudanese is one which is particularly close to my heart, Mr. Chairman, because when I began my work with refugees well over 25 years ago, I had to deal with the Lost Boys who had survived massacres, survived the gruesome ordeal of trying to get out of the country, and had reached pathetic camps in southern Ethiopia, where they were suffering horrible nutrition deficiencies that you read about in the books of Captain Cook, but are certainly not something of the 20th century. And I am glad that today I can sit here with some Lost Boys who have overcome all of these terrible moments.

What is the situation right now? And my comments are based on three field missions that my colleagues have undertaken this year in Khartoum, southern Kordofan, the Blue Nile, and Juba, and they have talked to displaced people. They have talked to officials from the government, and they have talked to the relief community, the U.N., and other NGOs.

The first point in our assessment is that the preparation for the referendum is well behind schedule. The referendum commission for the South has just released its budget. It is already saying that the registration will be delayed. And when we heard the President of southern Sudan, Salva Kiir, last week, he was very worried about being able to prepare things on time. And I think we have to remind ourselves all the



time that southern Sudan is the size of Texas, and it has 50 kilometers of paved road. So, any undertaking to reach out to the population is a massive operation.

In Abyei, there is no agreement on the demarcation of the border. The decision of the arbitration court has been refused by the parties. The referendum commission has not been established, so there are big worries again as to whether this concomitant referendum can take place on time.

And the third point is that the population consultation in Blue Nile and Southern Kordofan, which is planned for in the CPA, there is absolutely no indication whether it is going to take place, in which conditions, et cetera. So, a lot of the provisions for getting ready for early January are not in place.

The big second element of the situation that we believe is serious is that instead of seeing the parties coming together to try to say how do we fix something that is in the best of cases difficult to organize. Tensions between the parties are rising. And I don't know if you read this, but just this morning, Reuters reported that one of the leaders of one of the nomadic tribes close to Abyei, the Messiria, has made absolutely blasting statements saying that if they are not allowed to vote, they will release hell on the population in Abyei. So these are the conditions in which we are all working now.

The third point -- in our discussions with different populations, both in Khartoum and in Southern Kordofan, we have sensed a tremendous anxiety over the lack of clarity of what might happen to them. Southern Sudanese in Khartoum have mixed feelings. Some say they would like to go back, and they don't have the means, and they would like to go back perhaps as a means to protect themselves from untoward events. Others say, we would like to stay, but we don't know if it is safe. A total lack of clarity. And I don't think we can assume all of them would want to go back, but certainly they would want to have some guarantees. And, of course, people living in the transition area, in the border areas, these borders that are poorly demarcated, are extremely worried that whatever happens early January would just give rise to additional tensions.

Now, people know better than all of us, and when they tell you we are very worried about what is happening, I think it is something we should listen to very carefully. There have been discussions -- there has been an agreement in principle in the CPA that citizenship should be something discussed between the parties. There is very little progress in this direction, and that is also one of the points that concerns us very much. We are very glad to see that PRM has just recently accepted to fund UNHCR to carry out an intention survey among southern Sudanese in Khartoum, which would give us an indication perhaps of what is the proportion of southern Sudanese who would like to stay, and what the proportion of those who would want to go back, so we can plan accordingly.

And some of the public position by very senior government officials are extremely worrisome. We were very pleased to hear President Salva Kiir say at the USIP last week, and then again at the International Peace Institute in New York, that northerners would be protected in southern Sudan. We have not heard anything to that effect from the North. We have heard from the minister of communication, as was mentioned earlier, rather blunt statements which to me are equivalent to a call to violence, and this is one additional complication.

We must not forget that this whole situation takes place before the backdrop of a continuing emergency in southern Sudan. You have large numbers of people who have been returned in the past years. The appeal of the U.N. is barely funded above 50 percent, well over three-quarters into this year. The return and reintegration part of the appeal is only funded 20 percent. So all the agencies working in southern Sudan are working against the clock with the problems they already have, let alone being ready for additional problems.

There have been incidents, and I think it is worth mentioning, of south-south conflict as well. And this year, the U.N. has reported that over 150,000 people were being displaced by conflict between southern groups, and about 700 people killed. So, this is something we have to keep in mind as also potential for trouble in Sudan. There has been progress in preparing a contingency plan for the period around the referendum, and the U.N. has come up with a series of proposals.

This is a welcome development because earlier in the year, some agencies were worried about talking contingency when they thought they should have planned for something positive. So the trend has been reversed, and there is now a contingency plan.

And on the current situation, the last comment on the United Nations mission in Sudan, the peacekeeping mission in Sudan, it does have authority to protect civilians, but it is extremely poorly equipped. It has no training and really no serious concern for civilians. That goes from the Security Council all the way to the troopers in the field. And though it has its authority, it is not really able to deliver on that authority. And the level of equipment is worrisome, particularly if we consider that now I think that 16 of the helicopters they have had at their disposal are to be withdrawn just a few months before what we think may be a very difficult time.

And finally, on UNMIS, despite the limitations we thought this mission had, we thought that it would have been the best instrument for monitoring of the referendum. We were hoping a few months ago that this would be indeed the case. But the parties have refused that, and they have asked UNMIS only to provide logistical support, but not to be involved in monitoring. And among all the different groups that plan to monitor, they probably would have been those most able to deploy in large scale in southern Sudan.

Now, the challenge, I think, to all of us is - the primary one -- the protection of minorities. This should be the guiding motive for all of our action. And I would like to suggest a couple of -- a few actions that should be undertaken for that purpose. The first one is that the parties must be pressed through all possible means to make very serious public commitments for the protection of minorities in their areas. And this is not only by the U.S. government. It should be by other donors. It should be by the countries bordering Sudan who have all interest in the stability of the country. It should be by the Arab League. And any outreach to all of these should be absolutely intensive until the ninth of January.

There should be a mechanism to guarantee, to the extent possible, the protection of civilians. The only one we have at hand is UNMIS. As I said, it is not really well equipped, but we would recommend that UNMIS should make really an assessment of potential hot spots and redeploy preventively there. We do not believe UNMIS will ever take the decision to intervene in case of clashes. But we believe

that their deployment in critical areas may play a certain deterrent role, at least, and at least mitigate perhaps some of the violence that might explode.

Finally, we do agree that the formal agreement on citizenship should be worked out as soon as possible. I would guess that some of the parties, particularly the North, may fear that agreeing on citizenship is prejudging the outcome of the referendum. And if this is the case, we would fully support the idea of a moratorium where the right of the vote of southerners in the North and northerners in the South is guaranteed until such a time as they have worked out an acceptable citizenship agreement between the parties.

We also believe that the international community must be prepared to fund the contingency plans as soon as possible. We are out of the rainy season now. This is time to pre-position items. The rains start again in April. If things are not pre-positioned on time, the alternative will be an airlift. It is much cheaper to pre-position on time than to do an airlift at a later stage, and at present the U.N. is asking for \$26 million of items to pre-position, which I think is an extremely modest request to the international community, and that thing should be expedited, I would say, as soon as possible.

And finally, the long-term. Southern Sudan, whatever the outcome, will need very much sustained support if it wants to build itself as a country, develop its institution, develop its services, and establish a culture of protection of the rights of its citizens. And I hope that the U.S. and other donors will remain engaged with southern Sudan, whatever happens, but without giving it a blank check.

I think some of the conflicts we have seen -- some southern Sudanese groups show that there is potential for trouble there also, and that their political leaders should be held accountable if they want to retain the support of the international community.

In conclusion, Mr. Chairman and Representatives, I think that wherever the referendum is delayed, wherever it takes place in bad condition, or wherever it takes place in good conditions, the outcome of all these scenarios leads to possible trouble, and we have to join all of our efforts to put pressure on the parties to come up with a better dialogue than they are expressing publicly to date.

If something happened, none of us will be in the position where we can say we didn't know. This is very often what we say when there are crises. This is an announced crisis if there ever was one. Thank you very much.

[The statement of Mr. Gabaudan follows:]

PREPARED STATEMENT OF MICHEL GABAUDAN



A POWERFUL VOICE FOR LIFESAVING ACTION

Tom Lantos Human Rights Commission, U.S. House of Representatives  
**“Protecting People and Responding to Displacement around the Referendum”**

Testimony of Michel Gabaudan  
President of Refugees International  
September 30, 2010

Chairman McGovern, Chairman Wolf, members of the Commission, thank you for the opportunity to be here this afternoon to discuss the situation for internally displaced people and refugees in Sudan.

Refugees International (RI) is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people and refugees in some of the most difficult parts of the world. Based here in Washington, we conduct 20 to 25 field missions per year to places like Sudan, Iraq, Pakistan and Burma. We do not accept government or United Nations funding, which allows our advocacy to be impartial and independent. Refugees International has been traveling to Sudan since 2004 and we continue to call for solutions to the plight of the millions of people who are still displaced due to war, as well as the millions who have since returned home.

