

**THE ONGOING HUMANITARIAN CRISIS  
IN SOUTH KORDOFAN AND CONTINUING HUMAN RIGHTS  
VIOLATIONS IN DARFUR**

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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 22, 2011

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**SUDAN: THE ONGOING HUMANITARIAN CRISIS IN SOUTH KORDOFAN AND  
THE CONTINUING HUMAN RIGHTS  
VIOLATIONS IN DARFUR**

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THURSDAY, SEPTEMBER 22, 2011

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

The commission met, pursuant to call, at 10:00 a.m., in Room 334 Cannon House Office Building, Hon. James P. McGovern and Hon. Frank R. Wolf [co-chairmen of the commission] presiding.

Cochairman McGOVERN . Good morning, everybody. Thank you for attending this important hearing on this Humanitarian Crisis in Sudan.

I want to welcome my fellow members of the Tom Lantos Human Rights Commission who will be -- people will be coming in, joining me on and off. It's a busy morning. I would also like to thank Molly Hofsommer and the Staff of the Tom Lantos Human Rights Commission for coordinating this morning's hearing.

It is with great regret that the Commission finds it necessary once again to call a hearing about the Humanitarian situation and the Human Rights violations in Sudan.

In particular, violence has erupted in the State of South Kordofan, which borders the newly formed nation of South Sudan. Instability and conflict also continue to plague the Darfur region. In short, death, destruction, and displacement continue unabated in Sudan.

This past June, a new wave of violence broke out in South Kordofan between the government, Sudanese armed forces, and the opposition, Sudan People's Liberation Movement North.

Following our position protest of the South Kordofan's gubernatorial election results, the Sudanese government began an indiscriminate bombing campaign in an attempt to eliminate the opposition in the southern part of Sudan.

The government's unrelenting aerial bombing campaign of the Nuba mountains is killing civilians, preventing delivery of aide, disrupting crop cultivation cycles, and displacing more than 100,000 people. Civilians have no protection or warning of these indiscriminate attacks, and are forced to find shelter in caves in the nearby mountains.

A preliminary report issued by the United Nations High Commissioner for Human Rights paints a distressing picture of the human rights violations rising to the level of crimes against humanity perpetrated by both the government and opposition forces.

In Darfur, the situation is equally grim. The armed conflict between the government and rebel forces is now in its eighth year and shows no sign of relenting. Targeted civilian attacks, sexual violence, and abuse based on ethnicity continue to plague the Darfuri people.

Refugees International reports that there are more than 2.6 million internally displaced people in Darfur, with an additional 250,000 Darfuris living in refugees camps in Chad.

The Sudanese Government in Khartoum still led by International Criminal Court indictee President Omar al-Bashir, is trying to cover up these human rights abuses by denying International groups access to South Kordofan.

However, despite these attempts to silence the truth, victims and witnesses will not remain quiet. The Sudanese people have already paid too high a price for us to now ignore their oppression. Today we will hear the truth.

Let me conclude by thanking all of those who are here as witnesses for your activism and for being here today. We greatly look forward to your testimonies.

And with that I would like to acknowledge our first witness, Jana Mason, who is a Senior Advisor, U.S. Government and External Relations, United Nations High Commissioner for Refugees. We are very grateful that you are here and we look forward to your testimony.

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND COCHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION.

**Rep. James P. McGovern (MA)**

***TLHRC Hearing: Human Rights in Bahrain***

**340 Cannon HOB**

**Friday, July 12, 2011**

**10:00 AM-11:30 AM**

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Good Morning, thank you all for attending today's hearing to commemorate this landmark year for the protection of Refugees, Internally Displaced Persons, Stateless Persons. I want to thank our witnesses for testifying today, and I would also like to thank Molly Hofsommer and the staff of the Tom Lantos Human Rights Commission for organizing this hearing.

This year marks the 60<sup>th</sup> anniversary of the UN Convention on the Status of Refugees as well as the 50<sup>th</sup> anniversary of the UN Convention on the reduction of Statelessness. These two conventions have been basis for establishing special protections for populations who are forcibly displaced and without the protections of a state.

Despite the remarkable accomplishments made by these conventions, forced population displacement as well as statelessness remain major concerns for the international community today. The UNHCR reports there are currently 36.4 million uprooted or stateless people around the globe and unfortunately, the scope, complexity, and numbers of these issues continue to grow.

Many challenges face the international community's efforts in protecting these groups of people. Often times it is children, women, elderly, and disabled who need the most protections.

Sixty years after the Office of the United Nations High Commissioner was established by the General Assembly, and fifty years after the Convention on the Reduction of Statelessness, forced

population displacement as well as statelessness remain major concerns for the international community. The scope and complexity of these problems have continued to grow as a result of global trends such as urbanization, population growth, food and energy scarcity, conflict, and environmental change.

This is a year of landmark anniversaries—60<sup>th</sup> for the UN Convention on the Status of Refugees (Refugee Convention) and 50<sup>th</sup> for the Convention on the Reduction of Statelessness (Stateless Convention)— this is the perfect opportunity to celebrate the major accomplishments these Conventions have made over the decades as well as to recognize the continuing areas of concern.

It is with great regret that the Commission finds it necessary once again to call a hearing about human rights violations in Sudan. In particular, violence has erupted in the state of South Kordofan, which borders the newly-formed nation of South Sudan. Instability and conflict also continue to plague the Darfur region. In short, death, destruction, and displacement continue unabated in Sudan.

This past June, a new wave of violence broke out in South Kordofan between the government Sudanese Armed Forces and the opposition Sudan People's Liberation Movement-North. Following opposition protests of the South Kordofan's gubernatorial election results, the Sudanese government began an indiscriminate bombing campaign in an attempt to eliminate the opposition in the southern part of Sudan.

The government's unrelenting aerial bombing campaign of the Nuba Mountains is killing civilians, preventing the delivery of aid, disrupting crop cultivation cycles, and displacing more than 100,000 people. Civilians have no protection or warning of these indiscriminate attacks and are forced to find shelter in caves in the nearby mountains. A preliminary report issued by the United Nations High Commissioner for Human Rights paints a distressing picture of the human rights violations rising to the level of crimes against humanity perpetrated by both the government and opposition forces.

In Darfur, the situation is equally grim. The armed conflict between the government and rebel forces is now in its eighth year and shows no signs of relenting. Targeted civilian attacks, sexual violence, and abuses based on ethnicity continue to plague the Darfuri people. Refugees International reports that there are more than 2.6 million internally displaced people in Darfur with an additional 250,000 Darfuris living in refugee camps in Chad.

The Sudanese government in Khartoum, still led by International Criminal Court indictee President Omar al-Bashir, is trying to cover up these human rights abuses by denying international groups access to South Kordofan. However, despite these attempts to silence the truth, victims and witnesses will not remain quiet. The Sudanese people have already paid too high a price for us to now ignore their oppression. Today, we will hear the truth.

Let me conclude by thanking all of our witnesses for being here. We greatly look forward to hearing your testimonies.

I now invite Co-Chairman Frank Wolf to make his opening remarks.

STATEMENT OF JANA MASON, SENIOR ADVISOR, U.S. GOVERNMENT AND  
EXTERNAL RELATIONS, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Ms. MASON. Thank you, Mr. Chairman.

To you and to all the members of the Commission on behalf of the Office of the United Nations High Commissioner for Refugees, UNHCR, I'd like to express our appreciation for this opportunity to appear before you today to address UNHCR's continuing concerns about the Humanitarian situation in Sudan, and as well as in South Sudan.

My name is Jana Mason. I'm Senior Advisor for External Relations, Government Affairs, UNHCR's regional office in Washington, D.C. I've been there for three years. I worked on the NGO side on refugee issues for more than 20 years prior to that.

I just want to note, our office has enjoyed and continues to enjoy an excellent working relationship with the Commission. I'd like to particularly take this opportunity to thank Congressman McGovern, who continues to be one of our strongest, if not the strongest advocate in the House on refugee issues these days, from Colombia to so many parts of the world. Thank you.

Since I'm the first witness, I'd like to speak a little bit broadly. I know the Commission, as you mentioned in your opening remarks, is most interested in the situation in South Kordofan and the other -- the three areas, as we call them, the disputed areas where there's continued violence and fighting.

From UNHCR's perspective, that's a major concern. However, we have very limited, virtually no access right now. Much of what we can say is based on reports from Human Rights organizations and others.

We are, however, very engaged in what happens after that violence, which is that people flee into the newly independent Republic of South Sudan, so I can speak a little bit more about what's going on when these people flee, what we're seeing in South Sudan. I can also say a few words about Darfur.

Let me start a little bit broadly, talk about UNHCR's presence in Sudan. Our presence there in the country as a whole, including South Sudan now, spans more than four decades since the last 1960s. We currently have approximately 600 staff in 20 offices throughout the Republic of Sudan, and now the newly independent Republic of South Sudan.

Throughout the past year we've been assisting and protecting almost 2 million persons collectively in Sudan and South Sudan. These include approximately 1.6 million internally displaced in Khartoum, Darfur, Abyei, South Kordofan, Blue Nile, and South Sudan, along with about 330 refugee returnees primarily in South Sudan, and over 80,000 refugees from other countries. These refugees from other countries continue to create significant challenges, and are probably one of the least recognized aspects of the situation that's going on there.

All the conflicts in the region are interrelated, and we've seen for decades as countries trading refugees back and forth. And it's still very complex. These refugees are from places including Chad, the DRC, Ethiopia, Eritrea and Somalia, which is a major interest to us.

So, I'd like to briefly provide some further detail about these populations. Then I'll try to say what I can about Southern Kordofan and the other two of the three areas, again with the caveat that our access right now is unfortunately very, very limited.

In terms of IDPs in South Sudan, there are over 300,000 new conflict-related displacements and nearly 3,100 conflict-related deaths reported in South Sudan from January until the end of last month. Displacement in South Sudan is due primarily to violence by or between armed forces and rebel militia, as well as intercommunal conflict, activities by the Lord's Resistance Army, of course, and flooding, which is a very recent concern.



Another population that I mentioned is returnees from the Republic of Sudan to South Sudan. These were South Sudanese originally. Between the end of October of last year and the end of August of this year, so almost a year, more than 337,000 individuals returned to South Sudan from Sudan. They arrive in a country where decades of conflict have significantly degraded or destroyed even the most basic infrastructure and where access to basic services is severely limited. The needs of a potential additional 250,000 returnees are being planned for, and a further 95,000 refugees from South Sudan remain in countries of asylum in the region.

Now, returned South Sudanese refugees, the cumulative total of refugees returned to South Sudan since the beginning of the CPA in 2005 is almost 332,000. However, recently returns have been limited as refugees observe the post independent situation and decide, for some very good reasons, it's not yet conducive for them to return.

Between January and August of this year, a total of only 232 families returned from neighboring countries, mostly Uganda and Ethiopia.

Now to the population that's probably of most interest for the purposes of this hearing, refugees from other countries in South Sudan, including Sudan itself, including Southern Kordofan.

The refugee population in South Sudan right now, while it was over 27,000 mostly from the DRC, Central African Republic, and Ethiopia, as I must mentioned, that population has been joined recently by over 10,000 arrivals from the Republic of Sudan. These are mostly Nubans from Southern Kordofan.

They began trickling into South Sudan in July following the heavy fighting that the Congressman mentioned in your opening statement, and the air strikes by the Sudanese Armed Forces. In the last couple of weeks, however, there's been a surge in arrivals with up to 500 people arriving by day, on a daily basis. This compares with only about 100 people a day in August. So, we have a five-fold increase.

These are the first refugees to reach the post independence South Sudan. Again, now that we have two separate countries, Sudanese and South Sudan are no longer considered IDPs, now they're considered refugees.

In addition, about 1,000 people fleeing the ongoing fighting between the Sudanese Armed Forces and the SPLM North in Blue Nile State, about 1,000 of those people have crossed into South Sudan recently.

It's not expected there will be a large influx from Blue Nile State as the majority who flee that area cross the border into Ethiopia, but the arrival of greater numbers of Nubans from South Kordofan is expected amid the persistent reports of aerial bombing that have been mentioned.

Finally, of course, new arrivals in South Sudan also include some South Sudanese who were living in Southern Kordofan State before being compelled to return home because of the recent violence. These people are currently scattered in remote northern areas of Unity State, South Sudan's Unity State, which shares a border with the troubled regions of Abyei, South Kordofan, and Blue Nile States.

Most of the displaced walk for days to reach safety in South Sudan. However, when they arrive there, a lack of air strips and roads is severely limiting Humanitarian access. This is a major concern to us.

To reach them, eight agencies are using small numbers of what's called quad bikes, one of the few means of traveling in this area. These bikes, although well-suited for the terrain, can bring in only limited numbers of staff and goods at a time. World Food Program supplied food, had to be air dropped recently to the region.

UNHCR has conducted basic registration at the border, and we've identified the most vulnerable among the new arrivals for individual follow-up. We're supporting mobile clinics and

our partners are working on improving water and sanitation, as well as providing treatment for the severely malnourished. Given what they're fleeing and how far they have to walk, malnourishment is a severe concern. Meanwhile, we're currently developing a site to relocate refugees away from the border.

Now, to discuss what I can on the three areas that you're most concerned with. In Sudan itself, the continued instability in Abyei, Blue Nile, and Southern Kordofan, the so-called three areas, is of significant concern. And probably some of the other panelists and Human Rights agencies can report more directly on what they're seeing, what they're witnessing. We see the results of that.

Early this month 20,000 people were displaced from fighting between the SAF and the SPLM North in Blue Nile. Aide workers have also been displaced from the fighting, and food supplies are limited.

In Southern Kordofan, fighting between these two armed forces in June displaced or affected 200,000 people. In addition, in Abyei dozens have been killed and more than 100,000 people have been displaced into South Sudan this year, as I just mentioned.

The main issue facing our group, UNHCR, in these three areas is the question of access. UNHCR does not currently have access to these regions, as all international Humanitarian agencies are being denied access. Negotiations are ongoing at the highest level to resolve this, but in the meantime we're hold up in the UN compound because of insecurity in our offices. This was the only way that we felt we could stay anywhere in the region in order to get back out as soon as the negotiations allow.

The Humanitarian Country Team, UN Country Team that we're a part of working closely with NGOs, taking the position that no assistance will be provided in the absence of assessments by UN agencies or partners, our NGO partners.

Now, to do these assessments this implies access. We need to do the assessments. Then we need to provide assistance. Then we need to do monitoring of the assistance. Given widespread corruption, given what we know is happening in both countries I might mention, monitoring is going to be key. At this point, we can't do any of that. We can't even do the assessment.

The Government of Sudan has selected only a few national NGOs that they've handpicked to allow access. However, to reiterate, that was not the agreement. UN agencies need access.

We, UNHCR, we do have a few local partners who we trust and who currently have some access in South Kordofan, but it's very limited access, and the Government of Sudan will not even allow us to replenish their stocks. Therefore, it's a very dangerous situation and is likely to become even more so.

Staff safety and security are also increasing concerns. An increase in thefts from the UNMIS compound has been reported following with the withdrawal of UNMIS troops as part of the troop liquidation process. And as just a small example of what we're experiencing, I just learned this morning that a few days ago state authorities seized seven Humanitarian vehicles in South Kordofan, six UN vehicles, one International NGO from the UNMIS compound. A representative of the State Governor's office, accompanied by armed police drove off with the vehicles declaring that the cars were taken for safekeeping.