RI has conducted three field missions to Sudan so far this year and will undertake a fourth mission in October. We have invested significant time interviewing displaced and returnee communities in places like Upper Nile and Southern Kordofan, as well as aid workers and government officials who assist them. Based on our experience, we are calling for the following actions to support internally displaced people and refugees in Sudan:

- The U.S. and other international partners must help ensure the rights and physical safety of minority communities, such as southern Sudanese living in the north and northerners in the south, when the south votes in the referendum on independence in January, 2011. There must be firm guarantees by both the north and south against expulsion or any other kind of hostile act against these communities.
- A formal agreement on citizenship criteria, post-referendum, must be reached by the governments of the north and south as soon as possible.
- The U.S. and other donor governments must help the humanitarian community to be as prepared as possible to respond to potential outbreaks of violence and any new displacement in the run-up to or aftermath of the referendum. This includes robust contingency planning on possible scenarios and the pre-positioning of supplies, etc.
- The U.S. needs to be prepared to maintain a long-term commitment to the Government of Southern Sudan (GoSS), to help them build their country, deliver basic services to their people and provide security, whether they remain an autonomous region or become independent. The U.S. must be supportive, while emphasizing the importance of democratic governance and respect for human rights.

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The U.S. was a key negotiator and guarantor of the 2005 peace agreement and continues to be the largest donor to Sudan, not only in humanitarian assistance but also in terms of its support to two peacekeeping missions. Since 2005, the U.S. has spent \$6 billion in assistance in Sudan according to USAID. The U.S. also has strategic and national security interests in both north and south Sudan and a clear interest in ensuring that it does all it can to support stability and a peaceful resolution of the differences between the two parties.

## Background

Sudan's troubled history includes over two decades of conflict between the north and south, leading to the displacement of four million people and the deaths of two million. Since the Comprehensive Peace Agreement (CPA) was signed in 2005, more than two million Sudanese have returned home to the south and the three transitional areas, most returning to difficult conditions, destroyed livelihoods and little in the way of health care or education for their children. Many of them arrived home and, finding little support, returned to where they had originally fled. Approximately 350,000 Sudanese refugees still live abroad in places like Chad, Kenya and Ethiopia.

The conflict in Darfur that began in 2003 has also inflicted terrible wounds on the country, wounds that have yet to heal. Over 2.6 million Darfuris remain in displacement camps, and violence and lawlessness continue to fester. RI has not been able to visit Darfur since late 2006 due to our inability to obtain the needed government-issued travel permits but, like you, we continue to be concerned about the ongoing violence against civilians and the ability of the displaced people there to return home. Protection of the displaced must be the primary consideration in all discussions around the closure or relocation of IDP camps. The UN Refugee Agency UNHCR plays a unique and critical protection role in Darfur which must be supported.

I am quite sensitive to the situation in Sudan because when I was a health advisor with UNHCR, I took care of some of the Lost Boys that fled south Sudan and found themselves in camps in southern Ethiopia. There I found boys, 17 or 20 years old, dying of diseases that you only read about in books like those describing Captain Cook's expeditions. Boys had vitamin deficiencies so bad that they could not even walk. We had to establish airlifts to get them treatment. I know where those boys came from and I certainly hope that there will not be any risk that they or other refugees would be forced back there.

There will be a referendum early next year to decide whether south Sudan remains part of the north or becomes an independent country, and a referendum will also be held on the future of Abyei. Any country that divides experiences problems and we have seen this for instance in the Balkans. We saw it on the Indian subcontinent over half a century ago. Any such separation generates tension and our concern is whether political leaders on either side of the divide are willing to say: the history of Sudan has been dramatic, here is our chance to put our differences aside and show that we can do something for the people.

There is a risk that some people, for political reasons, may want to throw fuel on the fire. The possibility of ethnic tensions is very high—certainly along the north-south border. Whichever way the referendum goes, independence or unity, some people will be displeased with the results. And they may take the opportunity to create instability. We must all pay close attention to specific flash points, for example areas on the north-south border where demarcation is not quite clear. A number of southern Sudanese have lived in the north for the past twenty or forty years, having fled there during the war. South Sudan is a distant memory for them. But they're southerners, they look like southerners, they have a different ethnicity. If the south becomes independent, what will be the attitude towards them in the north?

### Culmination of the CPA Process

Preparations for the referendum, called for in the CPA and currently planned for January 9, 2011, are far behind schedule. Voter registration has not even begun. Key issues have not been agreed, such as how to share the oil wealth, 80% of which lies in the south but all of which is pumped out through the north. Relations between the north and south are characterized by a complete lack of trust and confidence and each side blames the other as the preparations for the referendum lag further and further behind schedule. The sheer logistical challenge of mounting a referendum in the south, a territory larger than the size of Texas with only 50 km of paved road, cannot be underestimated.

In the three transitional areas of Abyei, Southern Kordofan state and Blue Nile state, the lack of progress on implementing the provisions of the peace agreement also risk sparking conflict. Oil-rich Abyei territory was promised its own referendum to decide whether to join the south or remain in the north, and these preparations lag even further behind those in the south. The borders have not been demarcated and the Abyei Referendum Commission has not been established. The northern and southern Sudanese armies have clashed in this area in the past, and it is seen as a likely flashpoint in the months to come. The "popular consultations" promised for citizens of Southern Kordofan and Blue Nile have not happened and their timeline is unclear, threatening to increase the sense of marginalization many communities in these states, like the Nuba for example, already feel.

In looking at the potential fallout from the referendum, there are many potential scenarios. In RI's view, the most risky scenario is if the referendum is not held, or if it is held in such a manner that the results are contested by either party. If conflict is sparked over the results of the referendum, it could very quickly spiral out of control, with ordinary Sudanese people paying the heaviest price in terms of new displacement and disruption to their lives. A unilateral declaration of independence by the south, outside the terms of the CPA, would also be very destabilizing for Sudan and the wider region, and would create confusion and division among Sudan's international partners. We were disappointed to learn recently that the UN peacekeeping mission UNMIS will not be playing a monitoring role in the referendum as had been initially hoped. This is extremely unfortunate given that they are in the process of extending their presence to the county level throughout the south and could truly be the eyes and ears of the international community on the ground.

### Security in the South

RI is equally concerned about the potential for deterioration in the security situation within south Sudan after the referendum. Already we have seen tensions between different groups in the south result in armed clashes and new population displacements. After the April elections, the Carter Center found numerous instances of voter intimidation and interference in the campaigns of opposition candidates by the Sudan People's Liberation Army (SPLA). The implications of this for southern stability, post-independence, are not very promising unless the GoSS fully commits itself to democratic governance, tolerance for the political opposition and the creation of a professional security apparatus. So, while the international community must do all it can to support both parties to complete the final provisions of the CPA in a peaceful manner, we must not close our eyes to the gravity of the situation.

These extraordinary political events are taking place against a backdrop of an ongoing humanitarian emergency. As a country, Sudan already ranks 150th on the global human development index. Early this year, the UN World Food Programme estimated that more than 4 million people in south Sudan would be moderately to severely food insecure – in U.S. terms, imagine if the entire state of Kentucky did not have enough to eat. According to a July UN report, 700 people have been killed and 150,000 displaced in the south alone so far this year.

### Protecting Minority Communities

I have outlined a number of different factors which could have a seriously destabilizing impact on Sudan and the wider region. Now, speaking as a humanitarian organization, the issue with potentially the greatest humanitarian impact, particularly in terms of new population displacement, is citizenship. In a recent field report, RI highlighted the vulnerability of southerners in the north and northerners in the south to harassment or forced expulsion, in the event that the south secedes and there is no clarity as to their legal status.

RI traveled to Sudan in June to meet with internally displaced southerners in Khartoum to hear their views on this issue. Currently an estimated 1.5 to 2 million southerners still live in the north, mostly in the Khartoum area. Many of these people still consider themselves displaced, living in camps or settlement areas with few amenities. Others have become integrated into northern communities and have built new lives and families there. A number of southerners have children born and raised in the north, often without any real ties to the south.

Although access to the displaced communities is extremely difficult, RI's team interviewed a number of IDP community leaders, women and non-IDPs who work with them. A special permit from the Khartoum state government is needed to visit any of the formally recognized displaced camps. RI managed to meet with people in the informal IDP areas, basically shanty towns and squatter settlements, on the outer peripheries of Khartoum city. People there suffered from an acute lack of basic services like health care, compared to other areas, and international assistance is at a bare minimum. Some of the displaced told us that local authorities had forcibly relocated their camps in the past to make way for other developments, really magnifying the sense that these communities live on the margins of society. International interest in and funding for these communities seems to have waned, through a combination of frustrating access problems and confusion over whether these people should still be considered displaced, many of them having arrived several decades ago.

When RI spoke to these southern IDPs in June, we asked whether they wanted to return home to the south or to stay in the north. We discovered that the reality is extremely complicated and that it is impossible to make any blanket statements about what southerners want. One IDP community chief estimated to us that 60% of his community of 35,000 had settled and wanted to stay in Khartoum; 40% wanted to go back to the south. One SPLM official said she had been approached by a group of southern university students studying in Khartoum. They were very worried that if the south voted for secession, they might be forced to return home without having completed their degrees. It is not hard to imagine what a huge waste of time and money this would be for these young people, not to mention that they might lose their best chance of lifting themselves out of poverty.

While both the north and south have recognized the need for clarity on citizenship criteria as one of the key components of the referendum negotiations, no progress has been made. Whatever citizenship agreement is reached should be in line with international best practices on nationality in relation to the succession of states. The will of individuals must be respected, there should be no discrimination on ethnic, religious or political grounds in accessing citizenship and both parties should commit themselves to protecting people from statelessness.

Beyond coming to an agreement on citizenship, it is critical for both parties to protect minority communities on both sides of the border against potential harassment or forced expulsion. RI heard from a number of southerners who worried about a backlash against them after the referendum, either from local authorities or from people angry at the south's decision to separate. Groups of southern IDPs told RI they wanted to leave Khartoum immediately but simply lacked the means to transport themselves, their families and their household possessions. Some displaced southerners told RI they did not think they would be able to vote without interference in Khartoum during the referendum. Others cited increases in hate speech in statements they said National Congress Party (NCP) officials had made, or newspaper articles saying that if the south seceded, there would be no need for southerners to remain in the north.

Possible forced expulsion or even statelessness is not a theoretical scenario, it is potentially very real. This is also true for northerners living in the south, and for populations who seasonally migrate across the north-south border. In light of this, we need public commitments now from both governments that guarantee security and protection of all people within their respective borders, so as to prevent expulsion or any other kind of hostile act against minority communities, until such time that a citizenship agreement is agreed and implemented. This will also help reduce ambiguity and minimize the chance that people will flee or be forced out based on fear, or rumors and speculation about who is a citizen and who is not. We were pleased to hear GoSS President Salva Kiir make statements at the United States Institute of Peace in Washington last week guaranteeing the protection of all Sudanese in the south, including northerners, around the referendum. We sincerely hope that this is upheld and we would also urge the NCP to make similar public guarantees.

In addition to public guarantees, we need a mechanism for the physical protection of vulnerable minority populations from potential violence by either side, in case the stated guarantees are not upheld. This is perhaps our biggest challenge. UNMIS has a civilian protection mandate but lacks the capability to enforce it robustly even though it has almost 10,000 troops on the ground. To be clear, UNMIS should still do all it can in terms of identifying conflict hotspots and redeploying its troop strength accordingly. The mission must conduct regular threat assessments and implement concrete civilian protection planning in places like Abyei. But we must also have realistic expectations about the limitations of UN peacekeeping in general, where missions only deploy with the permission of the host governments. It is extremely unlikely that UNMIS will interject itself into a shooting match between the northern and southern armies, should it come to that. For this reason, it is equally unlikely, in our view, that UNMIS will physically intervene to protect civilians against aggression committed by either the northern or southern governments.

#### **Work for the Best, Prepare for the Worst: Humanitarian Contingency Planning**

Should the referendum lead to the new displacement of 1.5 to 2 million people, contingency plans must be in place to respond. In the run-up to the referendum, one thing we have been doing is trying to ensure that the humanitarian community in Sudan is as prepared as possible to respond to new outbreaks of conflict and displacement that may occur in the run-up to or aftermath of the 2011 referendum, including by pushing for robust contingency planning. This is one of the few times in history where we could have foreseen months or even years in advance that conflict is likely. As such, we can make no claim that we were "caught by surprise" if conflict breaks out, or if we need to scramble to respond to large movements of people fleeing violence. With advance planning, we could minimize the chaos and coordination problems that tend to characterize the humanitarian response to sudden, unforeseen emergencies like the Haiti earthquake. Needless to say, advance planning is far less costly than mounting a last minute response.

The UN in Sudan has launched a contingency planning process, which includes pre-positioning supplies and the reinforcement of the UN's Office for the Coordination of Humanitarian Affairs (OCHA) in the south, in an effort to be more prepared to deal with any deterioration of the humanitarian situation. We welcome this effort and would urge you and others to support it. Initially, there was some resistance from parts of the humanitarian community to spending time and resources planning for something that may never happen, when existing humanitarian needs are still not fully met. UN agencies and humanitarian organizations appealed for \$1.8 billion this year for Sudan, a request which is just over half funded. If humanitarian actors on the ground are to succeed in responding quickly and flexibly to new crises, they must at the very least be fully staffed and funded for carrying out their current work.

Contingency planning must specifically include concrete provisions for responding to new movements of population between north and south. The GoSS recently announced an accelerated return and reintegration program



to assist southerners in the north to return home. RI supports the right of southerners to return home if they wish, and this could be part of a wider protection strategy for those who feel they are at risk. However, returns must be 100% voluntary, without undue pressure to move to coincide with the referendum or other political timelines. Ultimately returns must be conducted in an organized manner, with international support and involvement, and should not be rushed at the expense of the safety and dignity of returnee families.

Given the difficult living conditions in the south, it is critical that the U.S. and other donors provide support for reception and reintegration of these people into communities once they arrive. Most of the 2.2 million southerners who returned to the south after the signing of the CPA did so spontaneously, without much international support. In the south, most returnees found living conditions to be extremely difficult. People arrived to find a critical lack of healthcare and education facilities, jobs and sometimes even a lack of sufficient water. As a result, a number of returnees left again. Programs that help these people rebuild their lives and reintegrate into their communities have been chronically underfunded by donors. The UN appeal for funding for the returns and early reintegration cluster was about \$75 million this year. Only about \$15 million of that has been funded, or 20%. Donor governments must see reintegration support as a critical long-term commitment.

### **Long-term support to the Government of Southern Sudan**

In the longer-term, if the south does become an independent state, it is going to need our committed and extensive support. Capacity-building of the southern government to enable it to deliver basic services to the population will be critical. The U.S. already supports the GoSS in this area, for example through our funding of the \$100 million Building Responsibility for the Delivery of Government Services (BRIDGE) program, which develops state and local government capacity to deliver services, like water and education, to communities. But significantly more support is likely to be needed. It is crucial that local level grievances over the lack of basic services do not fuel a chronic cycle of destabilization throughout the south. At the same time, increased support should come with certain conditions. The U.S. should not grant a blank check to the new southern government, but rather it should play the role of critical friend. Support must be used to further democratic governance, accountability, transparency and a strong commitment to international human rights standards, particularly on the part of the southern Sudanese army, and the U.S. should be prepared to withdraw its support if these are not forthcoming.

Similarly, in the event of independence, UNMIS is likely to be asked to remain in south Sudan in order to help maintain stability and support rule of law and security sector reform initiatives with the GoSS. The structuring of this new UN mission must take into consideration the need for civilian protection from the outset. The U.S. should also be willing to help support with essential equipment like helicopters. We understand a number of current UNMIS helicopters are being withdrawn by the country contributing them, leaving a critical gap. UN support for security sector reform must also be conditioned on the southern government and army's adherence to basic international human rights standards. This will be difficult, but it is absolutely critical if the new peacekeeping mission is to have any legitimacy in the eyes of the Sudanese population. At the same time, the increased focus on support for an independent south must not fail to recognize post-referendum dynamics in the north and the risk that human rights space there could narrow even further. The conflict in Darfur is far from resolved and U.S. must not become distracted, or to allow support for a negotiated solution to flag.

### **Conclusion: What Can Be Done**

What can be done about all of this? Clearly time is very short before the referendum in January and much remains to be done. The Administration needs to continue its efforts to engage both parties to push the CPA process forward to its completion, including the holding of peaceful and credible referenda in both the south and Abyei. The appointment of Ambassador Princeton Lyman to support the post-referendum negotiations and the reinforcement

of the State Department presence in Juba are both very welcome. The Administration's September 14 statement outlining some of the incentives the U.S. would be prepared to offer in response to concrete achievements on the ground is also a step in the right direction. The support of Congress, both in terms of funding, and holding the Administration accountable, will be critically important. Your efforts to continue to raise the profile of Sudan and the challenges it faces, such as through this forum today, are greatly appreciated.

Progress needs to be made on the issue of citizenship, in order to avoid potentially massive new displacement. If the estimated 1.5 to 2 million southerners suddenly pick up and move south en masse, forced to abandon their household possessions along the way, it would be a humanitarian catastrophe, to which the international community would be hard pressed to respond. Therefore, all efforts should be made to reach an agreement on citizenship criteria as soon as possible. In the event that such an agreement is not reached before the referendum in January, at the very least both parties need to publicly commit to the security and protection of ALL citizens within their boundaries, regardless of religion or ethnicity. They should also commit to the continued freedom of movement, residence and employment of all Sudanese until such time that a formal citizenship agreement is reached.

If violence does break out in the months to come, resulting in large scale displacement or refugee flows, humanitarian agencies on the ground are going to need all the support they can get. Should they need to activate their contingency plans, they will need quick and flexible funding. Aid staff on the ground should be given leeway to direct funds to where they are needed most, with minimal bureaucracy. The emergency response will also be greatly assisted to the extent that things like early warning systems and rapid response mechanisms are funded and set up in advance.