Likewise, no UN agencies are currently in Abyei, in Northern Blue Nile where we also have no access, and which is controlled by the government, the government is providing some assistance itself via the Red Cross but, obviously, that's limited and we can't evaluate how effective it is.

We've also have to evacuate from Southern Blue Nile, which is controlled by the SPLA. From there, we've evacuated our staff into Ethiopia and South Sudan.

To get back into all these areas, we're just awaiting the peacekeepers that will come in as a result of both governments liquidating their troops.

Some progress is being made, as you mentioned. The United Nations Interim Security Force for Abyei, which was agreed upon in June, has started to deploy Ethiopian peacekeeping contingents in the area.

On September 10<sup>th</sup>, Sudan and South Sudan agreed to withdraw all forces from Abyei which, of course, is a positive first step. However, much more progress remains to be achieved in order to stabilize these contested areas. And high levels of assistance will continue to be needed in the months to come.

I think I'll depart from my prepared statement which is on Protection Concerns in South Sudan, because I know you're interested in Darfur. So, let me -- and I know other witnesses will address that. So, let me just mention the current numbers which haven't changed too much recently, and I know the numbers are somewhat contested. But we're currently still looking at roughly 2 million IDPs in Darfur, Internally Displaced Persons in Darfur, and roughly 250,000 Darfuri refugees in Chad, and smaller numbers of Darfurians elsewhere.

UNHCR is the Protection Cluster Lead in the UN system for all of Darfur. We have offices in all three state capitols, as well as several deep field locations in West Darfur where the majority of the refugees in Chad originate from that area of West Darfur.

The situation in Darfur, as you noted, Congressman McGovern, remains tense and sporadic violence among armed elements continues. As a result, there's new population displacement, continued disruption of Humanitarian activities, and tremendous limits on access of Humanitarian actors, including UNHCR.

For instance, intercommunal conflict displaced nearly 8,000 individuals near El Fasher in May of this year. UNHCR remains concerned about the probability of intercommunal conflict, particularly among pastoralist groups, in competition over land and access to natural resources. The land issue is something we could have an entire hearing on it's so complex in Darfur. Kidnapping of UN aide workers continues, and attacks on aide convoys continue.

The situation in South Darfur worsened significantly during the last few weeks with kidnappings, carjackings, and robberies. And finally on Darfur, following the end of the rainy season there are concerns from UN Department of Security and Humanitarian agencies that clashes will be starting again soon resulting in new displacement, worsening the current security condition, and further limiting Humanitarian access.

In terms of UNHCR recommendations, obviously, continuing to press for resolution of access to these areas following access by peacekeepers and withdrawal of troops from both sides in Abyei, and resumption, as we said, of real, real serious needs assessment, and then aide, that would be key.

We also call upon Congress to support efforts by UNHCR to advocate for some resolution of ongoing problems in South Sudan. We need South Sudan to accede to International Refugee and Human Rights instruments. There's a need for, as well, disarmament, demobilization, reintegration of combatants.

We'll continue to actively cooperate with UNMIS to push for the parameters of civilian protection. The new peacekeeping mission has a much stronger mandate than its predecessor did, and protection of civilians will be key. And I would note that this is a role that the U.S. Government has been very helpful on. And we continue to try to make that meaningful.

Where gaps remain these, too, should be highlighted and addressed including through political dialogue at the international level. Some achievements may be accomplished through

political dialogue, while others require hands-on support. Adequate funding will, therefore, be necessary to fill gaps and address human security issues.

We certainly realize this is going to be a very difficult year, or next few years in terms of funding, particularly for discretionary programs, particularly for some of the programs that we work on. But as is, unfortunately, the case with Refugee Displacement Humanitarian Issues, the need remains, and we believe that a relatively small infusion of assistance today to address early warnings and respond to ongoing needs may well avoid significant costs later. I know that both of you are aware of it, maybe you can help convince a number of your colleagues on that.

So, while I've only briefly addressed many protection and assistance needs of refugees and other populations of concern to UNHCR in Sudan and South Sudan, we have available much more detail. We continue to work in other areas of the north, we're in Khartoum. As I mentioned, we're in Darfur, we're in the South, we're in East Sudan where we're continuing to assist a large number of Eritreans. That's an ongoing issue. So, we have a lot more detail on all areas of Sudan that we can share with the Commission at a later time.

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, South Sudan, and the region. Thank you very much.

[The statement of Ms. MASON follows:]

PREPARED STATEMENT OF JANA MASON

**Oral Statement of Jana Mason  
Senior Advisor, External Relations and Government Affairs  
United Nations High Commissioner for Refugee  
Regarding**

**The Humanitarian Situation in South Sudan**

**Before the  
Tom Lantos Human Rights Commission  
September 22, 2011**

**Introduction**

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 continuing concerns about the humanitarian situation in South Sudan. My name is Jana Mason, and I am the senior advisor for external relations and government affairs in UNHCR's regional office in Washington, D.C. Our office has enjoyed an excellent working relationship with the Commission, and we look forward to continued collaboration.

UNHCR's presence in Sudan spans more than four decades, since the late 60s. We currently have approximately 600 staff in 20 offices throughout the Republic of Sudan and the newly independent Republic of South Sudan. Throughout 2011, we have been assisting and protecting almost 2 million persons in Sudan and South Sudan. These include approximately 1.6 million internally displaced persons in Khartoum, Darfur, Abyei, Southern Kordofan, Blue Nile and the new Republic of South Sudan, along with 330 refugee returnees—primarily in South Sudan—and over 80,000 refugees from other countries, primarily from Chad, the DRC, Ethiopia, Eritrea, and Somalia.

I'd like to briefly provide some further detail on each of these populations.

- **Internally Displaced Persons in South Sudan:** There were over 300,000 new conflict-related displacements and nearly 3,100 conflict-related deaths reported in South Sudan from January to the end of August 2011. Displacement in South Sudan is due primarily to violence by or between armed forces and rebel militia groups, inter-communal conflict, activities by the Lord's Resistance Army activities, and flooding.
- **Refugees from other countries in South Sudan:** The refugee population in South Sudan of over 27,000—mainly from the DRC, Central African Republic and Ethiopia—has been augmented by recent arrivals from the Republic of Sudan. Between August and September, South Sudan experienced its first refugee influx when over 10,000 Nubans from Southern Kordofan sought refuge to escape the deteriorating security situation in that area where the Nuban population is facing attacks from the Sudanese Armed Forces (SAF). In addition, about 1,000 people fleeing the ongoing fighting between the SAF and the Sudan People's Liberation Movement-North (SPLM-N) in Blue Nile State have crossed into South Sudan. It is not expected that there will be a large influx from Blue Nile State as the majority who flee that area cross the border into Ethiopia, but the arrival of greater numbers of Nubans from Southern Kordofan is expected.
- **Returnees from the Republic of Sudan to South Sudan:** Between the end of October 2010 and the end of August 2011, more than 337,000 individuals returned to South Sudan from Sudan. They arrive in a country where decades of conflict have significantly degraded or destroyed even the most basic physical infrastructure, and where access to basic services is severely limited. The needs of a potential additional 250,000 returnees are being planned for. A further 95,000 refugees from South Sudan remain in countries of asylum in the region and may choose to return.
- **Returned South Sudanese Refugees:** The cumulative total of refugees returned to South Sudan since the signing of the CPA in 2005 is almost 332,000. However, recent returns have been limited as refugees observe the post-independence situation. Between January and August 2011, a total of 232 families returned from neighboring countries, mainly Uganda and Egypt.

### **Current Humanitarian Situation**

A number of unresolved issues related to the Comprehensive Peace Agreement have led to ongoing tension and instability. These issues include border demarcation; the status of Abyei; oil revenue; wealth and debt sharing; and nationality/citizenship policies. Displacement into South Sudan from Southern Kordofan and Blue Nile States of Sudan creates further instability and potential flash points. Individually, each of these elements could represent possible triggers for conflict or population displacement as evidenced by recent events in Abyei that resulted in the displacement of over 110,000 from Abyei into South Sudan

In addition to addressing complex internal issues, South Sudan will have to seek formal agreements with other neighboring countries and develop domestic legislation covering a wide range of issues including border management and the creation of a legal framework for citizenship, refugee reception and returns. Inter- and intra-communal violence has affected various parts of South Sudan in 2011. The operational environment in 2012 will also be marked by such violence, often related to cattle raiding and conflicts over competition for land and natural resources, but also to unaddressed communal grievances. The large-scale return of South Sudanese from Sudan and countries in the region will also continue. The activities of the Lord's Resistance Army and other rebel militia groups will also be likely to result in further displacement and high levels of localized insecurity.

### **Displacement**

Refugees, returnees, IDPs, and potentially stateless persons will continue to be the people of concern to UNHCR in South Sudan. Refugee numbers in South Sudan could further increase in the event of escalating conflict and increased insecurity in Southern Kordofan, Blue Nile, and Darfur. Although refugee returns from neighboring countries are expected to increase, some outflows of Southern Sudanese to these countries could still occur as a result of renewed post-independence clashes.

The return of over 330,000 persons to South Sudan from Sudan in the last ten months has already created significant challenges. Border towns, in particular, are inundated with returns, and onward movement continues to be a problem for many returnees due to degraded roads and other factors.

Of further concern is the continued instability in Abyei, Blue Nile and Southern Kordofan—the so-called “Three Areas.” Earlier this month, 20,000 people were displaced from fighting between the Sudan Armed Forces (SAF) and the Sudan People’s Liberation Movement-North (SPLM-N) in Blue Nile. Aid workers have also been displaced from the fighting and food supplies are limited. In Southern Kordofan, fighting between the above mentioned two armed forces in June has displaced or affected 200,000 people. In addition, in Abyei dozens have been killed and more than 100,000 people have been displaced into South Sudan this year. Some progress is being made. The United Nations Interim Security Forces for Abyei (UNISFA), which were agreed upon in June, have started to deploy Ethiopian peacekeeping contingents in the area. On September 10, Sudan and South Sudan agreed to withdraw all forces from Abyei, a positive first step in furthering human security. However, much more progress remains to be achieved to stabilize these contested areas, and high levels of assistance will be needed in the months to come.

### **Main Protection Concerns**

The situation of refugees from other countries in South Sudan is stable, but services available in settlements need to be reinforced. Protection of refugees is observed in practice in South Sudan, but formal recognition of refugee status is hindered by the absence of legislation and a mandated government agency to oversee refugee affairs. The continued instability along the border with Sudan, in addition to outstanding CPA issues, suggests that UNHCR may have to expect increasing refugee movements and illustrates the need to accelerate the building up of a refugee protection regime in South Sudan

Rule of law institutions and legal frameworks need also to be strengthened. Depending on the outcome of negotiations between Sudan and South Sudan on citizenship requirements and other constitutional issues, there is a strong prospect of large stateless populations on either side of the border. Persons most at risk of statelessness include Sudanese in South Sudan, South Sudanese in Sudan, mixed families, and trans-border or nomadic populations.

Another major concern is sexual and gender based violence, which is widespread in South Sudan and affects IDPs, returnees, refugees and host communities alike. The most common forms of GBV are domestic violence and the risk of sexual abuse, as well as denial of access to resources and to decision-making. Early forced marriage of girls as young as 12 years of age is also widespread. To help address these concerns, Standard Operating Procedures for the Prevention and Response of SGBV in South Sudan have been agreed upon by UN agencies, the government of South Sudan, local and international NGOs, CBOs, women’s associations and local chiefs. However, systematic referral and monitoring needs to be improved, and community awareness needs to be strengthened.

As discussed earlier, displacement remains a major challenge. Population displacements that are likely to occur in 2012 call for preparedness and humanitarian response capacity to be in place throughout the year. The orderly reintegration of those returning from the North will remain critical. Shelter is one of the most pressing needs voiced by the returnees. Nearly 100% of returnees do not own property in South Sudan. Support to vulnerable families such as female-headed households is required in order to enhance community based protection capacity. Assistance for returnees and receiving communities through

livelihoods support and Quick Impact projects is needed to promote peaceful co-existence between returnees and receiving communities as well as between various ethnic groups.

Attacks on aid workers also remain a serious issue. Staff members of UNHCR and other organizations have been killed and wounded by crossfire, land mines and other hazards, and aid workers are directly targeted at road blocks where vehicles have been commandeered by security forces and aid has been looted from warehouses and trucks. Armed actors are brazen in their attacks, which are a frequent occurrence despite efforts of the state to create professionalism among the armed services and to address the issue of militia groups and the disarming of civilians. Small arms are endemic throughout South Sudan, and land mines continue to be laid.

### **UNHCR Recommendations**

UNHCR has a number of recommendations for the U.S. government and the international community with regard to South Sudan. We call upon Congress to support efforts by UNHCR to advocate for the accession by South Sudan to international refugee and human rights instruments. In addition, U.S. support for democratization processes in South Sudan is critical. There is a need to assist the state with disarmament, demobilization and reintegration of combatants, both for the bulk of the soldiers of the Sudan Peoples Liberation Army (SPLA) and for militia groups. In addition, the provision of technical expertise to professionalize the armed services is fundamental to long term stability and growth. Also critical is the enhanced role of the United Nations Mission in South Sudan. The new peacekeeping mission has a much stronger mandate than its predecessor, and the role of the U.S. government has been critical in this regard. UNHCR will continue to actively cooperate with UNMISS to push the parameters of civilian protection at a time when this is most needed.

Where gaps remain these too should be highlighted and addressed, including through political dialogue at the international level. Some achievements may be accomplished through political dialogue, while others require hands-on support. Adequate funding will therefore be necessary to fill gaps and address human security issues. A relatively small infusion of assistance today to address early warning and respond to needs may well avoid significant costs at a later stage.

### **Conclusion**

While I have only briefly addressed the many protection and assistance needs of refugees and other persons of concern to UNHCR in South Sudan, we have available much more detail that I 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 South Sudan and the region. I would be happy to answer any questions you might have.

Cochairman McGOVERN . Well, thank you for your excellent testimony, and I want to acknowledge the presence here of our co-chair, Congressman Frank Wolf, a member of the Executive Committee, Congressman Joe Pitts, and the Chairman of the Sudan Caucus, my colleague from Massachusetts, Congressman Mike Capuano. I'd like to ask them if they have anything they want to say?

Well, let me just -- let me open up with a question, or maybe it's a frustration. First of all, we appreciate all the great work that UNHCR does, and the United Nations is doing to try to help deal with the refugee crisis and those who are internally displaced. But my question goes more to U.S. policy and what we can be doing better, because I kind of feel like in some respects we're running in place.

This is not the first hearing we've done on this, and things continue to be very troublesome in Darfur. The whole issue in South Sudan is, obviously, of great concern to us. But I'm trying to figure out -- and again, I -- and I support your call to make sure that there are adequate resources there to deal with the Humanitarian Crisis and the Refugees, but I'm trying to figure out how we get to a point where there are no more refugees, and no more internally displaced people. And what have we done right, and what have we done not so good during these last several years?

Because it just seems to me that things continue to deteriorate. And I'm not sure where the light is at the end of the tunnel. And any advice or any commentary would be greatly appreciated.

Ms. MASON. Again, as a Humanitarian agency, our ability to advocate for political solutions is somewhat limited. We also need to continue to have access to these areas.