The U.S. must continue to see its support for the GoSS as a long-term commitment that will take years, as opposed to a quick fix, to recover from the immediate aftermath of January's vote. Eventually the excitement around the referendum will die down and the tough reality of governing a new state will set in, probably largely outside the glare of the media. We must not take this to mean all problems are resolved. We must continue to support south Sudan until we are no longer needed.

Members of the Commission, these are exceptionally challenging times. Much of what I have outlined here is extremely worrisome, but it also represents a unique opportunity. The U.S. has so much invested and so many lives are at stake. We must take this moment to become even more committed over the long-term to supporting a peaceful resolution of the issues between north and south Sudan, and not just over the next few months until the referendum is held. One of the most striking things Refugees International has heard repeatedly on trips to Sudan was the commonly-held view, especially among southerners, that the U.S. would be there, at their side, standing with them if conflict did break out. It is never easy to explain in such situations that the U.S. has many priorities and Sudan is not always at the top of the list. But over the course of the next year, not only is the stability of Sudan at stake, but that of its neighbors, the wider region and the sum total of decades of U.S. investment in humanitarian response, peacekeeping and development activities. If, at the 11th hour we fail to do all we can, it will be the Sudanese people themselves who suffer the most, and after more than two decades of war, they have already suffered enough.

Cochairman McGOVERN. Thank you very much. Mr. Chol?

**STATEMENT OF THON CHOL, FORMER EXECUTIVE DIRECTOR,  
SUDANESE COMMUNITY OF WESTERN MICHIGAN AND  
UNACCOMPANIED REFUGEE MINOR FROM SUDAN**

Mr. CHOL. Good afternoon. I would like to thank Co-Chairmen McGovern and Wolf, my Congresswoman, Donna Edwards, and Congressman Smith, and the Tom Lantos Human Rights Commission for inviting me to be with you here today. I am honored to share my testimony with you.

My name is Thon Chol. I was one of the Lost Boys who came to the United States in 2000. I was born in Jonglei State, Sudan. When I was four years old, the Sudanese Government attacked my village. I remember a lot of shouting, crying, houses being set on fire, and soldiers shooting people in my village. I ran for safety with other children from the village. Years later, I learned that my father, most of siblings, and all of my uncles and aunts were killed.

Soldiers of the Sudan People's Liberation Army, SPLA, arrived to help me and the other children who had fled. They told us it was too dangerous to return to our village. The SPLA soldiers became our guides, divided us into 14 different groups of about 1,800 children each, and told us that they would take us to Ethiopia.

On our way to Ethiopia, I had limited food and water, and no clothes. I fell sick with malaria, measles, whooping cough, and anemia. We faced attacks from lions, hyenas, jackals, and local villagers. To avoid the hot sun and aerial bombing from the government, we traveled by night and rested during the day. I understood that the government was after me, but I did not understand why.

By the time we arrived to Ethiopia in late 1987, about half of the children in my group had died. In Ethiopia, the United Nations refugee agency, UNHCR, helped set up a camp in Pignudo for us. There were a few girls in my section of the camp, but the majority were boys. They gave us wood, and we built housing structures made up of grass thatch houses. And this one here is my first photo when I was in Ethiopia, and then when I left the village. So I was actually -- I felt like I was in town for the first time, to have a photo taken. And it is actually included in your folder.

This was the first photo taken in my life. We did not have much in the camp. Many of the children played with toys made of tin cans. Camp officials provided us with malaria tablets and some kind of cough tablets. But I don't remember them providing any other medicine. Although I was able to attend classes, I remember having to use a stick on the dirt floor. I had faith in God that things would change. However, it was not as easy for others.

The older kids struggled with the horrors of war and what had happened, and the responsibility of having to care for the younger children. During my time in the Ethiopian camp, I remember members of Congress visiting us. I later learned that none other than Congressman Frank Wolf had been there. And I thank him for that, and also I thank him for his continued support.

In 1991, war broke out between Ethiopia and Eritrea, and we had to return to Sudan. Rebels killed many boys and girls as we were returning to Sudan. By this time, the story of the Lost Boys and Girls of Sudan had spread around the world. The

late Manute Bol, a professional U.S. basketball player from Sudan, delivered supplies to us while we were still at the camp in Pochalla, Sudan.

The Sudanese military discovered our location in Pochalla, so we had to run for safety toward the Kenyan border. UNHCR picked us up and moved us to the Kakuma refugee camp in northern Kenya. I arrived to Kakuma in 1992, at the age of 11. Kakuma was a very large refugee camp housing an estimated 85,000 refugees from Sudan, Congo, Ethiopia, Rwanda, Uganda, Eritrea, Burundi, and Somalia. Life in Kakuma was not easy. There were no trees, no food growing, and there was little rainfall. Once again we had to build our own housing structures.

Every two weeks, they would distribute basic food supplies. There were not enough clothes or educational supplies. Local Kenyans would also enter the camp and attack us. There were, however, some bright spots. After years of walking barefoot, we finally had shoes. Although they were made of used tires, we at least had something to protect our feet. Also, the education we received was an improvement over the classes in the previous camp. In this period of my life, I started learning English.

In 2000, God blessed me with the opportunity to be resettled to the United States, thanks to the work of UNHCR, the U.S. Government, and the Lutheran Immigration and Refugee Services. I arrived in the country alone and was therefore classified as an accompanied refugee minor. INS placed me with Bethany Christian Services, a foster care program in Grand Rapids, Michigan. During my first week in the United States, I felt cold. What a chilly discovery that was. Other initial challenges were cultural differences, language barrier, and educational gaps.

Since my arrival, I have graduated from high school, college, and earned a master's degree in social work. I attribute my personal accomplishment to the help of my American foster parents, the organizations that helped to feed me, clothe me, and provide me with shelter when I was refugee; and equally important, the support I have received from my friends, family, instructors, co-workers, and mentors.

In 2008, I interned for Senators Carl Levin and Debbie Stabenow, and I currently work for the Government of the District of Columbia. Not all are as lucky as I. My sister, Akuol Chol, is a widow residing in a refugee camp in Uganda with her children. Though I try to help her from the United States, I am very worried for her safety and her well-being. She too has been a victim of violence, and has been a refugee for many years. I hope that she and children will soon be able to be resettled to the United States so we can be together.

In my life, I have experienced trauma, conflict, war, and injustice, but I am not angry. I have devoted my life to peaceful coexistence, love, and fairness. I remain in close contact with the Sudanese community and try to promote peace and progress. As a result of what I have seen, I recommend that U.S. policy-makers do the following.

One, put more diplomatic pressure on Sudan and other governments to resolve their wars peacefully. Include input and recommendations from NGOs who have been working with refugees and other displaced populations.

Two, assist refugees who voluntarily return to their countries with training on how to survive, grow crops, start micro-enterprises, et cetera. Non-profit

organizations who work with refugees should help develop and implement these programs.

Three, provide better assistance to refugees in the refugee camps, such as protection, food, shelter, healthcare, education, counseling and therapy, and AIDS awareness programs.

Four, ensure fairness and transparency in the distribution of supplies to refugees.

Five, improve the cultural orientation given to refugees being admitted to the United States tailored to the origin of the refugees and to the state where the refugees are being resettled.

Six, conduct a thorough assessment of refugees being admitted to the United States to determine the services they will need to successfully rebuild their lives in the United States.

Seven, create programs to enable refugees resettled to the United States to return to help their countries rebuild and to provide support to fellow refugees who are still in the camps.

Congressman Wolf introduced legislation on this issue a few years ago, and this bill is a good example on how the U.S. government can empower refugees to be a part of the solution. Thank you again for the opportunity to share my story with you this afternoon, and I look forward to answering questions you may have. God bless you.

[The statement of Mr. Chol follows:]

#### PREPARED STATEMENT OF THON CHOL

##### Testimony of Thon Moses Chol

**Former Executive Director of the Sudanese Community of West Michigan and Unaccompanied Refugee Minor from Sudan**

**Submitted to The Tom Lantos Human Rights Commission**

**On the Subject of "Refugees and IDPs in Sudan: The Crisis Continues"**

**September 30, 2010**

Good afternoon. I would like to thank Co-Chairmen McGovern and Wolf, my congresswoman, Donna Edwards, and the Tom Lantos Human Rights Commission for inviting me to be with you here today. I am honored to share my testimony with you.

My name is Thon Moses Chol and I was one of the Lost Boys who came to the United States in 2000. I was born in Jonglei State, Sudan. In 1987, when I was four years old, the National Islamic Front Government attacked my village. I remember a lot of shouting, screaming, houses burning and soldiers shooting people in my village. I ran for safety with other children from the village. Years later, I learned that my father, most of my siblings and all of my uncles and aunts were killed in this attack.

Soldiers of the Sudan People's Liberation Army, SPLA, arrived to help me and the other children who had fled. They told us it was too dangerous to return to our village. The SPLA soldiers became our guides, divided us into 14 different groups of about 1,800 children each, and told us that they would take us to Ethiopia.

On the way to Ethiopia, I had limited food and water and no clothes. Many of us fell sick with malaria, measles, whooping cough and anemia. We faced attacks from lions, hyenas, jackals and local villagers. To avoid the hot sun and aerial bombings by the Sudanese Government, we traveled by night and rested during the day. I understood that the government was after me, but I didn't understand why.

By the time we arrived to Ethiopia in late 1987, about half of the children in my group had died. In Ethiopia, the United Nation's refugee agency, United Nation High Commissioner for Refugees, helped set up a refugee camp in Pignudo for us. There were a few girls in my section of the camp, but the majority were boys. They gave us sticks and we built housing structures with grass roofs.

We did not have much in the refugee camp. Many of the children played with toys made of tin cans. Camp officials provided us with malaria tablets and some kind of cough tablets, but I don't remember them providing any other medicine. Although I was able to attend school, I did not have any school supplies. I had to use a stick on the dirt floor to practice writing. We washed our clothes and drank water from a river that ran through the camp. Some children drowned because they didn't know how to swim or were eaten by crocodiles.

Despite all of what I had seen, I had faith in God that things would change. But it was not as easy for some of the others. The older kids struggled with the horrors of what had happened. They were also burdened with the responsibility of having to care for the younger children.

During my time in the Ethiopian refugee camp, members of the U.S. Congress came to visit us. I later learned that none other than Congressman Frank Wolf was a part of this delegation. Thank you for your continued support, Congressman Wolf!

In 1991, war broke out between Ethiopia and Eritrea and we had to return to Sudan.

We arrived to Gilo, Ethiopia, but there was no food. Instead of facing starvation, some of us went back to the refugee camp to get food. Upon returning to the camp, many children were killed by rebels. Those of us that survived found food supplies and continued on Pochalla, Sudan.

By this time, the story of the Lost Boys and Girls of Sudan had spread around the world. The late Manute Bol, a Sudanese national who had become famous playing professional basketball in the United States, visited us in Pochalla. He helped us to survive by delivering food and other supplies.

The Sudanese military discovered our location in Pochalla and continued their attacks against us. We ran for safety toward the Kenyan border. UNHCR and Operation Lifeline Sudan picked us up and moved us to the Kakuma refugee camp in Northern Kenya.

I arrived at Kakuma in 1992 at the age of 11. Kakuma was a very large refugee camp, housing an estimated 85,000 refugees from Sudan, Congo, Ethiopia, Rwanda, Uganda, Eritrea, Burundi, and Somalia. Only about half of the children in my group survived. The rest died of hunger and other war-related causes during our journey to Kenya.

Life in Kakuma was not easy. There were no trees, no food growing, and there was little rainfall. Once again, we had to build our own housing structures. Every two weeks, they would distribute basic food supplies: flour, oil, beans/lentils, and salt. We had to ration our food carefully because if you ate everything in just a few days, you had to wait until they distributed food again in order to eat. There were not enough clothes or educational supplies. We also were threatened by local Kenyans who would enter the camp to beat and kill the refugees.

There were, however, some bright spots. After years of walking barefooted, we finally had shoes! Although they were made of used tires (Mutu-kaliu), we at least had something to protect our feet. Also, the education we received was an improvement over the classes in the Ethiopian. It was during this time of my life that I started learning English.

We were allowed to leave the camp, but it was difficult if you did not have money. I was able to leave a few times because I had found work with the Lutheran World Federation as a pre-school teacher and with the Jesuit Refugee Services as a counselor.

In 2000, God blessed me with the opportunity to be resettled to the United States thanks to the work of the U.S. Government, UNHCR, and Lutheran Immigration Refugee Service (LIRS). I arrived to the country alone and was therefore classified as an Unaccompanied Refugee Minor. LIRS placed me with Bethany Christian Services, a foster care program in Grand Rapids, Michigan, where I was treated with respect, dignity, care and love.

I arrived in the United States with only a small plastic bag, a textbook, an African dress to symbolize my heritage, and a T-shirt. The shoes I was wearing on my trip to the United States are actually now in a Grand Rapids museum. When I landed in Grand Rapids, staff from Bethany Christian Services and someone from Sudan were there to meet me at the airport. It helped having someone from Sudan there to help welcome me.

The URM program assigned me a caseworker who oversaw my general wellbeing by helping me with school, going to the doctor, and attending assigned programs. I was initially placed with an American family, but it was hard to adjust to family life. I had been living on my own since I was four years old, so I wasn't used to having other people tell me what to do. Bethany Christian Services then moved me to a group home with other refugee youth.

Soon after, I changed homes again. A principal from my high school invited me to stay with him and his family. I was initially reluctant, but he convinced me to live with him and his family. This ended up being a very positive experience as I learned a lot from him and his family.

Transitioning to life in the United States was not easy. Growing up in Africa, I had never seen cold winters like this before. Other initial challenges were cultural differences, language barriers and educational gaps. However, with the assistance of friends, mentors and Bethany Christian Services, I became more comfortable living in the United States.

After I finished high school in 2001, I started Grand Rapids Community College and finished in 2004 with an Associates Degree. This was really a good experience. I received a lot of personal attention from teachers who helped me with typing, reading, writing and other basic skills to prepare me for college.

In 2006, I received my Bachelor's degree in Organizational Communication and in 2008 received a Master's degree in Social Work from Western Michigan University. In 2008, I interned for Senators Carl Levin and Debbie Stabenow. I currently work for the Government of the District of Columbia and am considering pursuing a PhD program later in my life.

I attribute my personal accomplishments to the help of my American foster parents, the organizations that helped to feed me, bring me to the United States, clothe me and provide me with shelter. Equally important is the support I received from my friends, family, instructors, co-workers, and mentors. Without the support of community members in Michigan, and all the organizations and individual I mentioned earlier, I would not be where I am today.

Not all were as lucky as me. My sister, Akuol Chol, is a widow residing in a refugee camp in Uganda with her children. Though I try to oversee her welfare from the United States, I am very worried for her safety and well-being. She, too, has been a victim of violence and has been in a refugee camp for years. I hope that she and her children will also be resettled to the United States so we can be together.

In my life, I have experienced trauma, conflict, war and injustices, but I am not angry. I have devoted my life to peaceful co-existence, love, and fairness. I remain in close contact with the Sudanese community trying to promote peace and progress.

As a result of what I have seen, I recommend that U.S. policy makers do the following:

#### **Overseas**

1. Put more diplomatic pressure on Sudan and other conflict areas to resolve their differences peacefully and include input and recommendations from NGOs with experience working with refugees and displaced persons.
2. Assist refugees who voluntarily return to their countries with training programs on how to survive, grow crops, start micro-enterprises, etc. Non-profit organizations who work with refugees could help develop and implement these programs.
3. Provide better assistance to refugees in refugee camps, such as protection, food, shelter, health care, education, counseling/therapy and AIDS awareness programs.
4. Ensure fairness and transparency in the distribution of supplies to refugees, and closely monitor for corruption and theft.
5. Improve the cultural orientation given to refugees being admitted to the United States tailored to the origin of the refugees and to the state where the refugees are being resettled.
6. Conduct a thorough assessment of refugees being admitted to the United States to determine the services they will need to successfully rebuild their lives in the United States.
7. Create programs to enable refugees resettled to the United States to return to help their countries rebuild and to provide support to fellow refugees. Congressman Wolf introduced legislation on this issue a few years ago and this bill is a good example of how the U.S. government can empower refugees to be a part of the solution. A bill such as this should be reintroduced.

#### **Domestic**

1. Provide more comprehensive services to resettled refugees, including mental health screening and support, job training, English language training, civic responsibilities, financial literacy, and time management. ("Hurry, hurry has no blessing" is a common African saying.)
2. Extend the eligibility period of services to refugees longer than the eight months that refugees currently receive.
3. Provide more emphasis on education to help refugees because without education in the United States, it is difficult for refugees to advance professionally.
4. Promote vocational training to leverage refugees' skills.
5. Create more specific kind of trainings to help empower refugee women.

Former UN High Commissioner for Refugees once said, "A lasting solution, the possibility to begin a new life, is the only dignified solution for the refugee himself."

Members of the Human Rights Commission, I want to remind you of the impact of your efforts:

- They bring salvation where there is desperation.
- They bring hope where there is despair.
- They bring progress where there is stagnation.

Thank you again for the opportunity to share my story with you this afternoon and I look forward to answering any questions you may have.

**God Bless!**

Cochairman McGOVERN. Thank you very much. We appreciate your being here. Is that microphone working?

Ms. KUCH. I think it is working.

Cochairman McGOVERN. It is working, good. Ms. Kuch, can I ask for your testimony?

**STATEMENT OF ELIZABETH KUCH, BOARD MEMBER OF THE LOST BOYS & GIRLS OF SUDAN NATIONAL NETWORK AND FORMER UNACCOMPANIED REFUGEE MINOR FROM SUDAN**

Ms. KUCH. Good afternoon. I would like to express my appreciation to the Tom Lantos Human Rights Commission for inviting me to be here today, and I would also like to thank the co-chair, Mr. McGovern, Congresswoman Edwards, and also Congressman Smith, for your interest in Sudan and the issues that are affecting us. It is really appreciated, and hopefully God will help you guys and all of us with whatever the next step that Sudan will take, and hopefully, in days to come, Sudan will be in peace.