I think one thing the U.S. Government has done right is continue to shine a spotlight on it, like you're doing now, and has been the subject of many hearings, as you said. Unfortunately, you continue to keep having hearings, but what would be worse would be if you didn't have these hearings, if you forgot about it and it fades from the spotlight.

One thing that the U.S. Government has been instrumental in is continuing the pressure on both the Government of Sudan and the Government of South Sudan. There's tremendous hope and promise for the newly independent nation, but there's a lot of technical assistance and support that will be needed.

Atrocities, maybe they can't be compared in terms of scope, but there still needs to be a lot of discipline on the part of the South Sudanese security forces, government officials, as well. I think they're open to that. That's one thing that I think the U.S. Congress, U.S. Government as a whole can continue to support.

As you are well aware, when a nation becomes independent, there's a time of tremendous instability. And given the nation that's on its border, there's the potential for continued outflow from one country to another. And as a UN agency, as a Refugee agency, one thing we have to do is provide a safety valve.

So, it would be wonderful if through continued negotiations through the international system and directly bilaterally with the Government of Sudan, as we said, our fondest wish right now is that in the three areas violence stops, we have access, we can address the needs of IDPs. If that doesn't happen, they will continue to flow into South Sudan, Ethiopia, elsewhere, and we need to be able to assist them there.



Darfur is, obviously -- it's seemingly intractable right now. You said it would be nice if there were no more refugees. We're not personally seeing any indication in Chad, for example, of any willingness for large-scale return right now. We continue, even though there have been tripartite discussions and we're preparing for eventual return, we continue to take the position that the conditions are not right for return to Darfur. Obviously, violence has to stop to make that right.

I alluded to the land issue. It's incredibly complex. The estimate right now is that roughly half of the people, the IDPs in Darfur, even if violence subsides, for a number of other legalistic issues will never be able to return to what was their land before they left. So, working with the government, working with legal organizations, first of all, developing more of a legal infrastructure but working on the issue of land ownership, land tenure to resolve that issue, that's going to be critical long after the violence has faded in Darfur; as well as just a resolution of a lot of the conflicts, the communal conflicts between the pastoralists and others that really led to the -- one of the sources, the cause of the conflict in Darfur, as well.

So, just continued focus on the entire area, not forgetting that both countries continue -- and the reason I continue to mention it is that both countries continue to have refugees from the DRC, from Eritrea, from Ethiopia, and just recognizing that both a newly independent government and a government that's still somewhat in crisis have a hard time responding to the needs of their own people. It becomes much more dangerous for people of other countries that are relying on them for safety.

So, continuing to take a holistic approach to the region is something, at least from UNHCR's perspective, that we would welcome, and that we know that this Commission will do.

Cochairman McGOVERN . Well, again, let me thank you, and thank the UNHCR.

I visited one of the refugee camps in Chad a few years back, and I saw firsthand the work that the UNHCR is doing, and it's really quite incredible. But it was also tragic to see that people were living in refugee camps, and that were not always secure. I mean, there continued to be violence within the camps, women who strayed away from the confines of the camps to get whatever wood they could gather were subjected to rapes and assaults. And it just -- and that was, I don't know, four or five years ago. And to think that people are being born into and growing up in these camps with not any promise any time soon that they'll return home is really tragic, so I appreciate your work.

I yield to -- anybody have any questions? Congressman Wolf.

Cochairman WOLF. I want to second everything that Mr. McGovern said, and thank UNHCR for the work it's done in many places around the world.

You mentioned that there are talks going on at the highest level. Who's involved in it? You said -- I wrote it down, "at the highest level."

Ms. MASON. Right. My colleagues in the field were assuring me of that. I can only assume that it's within the UN. Right now, of course, UN meetings are going on in New York, and I'm sure I know that there are bilateral meetings being discussed on this with the relevant parties. That's probably all I know for sure.

Cochairman WOLF. Well, I'm personally very pessimistic about this. I think when you look at the worldwide economic crisis, the focus in Europe and here, Darfur has been going on for six years. It just continues.

My own sense is, until Bashir is taken to the Hague and tried at International Criminal Court, as long as he's in power, this will really continue. There's been every effort made by different ways, but until there is a regime change, basically, or a removal of Bashir from power -- and each time both this government and the UN, and everyone just gives a little bit, hoping a little bit more -- I mean, I was the first member of the House to go to Darfur.

The people who were in the camps in Darfur when I visited then are still in the camps today. And now we see -- I got a whole series of photos coming from Kordofan yesterday where the bombing continues, so unless the President of Khartoum, Sudan, Bashir is removed and taken to the Hague, and I know that's not your job, I think this thing will continue. But I want to thank you, and thank UNHCR for the work it does.

Cochairman McGOVERN . Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman, for holding this important hearing, and thank you to both you and Chairman Wolf for your leadership in bringing renewed attention to this conflict.

You know, I know we're celebrating the progress made in the emergence of the newly formed sovereign and independent State of South Sudan, but I think we've got to continue the vigilant attention that you are bringing to this.

I have one question for you, ma'am. You said that Darfur, "even if peace returns, IDPs can't be returned to their land because of legalistic issues." Would you expound on what you mean by "legalistic issues?"

Ms. MASON. Again, just that what constitutes land ownership is not necessarily clear. It's been an ongoing issue, and I have colleagues in the field who know much more about it, but it's something that in any conflict -- land ownership in this country is something that is very clear. You have title. Obviously, in many parts of the world it's handled less through formal legal instruments than through tradition, or through actual property possession being nine tenths of the law, as we would say, squatter's rights. And given the pastoralist tradition, the tradition of nomads and grazing rights, and people have been removed from their land for as long as some of these people have and others take occupancy, it will be less easy for them, in some cases less desirable after they've been away for so long to return to where they previously were.

So, even in a country as developed -- a region as developed as the Balkans, as we know, land ownership and return of property, property restitution was a significant issue and that was resolved.

In a country without the legal instruments that we tend to associate with property ownership, this is going to be even more significant. And particularly, like I said, given that many people have occupied those lands in that time since the people who lived there fled, it's going to be something that's going to have to be negotiated not only in a legal sense, but just through tradition, and through culture, and through what makes sense on the ground.

We have -- my colleagues have developed some maps that specifically look at what groups have owned what parts of land prior to the conflict, and what it might look like now. I'd be happy to provide those to you if you're interested, and maybe-

Mr. PITTS. Is this even within the same tribe?

Ms. MASON. Within the same tribe, or within the same tradition, if we can put it that way. It's not always necessarily just tribe, it's whether it's a pastoralist tradition,

more of a nomadic tradition, whether they were farmers. I guess occupation would be one way to put it.

Mr. PITTS. Okay. Thank you, Mr. Chair.

Cochairman McGOVERN . Mr. Capuano.

Mr. CAPUANO. Thanks, Mr. Chairman. And thank you for having this hearing, because I agree. If we don't keep doing these kinds of things, and there's nothing we can do, which is really why I'm here.

I'm fully familiar with what's happening, and every week I get a new story about some other atrocity that happened somewhere in the general Sudan area. And the truth is, I've been totally frustrated by this. And really, what I wanted to hear from -- not just from you, but from others. I know we have other people coming up to testify.

What can we do about it? I mean, years ago I called for the U.S. Military to go into Darfur to try to stop the genocide because I think that's a moral imperative. Didn't get it, and the genocide kind of just peters out, but it's a slow one. And it's moot.

The truth is, though it's interesting and maybe potentially troublesome if different tribes around the world take land from another tribe. That's not really my interest. My interest is when an established world recognized government encourages and supports such activity. And that, to me, is why I'm here. When we have a government that has a genocide and that has supported a war against its people repeatedly and consistently, and consistently lies about it.

And I am frustrated because it seems like not just me, but the U.S., the UN, the world community either cannot find a solution, or is unwilling to participate in one. We were perfectly willing to shoot missile at Qaddafi because he threatened to hurt some of his own people, but we have done nothing for all intents and purposes about someone who actually has. And not just one person.

I mean, I think Mr. Wolf is a great leader on this issue, but I don't think the removal of one person is going to do it. It's a good beginning and I totally support it, but I think we have a -- I think it's a deeper problem there. It's traditional, or whatever the term might be that you want to use. It's whole groups of people who just don't see the worth in the human lives of others.

So, what I really am looking for is some concrete proposals about what we can do, if anything. If the answer is nothing, and all we can do is shine a spotlight on it, fine. Then I'll do what I can do, but I'm really looking for concrete proposals about what we can do, not just to address exiting problems, but to stop problems from occurring. I know we can't stop them all, but at least reduce the number, and reduce the degree of severity of these problems as they arise. And I know fully well that I may be asking an impossible question, but those are the answers I'm looking for.

Ms. MASON. You're not asking an impossible question, you're just asking it maybe to the wrong agency, because like I said, for a Humanitarian agency that for obvious reasons is not able to address some of what you're getting at. I will say, as I mentioned in the testimony, and I'm sure some of the other witnesses, Human Rights organizations in particular, will be more than happy to give you some of those concrete proposals.

I will say that we talked about the recent agreement on Abyei. Any continued push for allowing the new peacekeeping force, and withdrawal of both sides, and resolving the contested areas, there's not going to be a cessation of violence, and we're

not going to be able to continue on with what should be two states independently dealing with their populations until we resolve the issue in the three areas, Blue Nile, Abyei, and Southern Kordofan.

So, continuing with the political pressure bilaterally and through UN instruments that would -- that's key to what we do.

Mr. CAPUANO. What's the political pressure we've been doing except kind of wagging our finger at people saying you really should be nice? What political pressure have we put on them? I'm not aware of almost anything.

And I guess -- I understand fully well that I -- I know what your role is, and I think you have a great agency and great support, but it doesn't help to have a great agency if I have a government that for all intents and purposes on a regular basis prevents you from providing the very aid that you're there to provide. And as I understand it, that happens pretty regularly.

Now, I don't know if it's terribly widespread or just sporadic or whatever, I guess it depends on the week, and depends exactly where you are. But as that happens, is there anything we can do to help your agency at least provide the Humanitarian relief that you're trying to provide, which you do such a good job at when you can. But knowing full well, you can be the greatest agency in the world. If you can't get to the people who need you, it's a wonderful exercise.

Ms. MASON. Absolutely. And it's not sporadic at this point, it's pretty static that we don't have access now. And knowing the history of Darfur, there was a whole time when the government expelled large numbers of Humanitarian agencies from Darfur, as well. So, it is widespread.

I mean, obviously, others are probably going to be more inclined to talk about air drops and safe corridors, and things like that, so there are some things that can be discussed, but what we need is just continued access.

And on the issue that you've all addressed about is there anything else that can be done, one very tiny recommendation that I didn't address in my testimony is that in addition to providing assistance overseas, UNHCR also refers refugees for resettlement to the U.S. and other countries.

For a number of reasons, which we can get into, resettlement to the U.S. from many parts of Africa, but particularly of Sudanese and others has pretty much ground to a halt. And resettlement is a solution for one tiny fraction of the world's refugees. It's certainly not the solution to what's going on there. But as we all know, and as a number of the Congressmen have seen recently, when refugees are brought to the U.S. and allowed to advocate for themselves, that's sometimes one of the best things that we can allow to happen because we not only provide a solution for them as individuals, but they become empowered to speak for their communities. And they can help give ideas on some of the solutions that can be provided.

So, resolving with the State Department and the Department of Homeland Security some of the issues that are preventing continued resettlement of this population. Again, it's a tiny thing, but in the long-term it could really help a lot. And I can provide more information on that if you're interested.

Mr. CAPUANO. Thank you.

Cochairman McGOVERN . Thank you very much. Thank you so much for your testimony. We appreciate your being here, we appreciate the work of your agency. Thank you.

Ms. MASON. Thank you.

Cochairman McGOVERN . We're going to next have a panel that's going to consist of the Honorable Tom Andrews, President of Genocide Intervention/Save Darfur Coalition, a former member of Congress, one of our former colleagues here. Jeheanne Henry, Senior Researcher on Sudan, Africa Division at Human Rights Watch. Omer Ismail, Senior Policy Advisor, Enough Project. Yasir Arman, General Secretary, Sudan Peoples Liberation Movement North.

And all of you come up and take a seat. And as you can tell from our opening statements and our questions, that we are looking for concrete things that we can do that will make a difference, that will actually help prevent the spread of violence. And we're not just up here venting. It's just that we've been doing this like you for a long time, and it just seems that the situation continues to be bad. So, we're looking forward to your testimony.

Why don't we begin with our former colleague, Tom Andrews. And we welcome your testimony. Again, all the testimonies that are given here, the written statements will appear in the record, so if you want to summarize or diverge from your written testimony, please feel free to do so.

**STATEMENT OF TOM ANDREWS, PRESIDENT, GENOCIDE  
INTERVENTION/SAVE DARFUR COALITION, FORMER MEMBER OF  
CONGRESS**

Mr. ANDREWS. You'd think I was a novice. Thank you very much, Chairman McGovern, Chairman Wolf, members of the Committee. My name is Tom Andrews, and I want to just say for the record, Mr. Chairman, that as of this week I am the President of United to End Genocide, which is the result of the merger of the Save Darfur Coalition and Genocide Intervention.

Cochairman McGOVERN . The record will stand corrected.

Mr. ANDREWS. Thank you.

I want to, first of all, thank you very much for holding this hearing today. It is incredibly important that members of Congress are aware of the truth, and take action on that truth. And the first step is holding public hearings and inviting the public to understand as clearly as many of us do of the horror that's going on right now in Sudan.

I was in the region a little more than two months ago. I was visiting Rwanda. I went to Kenya, and I was in South Sudan. I was in Juba just weeks after the violence broke out in South Kordofan. Everywhere I went, I heard story after story of the horror that continues to be inflicted there.

Two refugees from Darfur told me about the harrowing experience of being awakened at dawn by the sound of hooves and gunfire as the Janjaweed raided their village in Darfur. They fled to South Kordofan, and the Nuba mountains. And they described how the people there welcomed them and cared for them. They expressed their alarm and their horror that the same regime that forced them to flee their homes in Darfur was now attacking the very people who gave them refuge.

The common denominator in the devastating attacks on civilians both in Darfur and in South Kordofan is Sudan's President, Omar el-Bashir. Let me be very clear. Bashir is a genocidal monster who is already wanted by the International Criminal Court for genocide, for crimes against humanity, and for war crimes.

Since he came to power in 1989 in a military coup, he has murdered, he has starved, he has destroyed the lives of millions of innocent civilians in South Sudan, Abyei, Darfur, Blue Nile, and South Kordofan.

I provided details, Mr. Chairman, of that violence in my written testimony, but what I'd like to focus on right now is what I heard and what I saw from -- and heard from the people in South Kordofan, and what I saw in South Sudan.

Two priests who had just arrived in Juba, who had just narrowly escaped from the Nuba mountains told me that Sudanese armed forces and their allied militias were going door to door targeting people based upon their religion, and based upon the color of their skin.

They rip them from their homes, they torture them, they arrest them, or they kill them. They spoke of churches being burned and looted. One church was hit by a bomb, by Anaton planes, the very same planes that hit the people of Darfur when the same regime was launching indiscriminate attacks on those civilian areas. Those attacks continue, but it doesn't stop there.

Bashir has also refused to let in desperately needed food, water, medicine, and fuel. International aid NGOs have been tossed out. One of the displaced priests that I

met with, I heard from that very morning from a colleague still in the Nuba mountains that food stocks were running low, trade routes were being blocked, no new aid was being allowed in. He told me that as many as one million people are at risk in South Kordofan.