My name is Elizabeth Anok Kuch. I am one of the few fortunate Lost Girls who survived and made it to the U.S. in 2000. I was born in Jonglei State of Sudan. My father had four wives, and had many children. My mother was his third wife, and in total they had seven children. One evening, at age five, I was awakened by the sounds of gunshots, and people were screaming. I ran out of my room to see what was going on. I couldn't believe my eyes. There was fire and dead bodies everywhere. People were running in all directions. I called out for my mom, my father, but I couldn't find them. I saw one of my uncles laying on the ground and bleeding. I ran away as fast as I could.

The next morning, other people who had escaped the attacks congregated under some trees. I walked through the crowd -- it is me or is the microphone cutting out? Okay. I walked through the crowd, hoping I would find my mom. I knew if I found her, she would have some food, water, and a place for me to sleep. I never found my mother or my father, but this dream has remained with me for the rest of my life.

As days passed, I was still tired, hungry, thirsty, and confused. My feet hurt because we spent hours every day walking barefoot. I would go to sleep hoping that when I woke up, things would be back to normal, but when I woke up, everything was still the same.

One day I hurt my foot on a rock and injured my big toe. It was so painful, I couldn't walk. An older woman tried to carry me, but I was too heavy for her. She told me that I have to walk because the enemies, which I later learned was the Sudanese Government, was following us and would catch us if we delay. Days passed by, and I kept asking myself, why me? What did I do to deserve all this? The lady took good care of me, but this did not last long. One day I woke up and found out that she had died.

The following day, our group needed to keep moving, but I was still in pain from my wound. I couldn't keep up with the group. Later men holding guns approached me. One of them offered to help me, but I was afraid. I thought they



were enemies. They told me that they were members of the Southern People's Liberation Army, the SPLA, and they were on our side.

The SPLA helped to guide me and thousands of the other Lost Boys and Girls from Sudan to Ethiopia. Many of the children did not survive the journey. They died from natural causes, disease, hunger, and thirst, attack from the enemy and wild animals. When we arrived at a refugee camp in Ethiopia, there was no food. I stayed with another lady who took care of my while I helped her with chores. I went to market to beg and pick garbage from the dumpster. I would bring food home for us to eat.

As the weeks passed by, the situation improved. The United Nations refugee agency, UNHCR, brought us food, clothing, and supplies. People started building shelters and schools. There were a few doctors' offices and hospitals. Even though things were better compared to walking barefoot from Sudan to Ethiopia, it was not home. I missed my mom and wished every day that I could see her.

Although children could go to school in the refugee camp, I did not know what a school was. In my village in southern Sudan, we did not have any schools. In the camp, no one encouraged me to go to school, so I did not attend. Four years later, a war between Ethiopia and Eritrea forced us to leave Ethiopia. We had to walk back to Sudan. The enemy struck again, and we fled to Kenya on foot.

In 1992, we arrived at a refugee camp in Kenya. It was so dry and dusty. There was not enough food, and access to water was a problem. Three times a day, camp officials would let water run from the taps for two hours. You had to wait in line to get water. If you were the last person in line, the water would be cut off before your turn.

Food was being distributed in the camp, but we have no way to cook it. Women and young children, women and young girls, would have to find firewood, but in most cases we would come back without any, because we faced physical and verbal harassment from the local Kenyans.

In the refugee camp, women and girls had a lot of responsibilities, fetching water, firewood, cooking, and taking care of the household. Even though I was able to attend classes in the refugee camp, it was hard to manage all my chores plus school. Some girls would just give up on school, or were not given the opportunity to attend.

Security in the camp was the biggest issue. We faced threat if we left the camp. People would be robbed or beaten. Locals would enter the camp during the night and kill people for no reason. We couldn't defend ourselves, and the camp officials did not provide us protection.

While I was in the refugee camp, I was introduced to someone who ended being my step-brother. I then met two other step-brothers in the camp. When refugee processing started for resettlement to the United States, my step-brothers applied and included me and my other two step-brothers on the application. When I found out that we had been accepted to come to the United States, it was like a dream come true. However, I knew that leaving Africa meant that I may never know what happened to the rest of my family.

We left for the United States on November 27, 2000. Lutheran Immigration and Refugee Services place me and my step-brothers with the foster care program in

Pennsylvania run by Lutheran Children and Family Services. Although I was anxious about how we would survive in the new country, staff from the program and our Sudanese caseworker, which is by the way the minister of agriculture in whatever state in Sudan, met us in the airport and helped us to get oriented to the life in the United States.

It wasn't until 2000 that I learned what had happened to my family. My father was killed in Sudan in the civil war. Two of my siblings did not survive either. However, my mother and my four siblings were alive and live in a refugee camp in Uganda. I filed for them to come and join me in the United States, but after September 11, refugee resettlement to the United States was much more difficult due to higher security concerns. So they decided to be resettled in Australia. I keep in touch with them regularly, but I still have not had a chance to see them. I hope that one day my family and I will be able to visit them.

Since arriving to the United States, I have been able to finish my high school education, and I am currently taking classes for college degree. I have remained active on Sudan issues, and I am grateful that as a woman living in the United States, I have the opportunity to be involved in different ways to continue to help Sudan.

The follow are my recommendations for the U.S. Government to help refugees: Provide NGOs greater access to refugee camps to enable them to help refugees advocate for improvement in the camp. Provide greater security to the refugees in the refugee camps. Better oversee the delivery of aid destined for refugee camps to ensure that corrupt governments or individuals do not steal materials, supplies, or forms of assistance. Example -- no, I am sorry. Expand assistance and services to refugees in camps, including food, water, medical care, and education. Increase ongoing training and employment opportunities for adults living in the camp. For example, men are accustomed to providing for their families, but living in a camp, we all became dependent on outside aid. Create special parenting and professional training classes for women in the camps. Provide more counseling to refugees. Refugees have experienced tremendous trauma and suffering, and need special support assistance.

Thank you again for your time, and I hope you have a better understanding on the challenges refugees face, particularly young girls. And I look forward to answering any questions you may have. Thank you.

[The statement of Ms. Kuch follows:]

**PREPARED STATEMENT OF ELIZABETH KUCH**

**Testimony of Elizabeth Anok Kuch**

**Board Member of the Lost Boys & Girls of Sudan National Network and Former Unaccompanied Refugee Minor from Sudan**

**Submitted to the Tom Lantos Human Rights Commission**

**On the Subject of "Refugees and IDPs in Sudan: The Crisis Continues"**

**September 30, 2010**

Good afternoon. I would like to express my appreciation to the Tom Lantos Human Rights Commission for inviting me to be here today. I am happy to share with you my life experience and suggestions about how to better protect refugees.

My name is Elizabeth Anok Kuch and I am one of the fortunate Lost Girls from Southern Sudan who survived and was resettled to the United States in 2000.

I was born in the Jonglei State of Sudan. My father had four wives and many children. My mother was his third wife and in total, they had seven children.

One evening, at the age of 5, I was awakened by the sounds of gunshots and people screaming. I ran out of my room to see what was going on and couldn't believe my eyes. There was fire and dead bodies everywhere. People were running in all directions. I called out for my mother and father but I couldn't find them. I saw one of my uncles laying on the ground and bleeding. I ran away as fast as I could.

The next morning, other people who had escaped the attacks congregated under some trees. I walked through the crowd hoping I would find my mother. I knew if I found her, she would have some food, water and a place to sleep. I never found my mom or my dad, but this dream has remained with me.

As the days passed, I was still tired, hungry, thirsty and confused. My feet hurt because we spent hours every day walking barefoot. I would go to sleep hoping that when I woke up, things would be back to normal. But when I woke up, everything was still the same.

One day, I stubbed my foot on a rock and injured my big toe. It was so painful that I couldn't walk. An older lady tried to carry me but I was too heavy. She told me that I would have to walk. The enemy, which I later learned was the Sudanese government, was following us and would catch us if we delayed.

Days passed by and I kept asking myself, "Why me? What did I do to deserve all of this?"

The lady took good care of me, but this did not last long. One day, I woke up and found out that she had died.

The following day, our group needed to keep moving but I was still in pain from my wound. I couldn't keep up with the group. Later men holding guns approached me. One of them offered to help but I was afraid. I thought they were the enemy. They told me that they were members of the Southern People's Liberation Army (SPLA) and that they were on our side.

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When we arrived to a refugee camp in Ethiopia, there was no food. I stayed with another lady, who took care of me while I helped her with chores. I went to the market to beg and pick garbage from the dumpster. I would bring the food home for us to eat.

As the weeks passed by, the situation improved. The United Nations refugee agency, UNHCR, brought us food, clothing and other supplies. People started building shelters and schools. There were a few doctors' offices and hospitals. Even though things were better compared to walking barefoot from Sudan to Ethiopia, it was not home. I missed my mother and wished every day that I could see her.

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Food was being distributed in the camp but we had no way to cook it. Women and young girls would have to find firewood. But, in most cases, we would come back without any because we faced physical and verbal harassment from local Kenyans.