This year alone more than half a million people have been displaced by the fighting through Sudan. The United Nations reports indicate the likelihood of ethnic cleansing in Abyei, and war crimes and crimes against humanity in South Kordofan. We suspect similar atrocities are occurring right now in Blue Nile.

Recent violence directed by Bashir makes it very clear, when left unchecked, this genocidal monster will simply continue to do what he has always done, commit unspeakable atrocities. So, what is the United States to do?

Past experience demonstrates that the Bashir regime only responds to consequences. And, unfortunately, in my view, the Obama Administration is failing in the face of these ongoing atrocities.

Recent statements by the State Department failed to acknowledge that the Government of Sudan is the party that is overwhelmingly responsible for violence against civilians. Even more importantly, action from the Administration, in my view, is severely lacking. Accountability is not being demanded. Civilians are not being protected. Bashir is being allowed to commit atrocities with impunity again. Unless this policy is corrected, many more civilians will lose their lives.

In my view, the Administration needs to do three things. First, expand sanctions on individuals responsible for atrocities throughout Sudan. Current individual sanctions for atrocities specify only Darfur. Anyone who commits heinous crime must be held accountable regardless of where in Sudan these atrocities take place.

Second, make saving lives in Sudan a high priority in our dealings with other nations, particularly those who exert the most leverage on Bashir. We need increased and coordinated sanctions by the international community starting with our European allies.

Maybe even more importantly, the United States must work to move China in a new direction. The Chinese have a great deal of leverage with the Government of Sudan. Their significant monetary investment makes it in their interest to have a peaceful and stable region, but their actions belie their interest and they denigrate values that we have a moral obligation to defend and advance.

The red carpet that the Chinese government literally unfolded for Bashir just months ago in Beijing was an outrage. We need to hear that outrage spoken loudly, and clearly by our leaders. We cannot afford silence.

Finally, weapons must be stopped from flowing into Sudan and innocent people must be protected. The United States must spend political capital to pass a United Nations Security Resolution that expands individual sanctions for perpetrators, expands the existing arms embargo on Darfur to incorporate all of Sudan, expand the mandate of the International Criminal Court to cover the entire country, and authorize an international civilian protection force with the resources and the mandate necessary to accomplish its mission.

Congress also has an important role to play. First, the American people need to hear the truth, as I mentioned at the outset of my testimony. And this hearing, Mr. Chairman, is a very important step in that direction. And I commend you for holding this

hearing, and also for the outstanding leadership from members of this Committee speaking the truth, and working to hold accountable those responsible for these atrocities.

This help is needed now more than ever before. But I would also suggest to you that Congress consider and pass legislation that would mandate increased United States sanctions, and push this administration to advance the steps that I have outlined here today.

I know this is not as easy as it may sound. I know about the distraction that members of Congress face. I was serving in the House of Representatives during the Rwanda genocide. And two months ago, I visited the graves of hundreds of thousands of victims, and I asked myself where was I in 1994 as a member of Congress when all of this was going on? Why did we do nothing to prevent or stop this horror?

Well, in retrospect, Mr. Chairman, the political climate here in the United States in 1994 was rather intense. We had fresh memories of Mogadishu, and Somalia, Black Hawk Down. There was a conflict in the former Yugoslavia. The economy was struggling, and a heated election was looming.

When you think about it, the political climate today in the United States is not all that different from the political climate that existed during the Rwanda genocide. But the bottom line then is the bottom line now. We cannot stand quietly aside while genocidal monsters inflict unspeakable crimes against untold numbers of innocent people. The cost of doing nothing is too great.

We must not look back years from now on this moment and think if only we had done something. We must have the courage to act now.

Thank you very much, Mr. Chairman.

#### PREPARED STATEMENT OF THOMAS ANDREWS

##### **Testimony of the Hon. Thomas H. Andrews**

##### **President of United to End Genocide**

##### **Tom Lantos Human Rights Commission**

##### **“Sudan: The Ongoing Humanitarian Crisis in South Kordofan and Continuing Human Rights Violations in Darfur”**

**September 22, 2011**

Thank you Chairman Wolf, Chairman McGovern and members of the Tom Lantos Human Rights Commission for holding this hearing. I greatly appreciate the opportunity to testify before you today on the escalation of attacks against civilians in Sudan. So many members of this Commission have been long-time champions of peace and accountability in Sudan. Your leadership on Sudan is critical.

I was in the region a little over two months ago visiting Rwanda, Kenya and South Sudan, and in Juba just weeks after violence broke out in South Kordofan. Everywhere I went I heard story after story of the horror that continues to be inflicted. Two refugees from Darfur told me about their harrowing experience of being awakened at dawn by the sound of hooves and gunfire as the Janjaweed raided their village. They fled to South Kordofan’s Nuba Mountains and described how the people there welcomed them. They expressed their alarm and horror that the same regime that had forced them to flee their homes in Darfur was now attacking the very people who provided them refuge.



The common denominator in the devastating attacks on civilians in both Darfur and South Kordofan is Sudan's President Omar al-Bashir. Let me be clear - Bashir is a genocidal monster who is already wanted by the International Criminal Court for directing atrocities in Darfur. Since Bashir came to power in a military coup in 1989 he has murdered, starved and destroyed the lives of millions of innocent civilians in South Sudan, Abyei, Darfur, Blue Nile and South Kordofan.

I have provided additional details on the violence being perpetrated across Sudan by Bashir's forces in my written testimony. But my focus today is on what is happening now in South Kordofan and the stories that were told to me by the people I met.

I spoke to several people displaced from South Kordofan's Nuba Mountains when I was in Juba in early July. The numbers of displaced have only increased since then. Two priests who had just arrived after a narrow escape told me that the Sudanese Armed Forces and allied militias had gone door to door, targeting people based on their religion and the color of their skin. They spoke of churches being burned and looted. One church was hit by a bomb as Antonov planes, the same used to terrorize the people of Darfur, launched indiscriminate attacks on civilian areas. That was in July. The attacks continue.

But it doesn't stop there: Bashir has also refused to let in desperately needed food, water, medicine and fuel. International aid NGOs have been tossed out. One of the displaced priests I met with had heard just that morning from a colleague still in the Nuba Mountains that food stocks were running low, trade routes were blocked, and no new aid was being allowed in. He told me that at least one million innocent people are at risk in South Kordofan.

This year alone, more than half a million people have been displaced by fighting throughout Sudan. United Nations reports indicate the likelihood of ethnic cleansing in Abyei, and war crimes and crimes against humanity in South Kordofan. We suspect similar atrocities have occurred in Blue Nile.

Recent violence directed by Bashir makes it very clear, when left unchecked this genocidal monster will simply continue to do what he has always done: commit unspeakable atrocities.

So what can the United States do? Past experience demonstrates that the Bashir regime only responds to consequences. Unfortunately, the Obama Administration is failing in the face of these ongoing atrocities. Recent statements by the State Department do not place appropriate emphasis on the Government of Sudan as the party overwhelmingly responsible for violence against civilians. Even more importantly, action from the Administration is severely lacking. Accountability is not being demanded. Civilians are not being protected. Bashir is being allowed to commit atrocities with impunity. Again. Unless this policy course is corrected, many more civilians will lose their lives.

In my view the Obama Administration needs to do three things:

First, expand sanctions on individuals responsible for atrocities throughout Sudan. Current individual sanctions for atrocities are specific only to Darfur. Anyone who commits heinous crimes must be held accountable regardless of where in Sudan these atrocities take place.

Second, make saving lives in Sudan a high priority in our dealings with other nations – particularly those that can exert the most leverage on Bashir. We need increased and

coordinated sanctions by the international community starting with our European allies. Maybe even more importantly, the United States must work to move China in a new direction. The Chinese have a great deal of leverage with the Government of Sudan. Their significant monetary investment makes it in their interest to have a peaceful and stable region. But their actions belie their interest and denigrate values that we have a moral obligation to defend and advance. The red carpet that the Chinese government literally unfolded for Bashir just months ago in Beijing was an outrage. We need to hear that outrage spoken loudly and clearly by our leaders.

Finally, weapons must be stopped from flowing into Sudan and innocent people must be protected. The U.S. must spend political capital to pass a United Nations Security Council resolution that expands individual sanctions for perpetrators, expands the existing arms embargo on Darfur to incorporate all of Sudan, expands the mandate of the International Criminal Court to cover the entire country, demands unfettered humanitarian access, and authorizes an international civilian protection force with the resources and mandate to accomplish its mission.

Congress also has an important role to play. First, the American people need to know the truth about Omar al-Bashir and his atrocities. This hearing is an important step in that direction and, again, I commend you for your leadership. American citizens have shown they care about the people of Sudan, but many are unaware of what is happening there now. Your help is needed to raise the alarm. Congress should also consider and pass legislation that would mandate increased United States sanctions and push the Administration to advance the policies I've laid out here today.

I know this is not as easy as it may sound. I know about all the distractions that Members of Congress face. I was serving in the House during the Rwandan genocide. I visited the graves of hundreds of thousands of victims when I visited Rwanda in July and asked myself – “Where was I?” Why did we do nothing to prevent or stop this horror?” Well, in retrospect, the political climate here in the U.S. was intense in 1994. There were fresh memories of Mogadishu, Somalia and “Black Hawk Down”. There was the conflict in the former Yugoslavia. The economy was struggling and a heated election was looming.

When you think about it, the political climate today is not at all dissimilar. But, the bottom line then is the bottom line now: We cannot stand quietly aside while genocidal monsters inflict unspeakable crimes against untold numbers of innocent people. The cost of doing nothing is too great. We must not look back years from now on this moment and think: “If only we had done something.”

We must have the courage to act now.

Thank you again for your time and for this opportunity. I look forward to answering your questions.

Cochairman McGOVERN . Thank you very much.

Ms. Henry.

**STATEMENT OF JEHEANNE HENRY, SENIOR RESEARCHER ON SUDAN,  
AFRICA DIVISION, HUMAN RIGHTS WATCH**

Ms. HENRY. Good morning, Chairman McGovern, Chairman Wolf, and distinguished members of the Commission. Thank you for inviting me to this important hearing on Sudan, particularly in view of new conflict and abuses that are occurring in Southern Kordofan and Blue Nile as we speak.

I was asked to speak on my recent visit to Southern Kordofan. I will keep my comments brief, and ask that our August 30<sup>th</sup> Joint Report between Human Rights Watch and Amnesty International on the situation there be submitted for the record.

As you are aware, South Sudan seceded on July 9<sup>th</sup> following the Referendum in January under the terms of the CPA. These events transpired rather smoothly, but new conflicts have since erupted in the key areas north of border where reforms envisioned in the CPA never did occur.

Weeks after Sudan militarily overtook the disputed area of Abyei in late May in violation of the CPA, fighting between government and SPLA forces broke out in Southern Kordofan, which is home to large ethnic Nuba populations who have longstanding links to the SPLM.

The fighting broke out amid growing tensions over the state elections in which Ahmed Haroun, whom as you know is wanted by the ICC for war crimes and crimes against humanity in Darfur, claimed a narrow victory for governor. The two parties also disagreed over the terms of troop withdrawals under the security arrangements in the CPA.

The fighting erupted, according to witnesses who I interviewed and other sources, government forces shelled civilian areas. They shot people in the streets, and carried out the house-to-house searches and arrests based on lists of names of known SPLM supporters.

As a result of the elections, in fact, these lists exist, in the first week of fighting in Kadugli. Many people I interviewed from Kadugli saw dead bodies littering the roads and evidence of looting and burning as they escaped the town.

The witness accounts are consistent with many of the findings in the August 15<sup>th</sup> report by the Office of the High Commissioner for Human Rights, the UN office, which documented unlawful killings and attacks on civilians and other serious human rights violations that they said could amount to war crimes and crimes against humanity.

In late August, I visited Southern Kordofan to the area of the Nuba mountains, and although government restrictions prevented us from visiting Kadugli itself and other government-controlled areas, I was able to visit many towns deep in the Nuba mountains where hundreds of thousands of people have taken refuge from the fighting and the ongoing bombing by the Sudanese Government.

While I was there, I did see government planes circling over head on a near daily basis, and sometimes multiple times per day. I did see three bombs falling out of an aircraft, and I heard them explode in an area just a few kilometers away.

I was able to investigate 13 separate strike incidents in Jauda, Delami, and Kurchi areas. These incidents are a small fraction of the total number of air strikes that have occurred in the Nuba mountains, but they are an illustrative sample. And bomb

fragments we found had brutally killed at least 26 people in those separate incidents, including women and children, and injured 45 others, and maiming many of them for life.

According to all of the witnesses we interviewed, and through our own observations, there were no military targets in the area where the bombs fell. None of the incidents we investigated occurred close to front lines, or in areas of active combat.

The type of munitions used and the manner in which they were delivered, unguided, dropped from high altitudes are further evidence that the bombings were indiscriminate and, therefore, unlawful.

These bombings are ongoing, and they do have a devastating impact on the Nuba population. People forced out of their homes now live in harsh conditions under boulders, in caves, on mountaintops, under trees, and in areas in the bush far from towns where they fear being struck by more bombs. They lack food, medicine, and shelter, and many are now living on berries and leaves, and their children are suffering from diarrhea, malaria, and malnutrition. Many we met had been separated from their family members who now live in government-controlled areas, and are essentially trapped there.

Humanitarian groups estimate that more than 200,000 people have been displaced either by ongoing fighting, or by the bombing, and are now displaced in areas in the Nuba mountains. But these numbers could be higher. Heavy rains and lack of fuel for vehicles and security concerns have made it difficult to visit many of the SPLM North controlled areas in the Nuba mountains.

The Sudanese Government has blocked Humanitarian access to opposition areas, as well as many government-held areas. On August 20<sup>th</sup>, a group of aid groups tried to carry out an assessment, but they were not allowed past Kadugli Town, and government officials accompanied them, so the assessment did not occur. On August 23<sup>rd</sup>, President el-Bashir publicly stated that no international groups shall be allowed in.

Indeed, Sudan has done everything possible to insure there are no eyes and ears on the ground. It's prevented journalists, researchers, diplomats, and UN staff from visiting the area, and forced the UN peacekeepers to leave by not renewing the mandate in July.

In recent weeks, the conflict has spread to Blue Nile. The government has clamped down on SPLM North across the country arresting more than 100 suspected supporters in the last three weeks alone, banning political parties, restricting media coverage of the conflicts.

We have credible reports that the government is bombing civilian areas in Blue Nile also, and tens of thousands of people have fled their homes.

Sudan, indeed, faces many political challenges. Growing dissent from marginalized populations and its peripheries, active conflicts in two border states, and in Darfur for eight years running now, and it has lost one-third of its territory, and faces significant economic challenges. Unfortunately, its leaders have chosen to respond to these challenges through repression and armed conflict rather than by upholding rights and opening up political space, and pursuing the democratic reforms that were promised in the CPA.

The United States has shown leadership on this issue. Ambassador Rice has condemned the violence early on, and has requested UN reporting on Human Rights violations. The State Department has also condemned the aerial bombings. This continued leadership by the United States is critical in the international arena. The United

Nations Security Council and the African Union have yet to even condemn the violations, notwithstanding evidence of indiscriminate bombing, and the UN High Commissioner for Human Rights' report, and warning that these crimes being committed could be war crimes and crimes against humanity.