In the refugee camp, women and girls had a lot of responsibilities – fetching water and firewood, cooking, and taking care of the households. Although I was able to attend classes in this refugee camp, it was hard to manage all of my chores plus school. Some girls would just give up on school or were not given the option to attend.

Security in the camp was a big issue. We faced threats if we left the camp. People would be robbed or beaten. Locals would also enter the camp during the night and kill people for no reason. We couldn't defend ourselves and the camp officials did not provide us with protection.

While I was in the refugee camp in Kenya, I was introduced to someone who ended being my step-brother. I then met two other step-brothers in the camp. When refugee processing started for resettlement to the United States, my step-brother applied and included me and my other two step-brothers on his application. When I found out that we had been accepted to come to the United States, it was like a dream come true. However, I knew that leaving Africa meant that I may never know what happened to the rest of my family.

We left for the United States on November 27, 2000. Lutheran Immigration and Refugee Service placed my step-siblings and me with a foster care program in Pennsylvania run by Lutheran Children and Family Services. Although I was anxious about how we would survive in a new country, staff from the program and our Sudanese caseworker met us in the airport and helped us to get oriented.

It wasn't until 2002 that I learned what had happened to my family. My father was killed in Sudan in the civil war. Two of my siblings did not survive either. However, my mother and four of my siblings were alive and in a refugee camp in Uganda.

I filed for them to join me in the United States, but after September 11<sup>th</sup>, refugee resettlement to the United States was much more difficult due to heightened security concerns. So, they decided to be resettled in Australia. I keep in touch with them regularly but I still have not had a chance to see them. I hope that one day my family and I will be able to visit them.

Since arriving to the United States, I have been able to finish my high school education and am currently taking college classes. I have remained active on Sudan issues and am grateful that as a woman living in the United States, I have the opportunity to be involved in different ways to continue helping Sudan.

The following are recommendations for the U.S. government to help refugees:

1. Provide NGOs greater access to refugee camps to enable them to help refugees advocate for improvements in the camp.
2. Provide greater security to refugees in refugee camps.
3. Better oversee the delivery of aid destined for refugee camps to ensure that corrupt governments or individuals do not steal materials, supplies or other forms of assistance.
4. Expand assistance and services to refugees in camps, including food, water, medical care and education.
5. Increase ongoing training and employment opportunities for adults living in the camp. For example, men are accustomed to providing for their families but living in a camp, we all become dependent on outside aid.
6. Create special parenting and professional training classes for women in camps.
7. Provide more counseling to refugees. Refugees have experienced tremendous trauma and suffering and need special support assistance.

Thank you again for your time and I hope you have a better understanding the challenges refugees face, particularly young girls. I look forward to answering any questions you may have.

Cochairman McGOVERN. Well, thank you very much. I want to thank all of you for your testimony. I do want to say just one thing before recognizing my other colleagues for any final questions they may have. I think what is clear from the testimony here today is that we are far from well prepared for what might be coming our way, and it is October already, and we are talking about a referendum in January. And, so, that is one challenge.

The other challenge is, how do you control or influence the behavior of governmental players in this because that determines to a large extent how this will unfold in terms of violence, in terms of refugees, internally displaced people, and how do you deal with people in the North and the South who want to resettle back?

The suggestions that have been made here today I think are really right on target, and I can't help feeling extremely concerned that we are already so late -- we are in October, coming into October, and so much is still up in the air. I am very, very worried about the violence which we may see. But your testimony has been very enlightening, and it has given us some ideas of things that we need to pursue. We may not be able to get all the assurances in place that we want to get in place. I hate to see another tragedy unfold that has impacted these people on so many occasions, but I and my colleagues will do whatever we can to follow up on your excellent recommendations. So I thank you very much. I am going to yield now to my colleague from New Jersey, Mr. Smith.

Mr. SMITH. Mr. Chairman, thank you very much. And again, thank you for this very timely and very sobering hearing. Mr. Cochetel very wisely suggested that we be prepared for the worst, and recommended support for a more robust implementation of UNMIS' protection and civilian mandating, including north-south corridors in the event of voluntary or forced return, and you also indicated that there is discussion that is underway regarding safe havens.

Yet, Mr. Gabaudan, you testified that in your opinion, UNMIS is not well equipped and won't intervene in the case of a clash, to use your words. So my question would be, is UNMIS up to the task. What are the rules of engagement for the U.N. force in southern Sudan, in Sudan? And when there is talk of safe havens - the lessons of the failings of UNPROFOR in Bosnia, especially Srebrenica -- and I have been to Srebrenica many times, and was actually there two years ago for a massive reinternment of people who had been slaughtered by the Bosnian Serbs. And, of course, that was done all under the watchful eye of UNPROFOR and the Dutch peacekeepers, who literally turned over those Muslim men to Mladic.

So my question is, have those lessons been sufficiently learned? I mean, safe havens are great concepts, but if they become mustering areas for a killing field, I would be extremely, extremely worried. I know you are raising these questions, and this whole panel deeply appreciates that. But I wonder if others, particularly on the security side, are sufficiently factoring in these questions.

And finally, Mr. Cochetel, you mentioned that 2 million IDPs were at risk of statelessness, and it seems to me that the risk of that kind of disenfranchisement very easily could exacerbate the violent side and create such a chaos, and then you have rules of engagement that may be far less than adequate. I remember on one trip to Darfur, I met with a colonel who was there. This was early after the African Union troops were deployed there, and he said, you know -- and he got me aside. He goes, I

was in Sarajevo when we had very, very weak rules of engagement, and it feels an awful lot like this here. Of course, we keep hearing how they are making it better. But, you know, I just hope we don't have a terrible déjà vu of what happened in Bosnia, as well as what happened, of course, in Sudan itself.

So if you could perhaps touch on those issues. And I want to thank all of our very distinguished witnesses for your testimony.

Mr. GABAUDAN. Congressman, you ask very critical questions, and the answers are difficult, but I will try to measure up to your concern. I will start by saying UNMIS is the only instrument you and we and all of us have in Sudan right now, and we have to use it to the best possible extent. I think we must not forget, one, is that these peacekeeping missions work at the consent of governments. This is a tremendous limitation on how far they will go in case of conflict, and in particular if government forces or government sympathizers are involved in the conflict.

The second one is that they are not sufficiently equipped, and as I said, some of the equipment they have is under threat of being withdrawn right now. So there I think that certainly through advocacy with the administration, but also with other governments, there has to be put a lot of pressure on governments that can step up the equipment that is provided to UNMIS.

Mr. SMITH. Does some of the blame lay at our doorstep?

Mr. GABAUDAN. No, no, particularly. I would say the international community. I do not know exactly the details of funding. But when some governments are withdrawing such critical elements as helicopters in a country where distances and communications are so critical, I think to leave the peacekeeping mission without the capacity to respond quickly is unacceptable. And I think we have to find, and perhaps outside this event, who really can support -- but it is a general concern for the international community, I would say.

The third point, I think it is critical that despite their limitations, UNMIS could play a role if they carried out a very careful assessment of where are the most likely areas of conflict and focus their resources there to try to act as much as possible as a deterrent. The longer term issue, which is how are peacekeepers equipped to protect civilians is a longstanding dialogue. I mean, Refugees International have advocated for a long time that this should be part of their mandate. It is now, under the authority they have, so there has been some progress.

I would argue that the culture in peacekeeping missions is not yet completely centered on civilians. But there is some progress in this direction, and we must keep up the pressure so that these missions do shape up better in training their officers on how to deal with civilian populations, which is not a classic training of soldiers. You know, it does require something -- a completely different approach.

But it would say it is our only instrument. Let us try to put as much as support and as much pressure at the same time so they do the best possible job in what I would say is an unsatisfactory status.

Mr. COCHETEL. Thank you. Thank you, Representative Smith, for your question about the safe havens. Well, I share the same concern as you. The word or the expression has been used in the discussion in the country team in Sudan. Should the people not be able to move to areas of safety at borders or in neighboring

countries, we have to think of safe havens. I hope the lessons from the past have been learned, and will be applied to this situation if it comes to the worst.

You have to understand, it is politically very sensitive to talk publicly, to talk with neighboring countries about worst case scenario because we don't want to be seen as preparing for it or for the collapse of the CPA. But obviously, discussions are taking place on what would be possible corridors, but mainly to bring people to safety to neighboring countries in the South. So that is Ethiopia, that is Sudan, that is Uganda.

The difficulty might be more complex for southerners in the North, who may not be able to go southwards, and the only option for them would be to move to Libya or to Egypt, and there it is going to be more complicated.

Mr. GABAUDAN. With your permission, Congressman, I just wanted to add one thing. If the referendum takes place, it is very likely that the peacekeeping mission will be re-extended. And I think what we would recommend is that there should not be a rollover under the same terms, but the aspect of protection of civilians should be much more reinforced in these mandates. And I think this is something where we can all put some pressure on. Thank you.

Mr. SMITH. Thank you. I yield back.

Ms. EDWARDS. Thank you, Mr. Smith. I just have a couple of questions, and it goes to this question of contingency planning because it does seem that in your testimony you are expressing at least some doubt that the timing that we are talking about is really January for a referendum. And maybe I am reading too much skepticism in that, and so you can confirm that when you respond. But given that on this issue of contingency planning, whenever any kind of, you know, sort of tragic spiral of events happens, and humanitarian organizations and entities, the UNHCR on the ground, that there comes a question of who is really responsible for security, security that enables the continued deliverance of humanitarian needs and services, and for the protection of humanitarian workers and for refugee operations to continue.

And I wonder if in these discussions of contingency planning, whether it is a successful referendum or not, there is a discussion of whose role it is to provide for the appropriate security arrangements that also go to the security of persons on the ground, in addition to all the workers. Do any of you have a sense of whether that is part of the conversation?

Mr. COCHETEL. Thank you very much for your question. There has been some discussion among U.N. and with NGO partners and with UNMIS as to who would do what in any scenario. We have triggered something that is called the cluster approach. It is a division of responsibility among humanitarian partners that brings a sense of more responsibility and predictability over different areas of response. So we have divided the task.

But when it gets to the security of people, our agency can provide some protection services, but we cannot certainly guarantee the physical safety of the people and access to the people. And for that, that is why we need a more robust protection of civilian mandate for UNMIS eventually before the referendum even.

Ms. EDWARDS. I am going to another question here. And I think, Ms. Kuch, you spoke to this, but I want to ask of UNHCR this question of resettlement and resettlement into the United States, for example. I think in your testimony, Ms.

Kuch, you indicated that post-9/11 there has been some more difficulty in resettlement here in the United States. Is it your view that this is still true, and are there things that we might do here in the United States that enabled resettlement, particularly of families and unification of families here in this country?

Mr. COCHETEL. Certainly, that is one of the categories of resettlement processing to the U.S. that is called a P3 category, family reunion program that has been put on hold after 9/11, for many categories of refugee. There are discussions currently taking place between us and the PRM as to the reopening of some of those categories. I think I am reasonably optimistic that it will work. However, in relation to groups like Sudanese refugees, the tendency has been over the last couple of years for people in the Department of Homeland Security -- but also that applies to similar administration in other resettlement countries -- to view the Sudanese refugees as not being in need of international protection, where they are, and the view is that those people should return to south Sudan.

So unfortunately, there has not been much enthusiasm and generosity in relation to resettlement of people from south Sudan.

Ms. EDWARDS. Is it your view that there is a security situation that appropriately enables people to be resettled to south Sudan?

Mr. COCHETEL. I think we have to look on the case-by-case basis. I think I cautiously optimistic. I believe that for many Sudanese refugees, the solution might be in south Sudan, might be going back home. And that is what many of them want. But they want it under appropriate conditions of peace, security, and services being available in areas of return. This is not the case today.

In addition, you have heard it from our two friends today. I mean, some people have experienced such a level of trauma. Is that reasonable to think that those people should return to the areas where they have witnessed human rights violation, where they have witnessed their family members being killed. I don't think personally that is very reasonable. I think we should be a bit more generous.

Ms. EDWARDS. Thank you. And then I do have another question. And, Thon, thank you very much for being here, and I look forward to our continued relationship in our office. But you also in your testimony spoke of the direct needs of survivors, and some of those needs go to medical, family, training, and psychological and other services as well. In your view, how is that happening? And where is it that the international community could actually step up?

Mr. CHOL. Thank you, my congress. It is a very loaded question, so I don't know how to approach it. But one of my -- this is what I believe. When I first came to this country, I came with a plastic bag. And one, that really doesn't make a big difference, especially with the refugees in the population. And the population that was laid out for me was really actually what set me up for success. So back in the refugees camp, where most refugees are, you find people that have been in refugee camps for several years, just like the example of my sister. And these people, when you talk to them, they have no hope, you know. You talk to them, they have no intention of going back home. And like the president had mentioned earlier, it is case by case.

There are some widows who don't have anybody in southern Sudan, and in southern Sudan, right now in Juba, it is one of the most expensive place. If you don't



have a job, and you don't have work, or you don't have any relatives, you know, there is no way you can really make it in southern Sudan. So and they are faced by massive responsibilities, you know. So we don't blame the government. But when you see the individual, you know, these cases, it is very, very hard for them to cope in southern Sudan, especially with lack of medical, with lack of social services, with lack of, you know, individual support.

So that is why a lot of them choose to be in the refugee camp because although there is an insufficiency of almost everything in the refugee camp, but they find somehow that someone look, you know, out for their interest. That is one of the areas, especially the sense of the healthcare and all that. That is one of the critical challenges I know.

Ms. EDWARDS. Thank you very much. And then lastly, I want to go back to this question of the displaced persons in Abyei because it sounds at least from the testimony of UNHCR that there still seems to be some fighting that is ongoing and some violence that is ongoing. So is it really to be expected that many displaced persons would have returned to those areas?

Mr. COCHETEL. The chief of the territory of Abyei is talking about plans to bring back 30,000 people from one of the nine Dinka subtribes to this territory before referendum. The question is these other people who were formerly living in the territory of Abyei can also go back. This is a reference to some Arab tribesmen who are living there. Now the question is, as my friend, Michel Gabaudan mentioned, the Messiria tribe, the leader of the Messiria tribes, want all of them to return, including some people who had no previous residence in that territory.

So there is going to be lots of complication when it gets to voter registration in this territory.

Ms. EDWARDS. Thank you. Yes, Mr. Gabaudan.

Mr. GABAUDAN. Just if you will allow me, this tribe traditionally spent part of the year on the territory of Abyei because they are nomadic, and they brought their cows and cattle to pasture. So I think, of course, there the logical thing, they are reasonably worried that if there is independence, then the border will deviate to do it, and therefore will they lose their capacity to survive as they have traditionally done. So that I would say is the rational argument.

The irrational one is that they are pushed to go and vote, hopefully to change the decision that would be taken in Abyei, except to stay with the North. We are all going to try to come to this discussion, how do we safeguard some of the traditions in this area in a slightly different context. So there is a dialogue that is being pushed towards confrontation rather than trying to find a solution. But there are real issues at the bottom. That is what I want to say.

Ms. EDWARDS. Thank you very much. I don't have any further questions. And with that, I would like to thank all of our witnesses. I think that you continue to shed light for those of us on the commission and leave more than just food for thought, but room for action. And so we really appreciate that. And with that, the hearing is adjourned. Thank you.

[Whereupon, at 4:28 p.m., the hearing was adjourned.]

# **A P P E N D I X**

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**Tom Lantos Human Rights Commission (TLHRC)  
Hearing Notice**

**Refugees and IDPs in Sudan – The Crisis Continues**

**Thursday, September 30  
2:30 – 4:00 p.m.  
2226 Rayburn HOB**

Please join the Tom Lantos Human Rights Commission for a hearing on internally displaced people (IDPs) and refugees in Sudan. According to the latest U.N. estimates, a total of around 4.4 million IDPs and some 200,000 refugees -- mostly from Eritrea and the Congo (DRC) -- remain in the country.

Since independence, Sudan has been ravaged by two civil wars between the North and the South (1955 -- 1972; 1983 -- 2005), until a fragile Comprehensive Peace Agreement (CPA) in January 2005 between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) settled the conflict. A six-year interim period followed, and as stipulated in the CPA, Sudan held national and regional elections in April. A referendum on Southern self-determination is scheduled for January 2011.

During the peace negotiations, conflict erupted in the Western region of Darfur in 2003, which the U.S. declared a genocide on September 9, 2004. From its beginning, the conflict in Darfur between the Sudanese military colluding with pro-Arab Janjaweed militia, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), was characterized by ethnic cleansing and extraordinarily cruel use of force, including mass rape, mass killings, targeting of civilians and deliberate starvation. In 2007, the U.N. sent a peacekeeping force, UNAMID. Despite a recent cease fire agreement between the JEM and the Sudanese government, the security situation remains highly precarious.

The various conflicts had a devastating impact on the country, with over 2 million deaths in the last two decades in Southern Sudan, an estimated 450,000 deaths in Darfur, and a total displaced population of over 4 million people. Insecurity has prevented people from returning home, cultivating their lands, and rebuilding their communities. Many are dependent on the U.N. and NGOs for their most basic humanitarian needs, such as medical assistance, accommodation, education, food and water. Poverty, gender-based violence, child abductions and human trafficking remain causes of serious concern.

**To discuss these issues we welcome the following witnesses:**

- **Eric P. Schwartz**, Assistant Secretary – Bureau of Refugees, Population, Migration, U.S. Department of State
- **Vincent Cochetel**, Regional Representative, UNHCR
- **Michel Gabaudan**, President, Refugees International
- **Thon Chol**, Former executive director, Sudanese Community of Western Michigan and Unaccompanied Sudanese Refugee Minor
- **Elizabeth Anok Kuck**, board member of the Lost Boys & Girls of Sudan National Network and former unaccompanied refugee minor

If you have any questions, please contact Hans Hogrefe (Rep. McGovern) or Elizabeth Hoffman (Rep. Wolf) at 202-225-3599.

/s/James P. McGovern, M.C.

/s/Frank R. Wolf, M.C.

Co-Chair, TLHRC

Co-Chair, TLHRC