So, we urge the United States to press for a strong, at the very least, a strong condemnation of the violations in Southern Kordofan and Blue Nile from the UN Security Council and the African Union, and an international monitoring presence with a requirement for continued Human Rights reporting on the ground in these areas. And a full and independent investigation into the violations of Human Rights and Humanitarian law. And, finally, it goes without saying that the government needs to remain steadfast in making no additional concessions to Sudan given these ongoing and serious violations.

I'm going to stop my presentation now and welcome questions afterwards. Thank you very much.

[The statement of Jehanne Henry follows:]

PREPARED STATEMENT OF JEHANNE HENRY

**Jehanne Henry**  
**Human Rights Watch**  
**Testimony to the Tom Lantos Human Rights Commission regarding Sudan**  
**September 22, 2011**

Good morning, Chairman McGovern, Chairman Wolf and distinguished Members of the Tom Lantos Human Rights Commission. Thank you for inviting me to this important hearing on Sudan, particularly in view of new conflict and human rights abuses occurring in Southern Kordofan and Blue Nile states as we speak.

I was asked to speak on my recent visit to Southern Kordofan. I will keep my comments brief and ask that our August 30 report on the situation in Southern Kordofan be submitted for the record.

As you are aware, South Sudan seceded from Sudan on July 9, following a January referendum under the terms of the 2005 Comprehensive Peace Agreement. While these events transpired relatively smoothly, new conflicts erupted in key areas north of the border, where the reforms envisioned in the peace agreement never occurred.

Weeks after Sudan militarily overtook the disputed border area of Abyei in late May, in violation of the CPA, fighting between government and SPLA forces broke out in neighboring Southern Kordofan, home to large ethnic Nuba populations with longstanding ties to the SPLM.

The fighting broke out amid growing tensions over disputed state elections, in which Ahmed Haroun -- who is wanted by the International Criminal Court for war crimes and crimes against humanity in Darfur -- claimed a narrow victory for governor. The two parties also disagreed over the terms of troop withdrawals under the security arrangements in the CPA.

According to witnesses we interviewed and other sources, government forces shelled civilian areas, shot people in the streets and carried out house-to-house searches and arrests based on

lists of names of known SPLM supporters in the first weeks of fighting. Many people I interviewed saw dead bodies and evidence of looting and burning as they escaped the town.

The witness accounts are consistent with many of the findings in an August 15 report by the Office of the High Commissioner for Human Rights, which documents unlawful killings and attacks on civilians and other serious human rights violations that could amount to war crimes and crimes against humanity.

In late August, I visited Southern Kordofan. Although government restrictions prevented us from visiting Kadugli itself and other government-controlled areas, we visited many towns and villages deep in the Nuba Mountains, where hundreds of thousands of people have taken refuge from fighting and ongoing indiscriminate bombing by the Sudanese government.

While I was there, I saw government planes circling overhead on a near-daily basis, sometimes multiple times per day. I also saw three bombs falling out of an aircraft, and heard them explode a few kilometers away. We investigated 13 air separate strikes in Kauda, Delami, and Kurchi areas -- a small fraction of the total number of air strikes in Nuba Mountains -- in which bomb fragments brutally killed at least 26 people, including women and children, and injured 45 others, maiming many for life.

According to those we interviewed, there were no military targets in areas where bombs fell. None of the incidents we investigated occurred close to front lines or in areas of active combat. The type of munitions used and the manner in which they were delivered -- unguided, dropped from high altitudes -- are further evidence that the bombings were indiscriminate and therefore unlawful.

The bombing is ongoing, and has a devastating impact on the Nuba population. People forced out of their homes now live in harsh conditions under boulders, in caves, on mountaintops, under trees, and in the bush far from towns where they fear being struck by bombs. They lacked sufficient food, medicine, and shelter from the rains -- many are now eating berries and leaves, and their children are suffering from diarrhea and malaria. Many we met were separated from family members living in government controlled areas.

Humanitarian groups estimate that more than 200,000 people have been displaced, either by the outbreak of fighting in early June, by ongoing fighting along several front lines, and by the ongoing bombing campaign. The number may be higher, as heavy rains and lack of fuel for vehicles and security concerns restricted access to many SPLM-North-controlled areas.

Yet the Sudanese government has blocked humanitarian assistance to opposition areas as well as many government-held areas. On August 20, aid groups tried to carry out an assessment but were allowed only to Kadugli town. On August 23, President Al-Bashir publicly stated that no international groups would be allowed in. Indeed, Sudan has done everything possible to ensure there are no "eyes and ears" on the ground. It has prevented journalists, researchers, diplomats and UN staff from visiting the area, and forced the UN peacekeepers to leave.

In recent weeks, this conflict has spread to neighboring Blue Nile state and the government has clamped down on SPLM-North across the country, arresting more than 100 suspected supporters, banning political parties, and restricting media coverage of the conflicts. We have

credible reports that the government is bombing civilian areas in Blue Nile also. Tens of thousands of people fled their homes.

Sudan faces many political challenges: growing dissent from marginalized populations in its peripheries; active conflicts in two border states and in Darfur, for eight years running; and it has lost one-third of its territory and faces serious economic challenges. Unfortunately, its leaders have chosen to respond to these challenges through repression and armed conflict rather than by upholding rights, opening political space, pursuing democratic reforms.

The United States has shown leadership. Ambassador Rice condemned the violence early on and requested UN reporting on human rights violations. The state department has also condemned the continued aerial bombing. This continued leadership is critical.

The United Nations Security Council and the Africa Union have yet to even condemn the violations, despite the evidence of indiscriminate bombing and despite the UN High Commissioner for Human Rights warning that war crimes and crimes against humanity may have occurred in Southern Kordofan.

We urge the US to press for:

- ☐ a strong condemnation of the ongoing violations in Southern Kordofan and Blue Nile;
- ☐ an international monitoring presence, with a requirement for continued human rights monitoring; and
- ☐ a full and independent investigation into violations of international human rights and humanitarian law

Finally, the US needs to remain steadfast in making no concessions to Sudan given these ongoing and serious violations.

Thank you.

Cochairman McGOVERN . Thank you.

Mr. ISMAIL.

## **STATEMENT OF OMAR ISMAIL, SENIOR POLICY ADVISOR, ENOUGH PROJECT**

### **STATEMENT OF OMAR ISMAIL**

Mr. ISMAIL. Thank you, Mr. Chairman, and I will add my voice to my colleagues. Thank you, Honorable Frank Wolf, and distinguished members of your Committee for this hearing. It is timely and is urgent. And as a native of Sudan, and someone who was born and raised in the Darfur region, I thank you very much for your unwavering attention.

In January of this year, I appeared before the distinguished members of the Committee on Foreign Affairs to give testimony regarding the historic January referendum that laid the groundwork for the independence of South Sudan in July.

I noted that a successful transition to work two stable Sudans would hinge on agreement and engagement on several fronts; resolving the status of the contentious border areas, reprioritization of the conflict in Darfur, the U.S. investment in the building blocks toward a more democratic future in Sudan are necessary.

Many of us anticipated that these issues left unaddressed and combined with anxieties on the ground and among the leadership of both governments had the potential spark violence. Now in the wake of a relatively peaceful transition to independence for South Sudan, we are witnessing what we feared; continued human suffering geared to Khartoum directed aggressive campaign again as rebel forces and civilians not only through on the ground violence and aerial bombardments, but also through the use of food as a weapon of war.

Missions and influential actors are hesitant to react to the human crisis in Sudan, and call for more evidence, but the reported evidence is already clear and undeniable. Just last Friday, the United Star statement noted that since the beginning of September, the steady number of refugees from the Nuba mountains fleeing the area of attacks in South Kordofan had surged from about 100 a day in August to over 500 a day in September.

There are reports of ongoing aerial bombings in civilian areas controlled by the SPLM North, bombings that often targeted villages with no military assets.

Evidence gathered through the Enough Satellite Sentinel Project shows at least eight mass graves found in or around Kadugli, the capitol of South Kordofan. Satellite imagery analysis also confirmed reports of a large population of displaced civilians seeking protection on the perimeter of the United Nations facility in Kadugli, several thousand civilians who were there seeking shelter were later reported missing, and there whereabouts remain unknown.

In Darfur, since my previous testimony in January, the Sudanese Government has increased aerial bombings displacing over 70,000 more people, and large areas of Darfur remain inaccessible to the relief agencies which means that help cannot reach those victims. And, furthermore, reporting and verification of violence becomes impossible when the area is cut off from Humanitarians and even peacekeepers.

Fighting and aerial bombardments also continue in Blue Nile States as we are speaking right now while the International Humanitarian effort remains restricted by Khartoum.

Khartoum, fearing opposition rebel forces may form a coalition, has not shied away from slaughtering civilians in the effort to control the border areas. The policies so far adopted by the United States and the international community have manifestly fallen short of fostering even a modicum of security for civilians.

Again, as the backdrop of the Arab Spring. It is disappointing to see that the international community and the United States, in particular, has stopped its efforts to support the people in Egypt, and to protect the people of Libya, yet allows the Government of Sudan to continue its genocidal agenda without consequences. The people of Sudan deserve the same attention and action that their oppressed neighbors have received.

The violence in Sudan has been treated as a separate phenomenon from the Arab Spring, or in harsh terms, a distraction from the more important events in the Middle East. However, the violence in Darfur, South Kordofan, and now Blue Nile is part of the government's military solution to the political and social issues of marginalization, as articulated by rebel movements, the Sudanese Civil Society, and political parties.



The international community needs to recognize that the violence in Sudan is not a nuisance that can easily be wished away. It's a predictable behavior of a nervous regime, anxious to hold on to power.

We are convened here in discussion of the ongoing Humanitarian Crisis in South Kordofan and continuing Human Rights violations in Darfur. If our goal is long-term sustainability, in my view, we must place South Kordofan and Darfur in a broader context, inclusive of the deadly invasion of Abyei, and the violence in Blue Nile State.

Though inevitably more complex policy framework with a broader lens is fundamental to a more effective plan towards changing the behavior of the Khartoum regime, to change that behavior the United States needs a sound new policy that will show Khartoum that violence against civilians using food as a weapon of war, assisting proxy militias to terrorize communities, and granting total immunity to the perpetrators will not be ignored.

Central to more assertive action by the international community, is the responsibility to protect doctrine, particularly given the scale of level of human suffering and abuse many of which may amount to war crimes and crimes against humanity that is perpetrated by the Government of Khartoum. In fact, the RtoP doctrine was written specifically to address the situation that is occurring and has been occurring for some time in Sudan.

To begin addressing the source rather than just the symptoms of the problems in Sudan, we must address four primary issues, the mediation and the different peace processes, and democracy promotion, accountability and civilian protection. I have explained in greater detail in my testimony in the Commission's record, so I can answer questions in that regard.

Finally, I would say as a nation with great stature in the world, and one that is known for its diplomatic leadership, the United States must listen and respond to the Sudanese calls for change in Sudan.

Therefore, this historic role as a peace broker, the United States must work to build an international voice with other concerned nations to support the Sudanese people. Your leadership, honorable members of Congress, and your dedication to the plight of the Sudanese people must extend toward supporting the forces for change towards democratic transition and security for the people of Sudan, these fundamental objectives that the American and the Sudanese people share. Thank you very much.

PREPARED STATEMENT OF OMER ISMAIL

**Testimony of Omer Ismail,  
Policy Advisor at the Enough Project  
Before the Tom Lantos Human Rights Commission  
09/22/2011**

***Introduction:***

I'd like to begin by thanking you, Congressman McGovern and Congressman Wolf, and members of the Tom Lantos Human Rights Commission, for convening this discussion on the situation in South Kordofan and Darfur. This hearing is of the utmost necessity and urgency, and you have repeatedly taken the lead in bringing attention to the human

rights crises in these border areas of Sudan. As a native of Sudan and someone who has worked on emergency relief and human rights for over two decades, I thank you for your unwavering attention.

In January of this year, I appeared before the distinguished members of the Committee on Foreign Affairs to give testimony regarding the historic January referendum that laid the groundwork for the independence of South Sudan in July. I noted that a successful transition toward two stable Sudans would hinge on agreement and engagement on several fronts: resolving the status of contentious border areas, a reprioritization of the conflict in Darfur, and US investment in the building blocks toward a more democratic future in Sudan. Many of us anticipated that these issues, left unaddressed and combined with anxieties on the ground and among the leadership of both governments, had the potential to spark violence. And now, in the wake of a relatively peaceful transition to independence for South Sudan, we are witnessing what we feared: continued human suffering due to a Khartoum-directed aggressive campaign against rebel forces and civilians, not only through on-the-ground violence and aerial bombardments but also through the use of food as a weapon of war.

***Evidence of human rights crimes:***

Nations and influential actors who are hesitant to react to the human rights crises in Sudan call for more evidence, but the reported evidence is already clear and undeniable. Just last Friday, a UNHCR statement noted that since the beginning of September, the steady number of refugees from the Nuba Mountains fleeing the fighting in South Kordofan has surged from about 100 a day in August to up to 500 people a day in September.<sup>1</sup> There are reports of ongoing aerial bombings in civilian areas controlled by the SPLM-North, bombings that often target villages with no military assets. Evidence gathered through Enough's Satellite Sentinel Project shows at least eight mass graves found in and around Kadugli, the capital of Southern Kordofan. Satellite imagery analysis also confirmed reports of a large population of internally displaced civilians seeking protection on the perimeter of the United U.N. facility in Kadugli. Several thousand civilians who had sheltered there were later reported missing and their whereabouts remain unknown.

In Darfur, since my previous testimony in January, the Sudanese government has increased aerial bombardments, displacing a further 70,000 people. Large areas of Darfur remain inaccessible to the relief agencies, which means that help cannot reach the victims. Furthermore, reporting and verification of violence becomes impossible when the area is cut off from humanitarians and even peacekeepers.

Fighting and aerial bombardments also continue in Blue Nile state, while international humanitarian efforts remain restricted by Khartoum.

***Lack of international attention / Relation with Arab Spring:***

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<sup>1</sup> UNHCR, "Thousands Flee to South Sudan to escape South Kordofan," September 16, 2011. Available at <http://bit.ly/qTwCmd>.

Khartoum, fearing opposition rebel forces may form a coalition, has not shied away from slaughtering civilians in its effort to control the restive border areas. The policies so far adopted by the United States and the international community have manifestly fallen short of fostering even a modicum of security for civilians.

Against the backdrop of the Arab Spring, it is disappointing to see that the international community, and the U.S. in particular, has stepped in to support the people of Egypt and to protect the people of Libya, yet allows the Government of Sudan to continue its genocidal agenda without consequences. The people of Sudan deserve the same attention and action as their oppressed neighbors.

The violence in Sudan has been treated as a separate phenomenon from the Arab Spring, or, in harsh terms, a distraction from the more important events in the Middle East. However, the violence in Darfur, South Kordofan, and now Blue Nile is part of the government's military solution to the political and social issues of marginalization as articulated by the rebel movements, Sudanese civil society, and political parties. The international community needs to recognize that the violence in Sudan is not a nuisance that can easily be wished away; it is the predictable behavior of a nervous regime, anxious to hold onto power.

***Holistic approach:***

We are convened here in a discussion of the ongoing humanitarian crisis in South Kordofan and continuing human rights violations in Darfur. If our goal is long-term sustainability, in my view, we must place South Kordofan and Darfur in a broader context, inclusive of the deadly invasion of Abyei and the violence in Blue Nile state. Though inevitably more complex, a policy framework with a broader lens is fundamental to a more effective plan toward changing the behavior of the Khartoum regime. To change that behavior, the United States needs a sound new policy that will show Khartoum that violence against civilians, using food as a weapon, assisting proxy militias to terrorize communities, and granting total immunity to perpetrators will not be ignored.

Before South Sudan became the world's newest independent nation on July 9, the U.S. was forced to treat Khartoum with kid gloves. While this strategy helped usher in independence without obstruction, it had the unfortunate result of allowing the Government of Sudan to continue to attack and displace its people in North Sudan and further delayed the international community's ability to address longstanding issues in Darfur and elsewhere. Now that we are dealing with a post-secession Sudan, the United States should take this opportunity to recognize the interconnected nature of the various conflicts and address their source.

Central to more assertive action by the international community is the "Responsibility to Protect" doctrine, particularly given the scale and level of human rights abuses – many of which may amount to war crimes and crimes against humanity – perpetrated by the Government of Sudan. In fact, the R2P doctrine was written specifically to address the situation that is occurring – and has been occurring for some time – in Sudan.

To begin addressing the source, rather than just the symptoms, of the problems in Sudan, we must address four primary issues: mediation; democracy promotion; accountability; and civilian protection. I have explained in greater detail in my full remarks for the Commission Record how the United States must approach each of these issues, and I welcome your questions, should you be interested in a description of how the U.S could be approaching mediation, democracy promotion, accountability, and civilian protection differently.

***Conclusion:***

As a nation with great stature in the world and one that is known for its diplomatic leadership, the United States must listen and respond to Sudanese calls for change in Sudan. Faithful to its historic role as peace broker, the United States must work to build an international voice with other concerned nations to support the Sudanese people. Your leadership, honorable Members of Congress, and your dedication to the plight of the Sudanese must extend toward supporting the forces for change toward democratic transition and security, fundamental objectives that the American and Sudanese people share

Cochairman McGOVERN . Thank you very much.

Mr. Arman.

**STATEMENT OF YASIR ARMAN, GENERAL SECRETARY, SUDAN PEOPLES LIBERATION MOVEMENT NORTH**

Mr. ARMAN. Thank you so much, Chairman McGovern and Chairman Frank Wolf, and the Chair of Sudan Caucus, Honorable Capuano, the members of the Tom Lantos Commission on Human Rights.

I very much appreciate this opportunity to testify today on the ongoing Human Rights violations in Sudan, and this session is a very important session. It gives hope to millions of Sudanese who are following closely the reaction of the international community on what is going on in Sudan.

I'm Yasir Arman. For the last 25 years, I have been actively engaged in the struggle of the Sudanese people to achieve just peace and democracy in Sudan, and to recognize the diversity of all Sudanese, and of all form.

Sudan is a country with the two side, the South and the North, is a country of more than 570 different nationalities and tribe, and a country of more than 130 languages, and a country of history of 7,000 years is part of the Nile Valley civilization.

And we have been working under our great leader, Dr. John Garang, to achieve transformation, democracy, just peace and development in Sudan. And I was one of the

Northern Sudanese people who are part of the leadership of the SPLM, and I serve as a spokesperson for the SPLM until 2005. And I was also the Deputy Secretary General of the SPLM, and I was the SPLM candidate for President of Sudan running against President Omar el-Bashir until I was dropped due to the rigging of the election. And despite that, I got nearly three million votes, despite that I was dropped in the elections as a lack of transparency and good standard of election.

After the separation of South Sudan, I and my colleague, we continued to build the SPLM North, and to struggle for democracy and to achieve transformation in the North. And I have only arrived recently in the United States. Given my position, I get daily reports on what is going on in the three areas. I also visited those areas regularly.

Sudan under the rule of the National Congress and President el-Bashir has been a refuge of the leaders of the World Terrorist Organization, including Osama bin Laden, Ayman al-Zawahiri, and Bashir basically has pictures. He's the only President who has pictures with Osama bin Laden.

These and other terrorists who pose a threat not only to Sudan, but to the international peace and stability. And it is significant that terrorism started with Sudanese people, and then it extended worldwide. The NCB and Bashir started the war against Southern Sudanese, Nuba mountain, Blue Nile, Darfur, Eastern Sudan, and war is a picnic for Bashir.

Every two or three years he has a new front, and Sudan to open against the Sudanese people using the resources, the army, and there are also -- Bashir attacks all the segments of Sudanese society. There is no single segment of the society that he did not fight or marginalize.

They dismissed thousands of armed officers, professional trade unionists, and they destroyed the life of thousands of farmers, workers throughout Sudan. As a result, more than two million Sudanese people from different parts of Sudan lost their lives in the long war in Southern Sudan, and many parts of Northern Sudan; and, in particular, Darfur, Nuba mountain, Blue Nile, and Eastern Sudan.

The new Islamic Republic, the first phase of Bashir's rule ended by separating the South, now Bashir has a new Islamic Republic, and he's lying that after the South left and walked away from the union as a result of what he did, that there is no diversity in the North. Everybody has to be an Arab, a Muslim, not only a Muslim, a Muslim on the terms of Bashir. And Bashir fought all Christians, Muslims, Arabs and non-Arabs in Sudan.

The New Islamic Republic started by launching the war against Blue Nile, Nuba mountain. The result has been displacement of more than 300,000 people in the three areas, Blue Nile, Nuba mountain, and Abyei.

These atrocities are happening in front of the eyes of all those who are advocating for Human Rights, Rule of Law, justice, democracy, and human dignity.

The National Congress does not care about the will of humanity, and the fact that Bashir is still the President of Sudan is a killing for the humanity and the international community. Thousands were tortured and killed in the Nuba mountain, and Blue Nile, and many are in custody and in gross houses of the National Congress in different part of Sudan. The National Congress does not care only about that, but they went ahead and they imprisoned more than 140 leaders of the SPLM North, has been arrested, and are being detained. Among them are Salwa Adam Benia, the Chairperson of the SPLM in Gadarif State, Adam Ali, the Chairperson of the SPLM in Northern Kordofan, and Abed Monim Rahma, a poet and writer who is being detained and tortured in Blue Nile, and many others.

The National Congress leaders form a committee, and one of their minister, Hajmaged Suor, the Minister of Sports, to relocate the mass grave in the Nuba mountain. That holds more than 5,000 civilians who were massacred in cold blood.

All that is taking place right now in Sudan, including in the Nuba mountain, Southern Kordofan. That is why it is so important for the Congress, and for the people of the United States to break the silence on the atrocities, genocide, ethnic cleansing taking place on a daily basis in Sudan.

Bashir found the tradition of South, now he created a new South and North. That from Blue Nile to Darfur, this is a new South and the North is fighting those people. They have nothing, they only -- God created them with different color, with different language, with different culture. And he's eliminating them through continuous genocide and ethnic cleansing.

If we do not stop the National Congress, we may soon see the war extended to a war between South Sudan and North Sudan. That course is already beginning openly, propagated by the media, and the newspaper controlled by the fanatic leaders of the National Congress. They are on record advocating such course of action on daily newspaper, such as Alntbaha newspaper, whom the editor-in-chief of that newspaper is none other than the uncle of the Sudanese President.

In fact, they started the present war in Nuba mountain a month before the Republic of South Sudan to come into being. Yet, they're accusing South Sudan of helping and interfering in the North situation. And the war in the Nuba mountain and Blue Nile, Bashir has fought for 20 years in those areas, long, long time ago before the foundation of the New South Sudan Republic.

After a long struggle and fight, which you were part of it, and many of you have helped in realizing the CPA. The CPA was meant not only to achieve the self determination to South Sudan. That was part of the objective, but the main objective is to transform the center of power in Khartoum. And to address the problem in the three areas.

The CPA only after the long struggle of the Sudanese people of the international community realize the self determination for the people of South Sudan, but it is unfinished business threatened by Bashir and his policies to take the war in the North, and in South Sudan.

Again, what does that mean? It means more than 300,000 people have been displaced in the three areas, and elected government of Blue Nile and the Chairman of the SPLM North has been removed. SPLM North is being banned. The war is extending from Darfur to Blue Nile, in the New South diversity is being denied and unrecognized, genocide and ethnic cleansing is occurrence of the day.

And I would like to assure all of you that the SPLM North exerted all effort, and possible effort to allow the possibility of reaching a peaceful settlement through the Addis Ababa peace process, and the Addis Ababa framework, which were denounced by Bashir.

Bashir came from China, and after the second person in the National Congress signed that document, he said he wouldn't care about that document, and he threw it, insulting the effort of Prime Minister Meles Zenawi, President Thabo Mbeki, the envoy of the United States, and said it doesn't matter to him, and he will continue war in Nuba mountain and Southern Blue Nile.

The United States has been in the forefront in support of democracy, peace in Sudan. That should be the case today. Those values have been shared by the American people and the Sudanese people.

My colleague and I in the SPLM North believe that Sudan, the region and the world would be better off without Bashir and the National Congress, and that Sudan can be reunited again in a union of two independent states. Sudan can establish a strategic relation with its neighbor and contribute to the peace and stability worldwide without Bashir and the National Congress.

The most critical issue for us, especially those Sudanese who have been opposing Bashir for the last 20 years and who are the massive majority of the Sudanese people, that we would like to see on behalf of those who are suffering and humiliated by Bashir, that Humanitarian assistance should go yesterday and today to be delivered to the needy people in the Nuba mountain, South and Blue Nile. And such a system must be provided whether Bashir accepts that or not.

In addition, there is a need for an independent international investigation on genocide and ethnic cleansing, particularly in Nuba mountain. That is very important for us, and we would like our friends all over the world to continue to defend the right of Sudanese people for democracy, and just peace. The Congress of the United States has been at the forefront defending our rights. And, indeed, names like Congressman McGovern, and Donald Payne, Frank Wolf hold places of honor in the heart and mind of the Sudanese people.

Finally, let me express my gratitude and honor for this rare and historic opportunity. It means a lot to us, the Sudanese people. Thank you so much.

PREPARED STATEMENT OF YASIR ARMAN

**Testimony by Yasir Arman to the Tom Lantos Human Rights Commission  
September 22, 2011**

Congressman Wolf, Congressman McGovern, Members of the Tom Lantos Commission on Human Rights, I very much appreciate the opportunity to testify today on the ongoing human rights violations in Sudan.

For the last twenty-five years, I have been actively engaged in the struggle of the Sudanese people to achieve a just peace and democracy in Sudan and to recognize diversity of all forms. My political activism and support for human rights in Sudan began as a student when I left Khartoum and joined the Sudan People's Liberation Movement (SPLM) under the leadership of Dr. John Garang. I was one of the few Northern Sudanese leaders who were part of the SPLM leadership. I served as spokesperson for the SPLM until 2005, when after the Comprehensive Peace Agreement; I became the Deputy Secretary General of the SPLM.

I was the SPLM candidate for President of Sudan running against President Omar al Bashir until I withdrew due to the rigging of the elections. After the separation of South Sudan from the North, I continued as the number 3 person in the SPLM -North.

I have only recently arrived in the United States from Sudan, so I will be able to provide this Commission and the US Congress with updated reports on the current situation. But I would first like to place the current events into historical context.

In the last century and in this century, four historic events that threatened the stability and the welfare and well-being of human kind. These are World Wars I and II, the Cold War and, most recently, the War on Terror. The government of the National Congress Party and Bashir has effectively been involved in the fourth event.

Sudan, under the rule of the National Congress and President Bashir, has been a refuge for the leaders of the world terrorist organizations including Osama bin Laden and Iman Alshwahry. These and other terrorists, who pose a threat not only to Sudan but to international peace and stability including the U.S., were welcomed to live and operate in Susan.

It is significant that terrorism started with the Sudanese people and then extended worldwide. The NCP and Bashir started a war against Southern Sudan and Nuba Mountain and Blue Nile and they extended it to Eastern Sudan and Darfur. There was no segment of Sudanese society that they did not fight or marginalize. They dismissed thousands of army officers, professionals, trade unionists, and they destroyed the lives of thousands of farmers and workers throughout Sudan.



As a result, more than two million Sudanese people from different parts of Sudan lost their lives in the long war in Southern Sudan and many parts of Northern Sudan, and in particular, Darfur, Nuba Mountains, Blue Nile and Eastern Sudan.

Despite the International Criminal Court's resolution to indict Bashir and Ahmed Haroun, they still rule Sudan and Southern Kordofan in a challenge to the international community and the human conscious.

The National Congress is a fascist group determined to impose their ideology in the name of Islam. Politicized Islam is an agenda for them to use to stay in power by iron and blood. Their Islamic first republic ended up by dividing Sudan into two countries. The new version of the second Islamic republic will further divide Sudan if they stay in power.

The new Islamic republic started by launching the war against Blue Nile and Nuba Mountains. The result has been the displacement of more than three hundred thousand people in the three areas: Blue Nile, Nuba Mountains and Abyei. These atrocities are happening in front of the eyes of all those who are advocating for human rights, rule of law, justice, democracy and human dignity. That is why it is so important for this Commission to focus on these events.

The National Congress does not care about the will of humanity. As we are talking now, more than one hundred forty leaders of the SPLM-N have been arrested and are being detained. Among them are Salwa Adam Benia, the Chairperson of the SPLM in Gadarif State; Adam Ali, the Chairman of the SPLM in Northern Kordofan; and, Abed Monim Rahma, a poet and a writer who is being detained and tortured in Blue Nile.

Thousands were tortured and killed in Nuba Mountains and Blue Nile and many are in custody and in the ghost houses of the National Congress in different parts of Sudan.

The National Congress leaders formed a committee headed by Hajmajed Suor, the Minister of Sports, to relocate the mass graves in the Nuba Mountains that hold more than five thousand civilians who were massacred in cold blood.

All that is taking place right now in Sudan, including in Nuba Mountains and Southern Kordofan. That is why it is so important for the Congress of the people of the United States to break their silence on the atrocities, genocide and ethnic cleansing taking place on a daily basis in Sudan.

At the same time that we are meeting now, the National Congress air force is targeting the civilian populations on a daily basis - killing and displacing them. Thus, we count on you to lead the international community to put an end to these atrocities by imposing a no-fly zone from Darfur to Blue Nile. That is the only way to protect millions of Sudanese civilians.

In our experience and in your experience, it has become obvious that The National Congress does not respond to niceties; they respond only to pressures. The United States has been a leader worldwide that helped to bring relative peace to Sudan. These efforts must not cease. It is time, now more than ever before, to put an end to the humiliations against Sudanese people for more than two decades that resulted in killings of more than two million and the displacements of millions of Sudanese people inside and outside of Sudan.

The United States is home to thousands of Sudanese who have found refuge in your great country and even more will seek refuge if we do not put an end to the rule of a dictator who is wanted by the ICC. Within Sudan, civil society organizations and indigenous NGO's such as Nuba Mountain and Blue Nile People's Association and Kush, Inc. need to be assisted to carry out their noble mission.

If we do not stop the National Congress, we may soon see their war agenda extend to a war between the South and the North. That course is already being openly propagated in the media and in the newspapers controlled by the fanatic leaders of the National Congress. They are on record advocating such a course in daily newspapers such as Alntbaha Newspaper. The editor-in-chief of that newspaper is none other than the uncle of the Sudanese President.

The National Congress seeks to use violence and war to maintain their grip on power. They want to take Sudanese people to war to avoid the many the economic and political problems that they created. They talking a lot about the new Republic of South Sudan as an escape goat for their own problems, but it is worth mentioning that the problems in the Nuba Mountains and Blue Nile started twenty-two years ago, which is long before the Republic of South Sudan was born. Also, significantly, the war in Darfur is ten years older than the Republic of South Sudan.

In fact, they started the present war in Nuba Mountains a month before the Republic of South Sudan came into being. As a result of the attacks and the violence, it is essential that South Sudan and the neighborhood of Sudan must be assisted to help thousands of refugees from Northern Sudan.

After a long struggle and fight by Sudanese people against NCP rule for twenty years, the Sudanese people, with the support of the regional and international communities, achieved peace with the signing of the Comprehensive Peace Agreement in Navasha. This peace agreement aimed to achieve three main objectives: First, the transformation of policies in Khartoum from war to peace, from dictatorship to democracy and to restructure the center of power; Second, to base unity on the free will of Sudanese people by allowing Southern Sudanese to exercise their right for self determination, and, Third, to resolve the issue of the three areas.

After a long struggle, only one of these goals has been achieved and that was the right of self-determination. Khartoum remains the same and the problem of the three areas has not been resolved. Even the independence of South Sudan remains unfinished business

to Khartoum, which resumed fighting in the three areas, is strengthening its grip in the center, and is currently threatening to take war into South Sudan.

What does that mean? It means more than three hundred thousand people have been displaced in the three areas; an elected governor of Blue Nile has been removed; SPLM-N is being banned; the war is extending from Darfur to Blue Nile in the new South; diversity is being denied and unrecognized; genocide, ethnic cleansing and mass graves are the policy of the day in Southern Kordofan under a governor who is wanted by the ICC and assigned by the NCP to carry-out the policies he practiced before in Darfur; thousands of civilians are being denied access to humanitarian assistance and there is a complete silence worldwide.

Many lost their lives and/or were tortured and detained by orders coming from the Head of State, President Bashir, who, it should be stressed, is wanted by the ICC.

Despite the regional and international effort to negotiate a peaceful settlement that resulted in the Addis Ababa framework agreement, there are some who are asking that he be rewarded.

The SPLM-N exerted all efforts possible to allow the possibility of reaching a peaceful settlement through the Addis Ababa peace process, which ended in vain after being disowned by Bashir. Given this painful experience, we believe the only way left for the Sudanese people is to overthrow the National Congress regime and Bashir.

The question of who is going to replace Bashir is indeed significant and is sometimes even used as an argument to keep him in power, claiming that their might be chaos if he is removed. This is not a worthy position. Sudan is a country that is seven thousand years old. It is much older than Bashir and its fate and future cannot lie on a man who is wanted by the ICC. The Sudanese political life and political actors are much more mature than in many countries that have recently witnessed change.

In fact, Sudan deposed two dictatorial regimes in 1964 and 1985 by popular uprisings. Sudan has had multi-partisan and armed national liberation struggles for many decades in search for freedom and human dignity. Sudan has more mature political organizations with a clear agenda than many other countries. The Sudanese political forces are deeply engaged in a political dialogue that will very soon result in an umbrella for change and for democracy and peace. Without question, this should be supported by the international community.

The United States has been in the forefront in support of democracy and peace in Sudan. That should be the case today. Those are the values shared between the peoples of the United States and Sudan. Permanent peace can only be attained within Northern Sudan and the Republic of South Sudan when there is a democratic government in the Northern Sudan and there are two systems that share the same values in the two countries.

If the National Congress and Bashir continue to remain in power, that is formula for the continuation of war, misery, marginalization, discrimination, genocide and ethnic cleansing. We have to choose between this and the rule of law and democracy. We believe in the people of Northern Sudan, they deserve a system that can cater for their dignity and human rights and that would definitely be supported by the United States of America.

My colleagues and I, in the SPLM-N, believe that Sudan, the region and the world would be better off without Bashir and the National Congress and that Sudan can be re-united again in a union of two independent countries. Sudan can establish strategic relations with its neighbors and can contribute to the peace and the stability worldwide without Bashir and the National Congress.

The most critical issues for us, especially those Sudanese who have opposed Bashir for the last twenty-two years and who are the massive majority, are that we would like to see, on behalf of those who are suffering, that humanitarian assistance should be delivered to the needy people. Such assistance must be provided without allowing Bashir and the National Congress to deny access for relief operations. In addition, there is a need for an independent international investigation on genocide and ethnic cleansing particularly in the Nuba Mountains. It has been proven beyond doubt that the will of the international community to protect civilians can do wonders in the interest of humanity and therefore we call for a no-fly zone to protect the civilians in the zone that extends from Darfur to Blue Nile.

We would like our friends all over the world to continue to defend the rights of Sudanese people for democracy and a just peace. The Congress of the United States has been at the forefront in defending our rights, and indeed names like Congressmen Donald Payne, Frank Wolf, and Jim McGovern hold places of honor in the hearts and minds of the Sudanese people.

Finally, let me express my gratitude and honor for this rare and historic opportunity. It means a lot to the Sudanese people, and for that, I thank you.

Cochairman McGOVERN . Well, thank you very much. I want to thank all of you for your testimony.

I just want to ask a brief question. Unfortunately, I have to go to another meeting, but I want to thank you all for your very powerful testimony. And I want to thank my colleague, Frank Wolf, and Joe Pitts, and Mike Capuano. They've been leaders on this issue for a long, long time. And I've been proud to join with them, but they've been trying to raise this issue, the issue of Human Rights in Sudan. And they're going to continue to do it, we all are. I mean, this is -- I began by saying it's unfortunate that we're here feeling that we have to do another hearing, but we're going to do -- we'll continue to do hearings as long as these atrocities continue.

Obviously, our concern is what can the United States Congress do? What are the things that concretely we could do to help deal with this situation? A number of suggestions have been given, which I think are good. I mean, expanding the sanctions, expanding arms embargo, but what I'm becoming convinced of more and more is that we're not the only player here.

And, in fact, we need others to join with us, other African nations need to represent -- need to recognize Bashir as a pariah, as a war criminal. And they need to demand that there be a change in that government. And China, I mean, the -- what keeps Sudan's economy afloat is China. What keeps Sudan's army equipped with military assistance is China. And I'm just curious how we can -- Europeans are -- we're going to continue the pressure on the Government of Sudan. We're going to try to expand, I think, the sanctions and other pressures, but it just seems to me that there are some other players in the region and China, in particular, that need to be brought into this in a more positive way.

As long as China provides arms, as long as China buys the oil, as long as China provides military and economic assistance, I mean, this could go on for the foreseeable future. And I'm curious on ways anybody here thinks we might be able to bring some of these other players into this in a more productive way. Anybody who wants to -- yes?

Mr. ANDREWS. Let me just say, I agree with you 100 percent. And I think it all begins by clear, unequivocal leadership by the United States to make this tragedy a high priority in our relations with other countries.

And I appreciate the fact that we have had statements of condemnation of the violence from this Administration. But, at the same time, you have statements that, at the very least, are very confusing about the position of this Administration when it comes to Bashir.

Six weeks after the violence erupted in South Kordofan, after the attacks began by his forces, you had the charge d'affaires in Khartoum by the United States make the following statement. "We have laid out a roadmap to normalize our bilateral relations, and have taken initial steps in that direction."

Those are not the kind of statements that you make in the midst of all of this brutality. You make just the opposite statements, and you make them not only publicly, but you make them privately diplomatically to all of our nations, all nations that have a stake in a stable and peaceful region there in Africa.

The United States plays a very important role in providing leadership. I have not seen that role exercised adequately, and it's only through that leadership, and then the

integration of the international community in a coordinate concerted effort that I think we can see some change.

Cochairman McGOVERN . Yes, Mr. Ismail.

Mr. ISMAIL. I will add, Mr. Chairman, that sometimes we haven't used all the leverage that the United States has over Sudan. And there is a lot of talk about what China does, or what China doesn't do, but we shouldn't hide behind that as not doing anything.

I think the United States leadership is important. The Government of Sudan, if it was given the choice today, and I mean today, to choose between having a relationship between the United States or having a relationship with China, even though China is invested in Sudan, and is keeping the military, the Sudanese army going on, they will choose to pick the relationship with the United States over the relationship with China, if it is just one or the other.

So, that is a huge leverage. And, also, multilateralism. I think the United States can lead the effort of the free world together to put pressure on the Government of Sudan, more than China can ever do, use its leverage in Sudan.

And the third and final point, sometimes we go to the Security Council and we demand things, and we water down resolutions and things like that, and we say well, because China might use its veto power. Give me one instance when China used its veto power for anything in Africa for the last 25 years, and I will believe you. And let us call their bluff. Let us do that in Security Council, and let China use its veto power, and let the people in the world realize who is the one that is keeping the perpetrators of Sudan doing what they are doing?

Until they do that, we shouldn't give them that carte blanche and say oh, we are afraid of using the veto. Let them use the veto. Let the world know who's behind those killers, and those who are behind the people, and they are trying to save them.

Cochairman McGOVERN . Yes, Mr. Arman.

Mr. ARMAN. Yes. I would like to -- in addition to what my colleague was saying, I would like to add two points. One, that the National Congress does not represent the North. And that it is high time for the United States to deal with as a resistant movement, and political parties in the North. Dealing only with the National Congress like dealing with the highjackers.

The other thing that always people, they praise these processes, these processes with Bashir. And they are empty. And whatever we will reach, he will not implement them, so we should not go for a peace process for the sake of the peace process. We should seek tangible result. Thank you.

Cochairman McGOVERN . Okay. Well, I think we get the message that the United States needs to do more. And I think amongst us up here at this hearing, we will figure out ways to try to send the message to the Administration that we need to be louder, we need to be stronger, we need to be more effective. We need to demand more, and I think we're all -- I don't want to speak for anybody, but I believe we'll all be united in being able to send that message.

Again, I regret that we're here having this hearing because I would have hoped that more progress would have been made. But I think the worst thing we can do is be silent, and let the Bashir government think that somehow we're looking the other way.

When I was in that refugee camp in Chad, I was -- I had witnessed a young woman who had lost her entire family being interviewed by the people from the International Criminal Court. They were getting testimony, and I just -- I sat there as this woman very calmly recounted some of the most horrific details that you can possibly imagine about what happened to her family. And when it was all over with, I went up just to acknowledge her courage and her bravery, and I said, "I'm just amazed that you could actually recount all that and say it, given how terrible the murders of your family members were." And she said, "The only thing that makes me feel that -- gives me the courage and the ability to do that is my belief is that it will make a difference, that people are paying attention." She said, "If I thought that people outside of Sudan did not care, I would not be able to do it."

And that encounter continues to haunt me. I mean, I -- yes, there is an indictment against Bashir. That is a step forward, but yet he does go to China and have the red carpet rolled out for him. I mean, these kind of mixed statements that you've alluded to that might imply that somehow we'll deal with your government, and that doesn't reinforce this notion that you have to go. You're a criminal.

I think we need to figure out ways to make our voice here louder and clearer in terms of our commitment to Human Rights, and to making sure Mr. Bashir and others who have been guilty of crimes against humanity are held to account. So, I thank you all very much, and I turn it over to my hero here, Congressman Wolf.

Cochairman WOLF. Thank you, Jim. Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. Ismail, you mentioned using food as a weapon of war. You mentioned food as a weapon of war. Would you expound on that? Are you talking -- what are you talking about, U.S. Humanitarian assistance, or what else?

Mr. ISMAIL. Yes, sir. It started, actually, way before this with this government in South Sudan before, and then extended to Darfur frustrating the international agencies that are working, not giving them access to go to the places in Darfur where food is needed. They are doing the same thing in the Nuba mountains today.

Most of the international relief agencies that are coming to provide services for these needy people in these areas were not allowed access to these areas, so food is used as a weapon there. Because in the Nuba mountains, traditionally, people cultivate every year and they store their food for the lean years. For the last season and this rainy season, the people in the Nuba mountains were not able to cultivate because of lack of security, because of land mines, because the arable land is becoming smaller and smaller, and the violence that is around these areas. So, we expect that the Nuba mountains will have difficulty feeding itself when the dry season comes.

Normally, in these cases, relief agencies' behavior, they bring in food and supplies, and they set up depots, and distribution routes and stuff like that. None of that is now available for the people of the Nuba mountains. None of it will be available tomorrow for the people in the Blue Nile State. Over 50,000 people already displaced either inside the Sudan or across the border into Ethiopia, and those -- if we have a description for them, we say lucky are the ones who crossed the border, and they will be dealt with across the border in another country. But those who are displaced within the country in Sudan will not be able to receive any food.

And that is because the Government of Sudan is controlling that access. That is because the Government of Sudan is frustrating these international relief agencies that are going to help. And, also, the national relief agencies that are going to work there. And by doing that, the Government of Sudan is actually using food as a weapon in the war, just like it is using rape, and is using displacement as a weapon of war.

Mr. PITTS. You mentioned the failure of the United States to intervene in the genocide occurring in Sudan, but speaking out and acting in the case of Egypt and Libya. And I can ask you and all the panel, why has the United States failed to exercise proper diplomatic leadership in Sudan? Mr. Andrews?

Mr. ANDREWS. I think that's a very good question. And I think it's a question that should be asked of the Administration, quite frankly. There are several options that the United States can exercise that it's not exercising, starting with clear, unequivocal statements of support for the people that are under siege and opposition to the regime that is responsible for it.

In my written testimony, I outline some of these very specific steps, but I think what has to happen is there has to be a climate, a political climate that is such that an administration recognizes that the people of the United States, the Congress of the United States is calling for a strong principle stand. And I think the thing that we can do most importantly to move the Administration forward is to speak out and to provide the requisite political climate that would encourage them to do so.

Mr. PITTS. Ms. Henry, do you want to add?

Ms. HENRY. Yes. In my reading, it's tension between the successes of the CPA, which was a moment of victory for the United States Government, I believe, and then what's actually happening on the ground. And I think that has created complications in the policy. But, of course, this question goes to the Administration. I'm just an observer. And I do think that the reality on the ground now, it's very clear what's happening in the Nuba mountains, and in Blue Nile, and in Darfur. We have more than enough information.

We have clear evidence of indiscriminate bombing and many violations that occurred, especially when the violence broke out in early June.

As I said, the United States has shown some leadership on this, has made some good statements on this; albeit, some of them may have been confusing. I think the United States -- Susan Rice, in particular, was speaking out very early on this. But what is lacking is any kind of multilateral -- the UN has not made a statement, the African Union has not made a statement. There has not been the kind of condemnation that there should be, and the United States can play a powerful role in that, the leadership role.

And it's unfortunate that we're talking now about statements, let alone other types of action. But that is, unfortunately, where we are. And we've got to press the international actors to come out and condemn what's going on and move forward.

Mr. PITTS. Mr. Arman, you mentioned the issue of Arab Muslims, violence on Black Muslim in the African Union, for instance. Is this part of the reason there's a failure to speak out? Would you expand on that?

Mr. ARMAN. Thank you very much, Honorable Pitts. First, I would like to add to your first question that the United States managed to bring relative peace to Sudan, but it is unfinished business. Now there are new realities.



What is needed? It need holistic approach. Peace by business cannot work in Sudan. You cannot solve the problem of the Nuba mountain today, tomorrow Darfur, after tomorrow Eastern Sudan and Blue Nile. This approach will not bring peace in Sudan.

The problem is not in the Nuba mountain, it is not in Darfur, it is not in Juba before the independent of South Sudan. The problem is in Khartoum. What is needed, you need to change policies of Khartoum. It is Khartoum who has taken war to Darfur, to Nuba mountain, to Eastern Sudan, to everywhere. So, without resolving and restructuring the system in Khartoum, we cannot go anywhere.

For Bashir, his main objective is for him to stay in rule. He doesn't care whether he kills Muslims or Christian, whether Black or White. What he care for is for him to stay in power. Now, Bashir is taking Sudan to the brink, is taking the region to the brink, because he feel that he's being threatened, and the only place for him to stay is to be the President of Sudan. And he's ready to take Sudan, to destroy Sudan, to kill any person, including his own party. Now they don't have a say.

He's a dictator and who is taking war everywhere, and now he's losing the oil of his house. The economic situation is very bad in the North. And, in addition to that there is ocean of revolution around him, in Egypt, in Libya, in Tunisia. The only way for him is to go for more wars so that he silence everybody. And that need -- the Sudanese political life is mature. There are many political parties, resistant movement, they need to come together, and they need the help of the United States, the moral support, the political support. We are not looking for military support. We are only looking for moral, political support and clarity. That will embolden and encourage Sudanese people to do their mission, and to bring about the necessary change. Thank you.

Mr. PITTS. Mr. Ismail, you're the one that asked the question. Why has the U.S. failed to act and speak out, or the multilateral community. Would you answer that question?

Mr. ISMAIL. Like I said, the international environment that created the intervention in Libya and Egypt should have been there, intervention early in Sudan from the time that the hundreds of thousands of Southern Sudanese were killed, and then hundreds of thousands in Darfur were killed.

The total number of the people killed in Libya would not even amount to one village, for example, in Darfur. But the international community, because of the proximity of Libya to Europe, because of the oil in Libya, because Qaddafi has been there thumbing his nose on the world for 42 years and they want to change him, for different reasons it happens.

And the geopolitical situation of North Africa, and the Mediterranean region is understood. However, the situation in Sudan is as dire as it is in Syria, or Yemen, or anywhere else, where this Arab Spring is now continuing.

The situation in Sudan, like my colleague Yasir was saying, that it is a government that is at war with its own people. We need to change that. We need to change the policies so that the government can behavior otherwise. Or if this government cannot change its behavior, then we have to change the government.

It is not right -- in Sudan, the discussion about regime change have been there for a long time. In this town, it was a taboo. I'm glad to see that now we are openly discussing regime change in Sudan, and this is a good thing. And the leadership of this

Congress is needed for that, and we have to change the policies. And we get the Administration on line so that we can all talk about it with one voice, and get the multilateralism that we need to bring in the free world to support us in that effort.

Mr. PITTS. Thank you.

Finally, how would you characterize US-Sudan relationship and relations today? Anyone?

Mr. ISMAIL. Well, I don't want to dominate the table, but I think the relationship between the two governments, it is rocky, to put it mildly. However, there was a hand extended to the Government of Sudan. The Obama Administration is saying if you do this, we can change. If you change your behavior, we can change, and we can do business with you. We can lift you off the list of nations helping terrorism. We can have a full diplomatic relationship and all that. But the Government of Sudan needs to do a lot more for this Administration to do that.

And talking of reconciliation, and talking of full diplomatic relations and stuff like this without talking about if the Government of Sudan is not doing what it's supposed to be doing, what the consequences are, I think it is wrong. We have to spell out the consequences. We have to say to the Government of Sudan unless you change your behavior, we are going to work with the forces of change inside Sudan to get you out of Khartoum. I think that is -- that became legitimate now, and it's supposed to be clear, no mincing of words. And that message needs to go to Khartoum as clear as it can be.

Mr. PITTS. Okay. Thank you, Mr. Chairman.

Cochairman WOLF. Mr. Capuano.

Mr. CAPUANO. Thanks, Mr. Chairman.

Thank you all for your testimony. I heard several specific suggestions that I'm going to follow-up on at a later time to get even more specific, because these things require a lot of detail. And I know that this is not the place to do it.

For me, I don't hold out a whole lot of hope that there's any way to influence China to be involved. We've tried this before, and to my knowledge it has never worked, not just in Sudan, but nowhere in the world. And the U.S. Government for reasons that I cannot explain -- I think Congressman Pitts asked a good question. We've all asked it, and the truth is, none of us really understand why we're not doing more, and why we're not trying. I have my theories, but who knows.

So, I guess I'm kind of stuck with the position that while I push to do all the great and better things that really should be done, I'm also going to do whatever I can do in a realistic sense as a member of Congress, which I know is limited. I get that. But, as you said, Mr. Andrews, I don't wake up 20 years from now and ask where was I? I want to know where I was, even if I fail, there's no dishonor in trying. So, I will follow-up some of these specifics.

I do want to ask one additional specific -- particularly in relation to delivery of human relief, human aid relief. Because it strikes me that this is not the same thing, but similar to Darfur, that the real military aspect of this, the real benefit that the Government of Khartoum has is air power. I mean ground power is tough enough as it is, but it's most air power. And I guess -- since I don't really hold out a whole lot of honest hope that we can get the international community all of a sudden finally to realize that there is a real problem here, I look for things that we can do ourselves, if we choose to, knowing full well that they may not be done.

One of the things that strike me is the U.S. is the most capable country in the history of mankind to enforce a No-Fly Zone. And if there was a No-Fly Zone that would at least help if nothing else the delivery of aid. And I'm just curious how to -- I'd like to know how any of you feel about -- again, knowing full well that no one may listen, but at least if someone were to call for the implementation of a No-Fly Zone, even if it was a unilaterally imposed one. Do you think that would help the situation? Do you think it would hurt the situation? I'd like to hear your opinions on that. Jump right in.

Mr. ARMAN. Well, thank you very much. I believe this is one of our demand. And we believe it is going to help the situation greatly. And the other issue is that the access for Humanitarian assistance should be open whether Bashir like it or not. We have an experience before, we have the Operation Relief Life Line Sudan. That saved millions of people in South Sudan. And the credible agencies, like the World Food Program, UNICEF, and the ICRC, they should work on both line of the divide of the conflict. They should work in the areas that is being controlled by the SPLM North, and the Resistance Movement in Darfur. As of now, they are only focusing on Sudan Government, and if it is only part to what is going on, and this need to be changed. Thank you.

Mr. ISMAIL. In answering that, if you would allow me to read just a couple of lines of my full testimony that is in the record.

"In the face of an abhorrent display of crimes by the Government of Sudan against civilians, which include air strikes and denial of food, all options should be considered including a No-Fly Zone and targeted strikes against as Government of Sudan air assets that are carrying out attacks. Cross border emergency relief should also be strongly considered to prevent farming conditions from killing an ever larger number of the Nuba." And I think that will --

Mr. CAPUANO. Pretty clear.

Mr. ARMAN. -- answer three questions. Thank you.

Ms. HENRY. I would just like to point out, though, that the formalization of access of Humanitarian aid is something to consider along the lines of what historically occurred during the war. Right now, the only aid going in is done in an informal manner, and I do think that when considering things like a No-Fly Zone, you'd want to think about the modalities of how aid is coming in, and not endangering that. And that's important.

The aid is the number one thing to press for right now. And it does require both parties to the conflict, the government and the armed opposition to make agreements about this. But, clearly, the government is not interested. They've done everything to block it. So, those are some thoughts about how to go about thinking about No-Fly Zone.

Mr. ANDREWS. Congressman, may I just respond by saying that the law of unintended consequences is never more strongly enforced than when you introduce military action of any kind, particularly unilateral military action. So, I think we have to -- I echo the sentiments you've just heard from Ms. Henry.

I think we have to be very, very careful and clear about the tactics that we use, particularly with respect to the protection of innocent life, and the potential consequences that an act of war can have on those innocent lives.

But I think the more fundamental issue before us right now is whether or not the United States Government is going to act clearly, and strongly, and consistently with respect to its policy to this regime. I mean, you cannot say publicly that we're taking steps on the road to normalization to a regime that is anything other than normal. I mean,

it's not normal to slaughter, and torture, and starve your own citizens. And to be talking about the steps toward normalization, to me, is a fundamental mistake. And that fundamental mistake in this current direction is what we have to address first and foremost as we seek to provide some justice and relief to the people of this region.

Mr. CAPUANO. Thank you. Thank you, Mr. Chairman.

Cochairman WOLF. Thank you, Mr. Capuano. And I want to thank all the panel, and I've written a lot of notes here. Maybe I'll ask a question or two, and make a comment. But I think it was one of the best hearings that I've been to on this issue. And Mr. Andrews started out very strong, and you finished very, very strong. And I think there are so many very good ideas that we'll be working with Mr. McGovern and others.

I'm just curious, when you mentioned China, I did see the picture. I even did a "Dear Colleague" letter of Hu Jintao with Bashir, and it's just confusing that this Administration wouldn't speak out more.

What other countries has Bashir visited since he's been under the indictment of the War Court, the Criminal Court? I know he's been to other places. Do you know for the record what other countries has he visited?

Mr. ISMAIL. He visited Ethiopia.

Cochairman WOLF. Ethiopia.

Mr. ISMAIL. He visited Qatar.

Cochairman WOLF. Which is a good friend of our's, which I think we have given aid to Ethiopia. We are helping Ethiopia, so they didn't do what they should have done with regard to arresting. Who else?

Mr. ISMAIL. Qatar.

Cochairman WOLF. Qatar, same way. Okay.

Mr. ISMAIL. Chad.

Cochairman WOLF. Chad. So, three countries?

Mr. ISMAIL. Iran.

Cochairman WOLF. Iran. Any others?

Ms. HENRY. Mauritania.

Mr. ISMAIL. Mauritania. I think he visited Turkey.

Cochairman WOLF. Turkey?

Mr. ISMAIL. Yes.

Cochairman WOLF. Well, we know China.

Mr. ISMAIL. And Egypt, yes.

Cochairman WOLF. Where?

Mr. ISMAIL. Egypt.

Cochairman WOLF. Egypt.

Mr. ISMAIL. Saudi Arabia.

Cochairman WOLF. Saudi Arabia. He's been to Saudi Arabia since-

Mr. ISMAIL. Been to Saudi Arabia, yes.

Cochairman WOLF. If we could -- if you all could talk among yourselves and make sure that we have -- and we'll verify that. I think I would also put that in the Congressional record so people can see as we get the audience to -- we'll find out the exact -- I think the other problem has been -- and, again, your testimony was very powerful. And, Mr. Andrews, you made the comment about the Rwanda issue. And I think everyone is going to have to ask themselves where they are.

If this were all taking place in a village in Southern France or down in Bavaria, or just -- I mean, the world would be outraged. And I think part of the problem is the media for whatever reasons have really ceased to cover this story. Perhaps it's so difficult to get in and so dangerous, but I always used to talk about the Christiane Amanpour test, wherever she would go, and the world sort of followed. And I've always admired her and where she would go, and what she would do.

But it's interesting, if something isn't on Fox, and CNN and the major networks, it's not really a story. And, yet, what the four of you said today from a historical perspective is a big story. I was one of 20 some Republicans that supported President Clinton in engaging in Kosovo because of what was taking place. And, yet, as bad as it was in Kosovo, this ranks much, much higher.

Your comments about going door-to-door, it's just -- it's almost what the Nazis did in some respects. So, I think it's a very, very powerful testimony, and I would hope -- I probably shouldn't do this but I will. How many people out there in the audience are from the media? Raise your hand. I'm not going to ask you who you are, so you don't have to worry about that. But we have one person, two, three, four from the media. If you're from Fox News or CNN, again I'm not going -- I'm going to give a broad category, Fox News, CNN, NBC, ABC, or CBS raise your hand. I think that's it. We have the five most powerful networks. And I'm not being critical of the networks. And, obviously, as you made it very clear, the difficulty of getting in is very difficult.

But I think the very fact -- I was in Southern Sudan once, and I had a woman, her name was Rebecca, say to me that you all in the West seem to care more about whales. And then she made the comment that she felt it was a racial issue because they were Black, and the world had just ignored them. And I, personally, I think she's right.

I want to again thank all of you. What I'm going to do -- you know, it's interesting, too. At none of the Republican debates did anyone in the media ask a question about this. You've had CNN debates, you've had -- I don't know, the different -- no one -- and I don't blame the candidates because if you're -- or you're not watching, but if you're watching, they don't have any opening statements, they respond. But not in any of the debates did any member of the media, as smart as they are, ask anything about this.

So, what I'm going to do is, we're going to take your four testimonies and we're going to send it to ABC, NBC, CBS, and Fox, and CNN to tell them there was a hearing today, and they ought to be cognizant of what is taking place with regard to Sudan.

So, in closing, I want to thank the four of you. Thank you for taking the time to go there, and appreciate all of your activity and advice. And stay in touch, and we will -- and I know Mr. McGovern, and Mr. Capuano, and Mr. Pitts care, and there are many others who will do everything we possibly can to see that we can bring this to a conclusion, so we don't all have to ask the question that Mr. Andrews said, where were we in 2012, or '11, or '10, or '09, or '08, or '07, or '06.

Thanks very much. The hearing is adjourned.

[Whereupon, at 11:52:33 a.m., the Commission was adjourned.]

# **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD



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

**\*\*REVISED (2) – Witnesses Added/Changed\*\***

**Sudan: The Ongoing Humanitarian Crisis in South Kordofan  
and Continuing Human Rights Violations in Darfur**

**Thursday, September 22, 2011  
10:00 a.m. – 11:30 a.m.  
Cannon HOB 334**

Please join the Tom Lantos Human Rights Commission for a hearing on the current human rights situation in Sudan's South Kordofan and Darfur regions.

On June 5, 2011, violence broke out in Sudan's South Kordofan state between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Movement-North. Reports have emerged from South Kordofan that serious violations of international law and human rights are taking place including extrajudicial killings, arbitrary arrests, illegal detention, and attacks against civilians. The SAF continues to indiscriminately bomb civilian and agricultural areas while the Sudan government's ground forces have been accused of killing individuals based on their political and ethnic identities. As a result of the violence, an estimated 150,000 people have been displaced from South Kordofan where government restrictions have prevented aid groups from delivering food and other assistance.

This hearing will examine the numerous and grave human rights abuses occurring in South Kordofan. In addition, the Commission will focus on the serious refugee crisis, the continued violence in the Darfur region, and the role of the United States and international organizations in addressing these humanitarian concerns.

**The following witnesses have been invited to testify:**

- Jana Mason, Senior Advisor, U.S. Government and External Relations, United Nations High Commissioner for Refugees
- The Honorable Tom Andrews, President, Genocide Intervention/Save Darfur Coalition; Former Member of Congress
- Jeheanne Henry, Senior Researcher on Sudan, Africa Division, Human Rights Watch
- Omer Ismail, Senior Policy Advisor, Enough Project (ADDED)
- Yasir Arman, Secretary General, Sudan People's Liberation Movement-North (ADDED)

If you have any questions, please contact Molly Hofsommer (Rep. McGovern) or Wendy Sneff (Rep. Wolf) at 202-225-3599, or send an email to [tlhrc@mail.house.gov](mailto:tlhrc@mail.house.gov).

James P. McGovern  
Member of Congress  
Co-Chair, TLHRC

Frank R. Wolf  
Member of Congress  
Co-Chair, TLHRC