

**Testimony of the Hon. Thomas H. Andrews
President and CEO of United to End Genocide
Tom Lantos Human Rights Commission
Sudan Hearing
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Chairman McGovern, Chairman Pitts, and Members of the Commission:

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

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

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

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

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

For the sake of the more than 300,000 victims of Bashir's attacks and the millions suffering under his policies today, the current lack of accountability needs to change. It starts with the U.S. Congress today. We at United to End Genocide were disappointed that the Sudan Peace Security and Accountability Act was not passed into law during the last session of Congress. But we were grateful for the efforts of the leaders of this Commission in crafting and advancing the legislation, encouraged by the tens of thousands of activists who took action in support of the measure and pleased with the more than 100 Members of the House of Representatives who supported the bill as co-sponsors. We are also

encouraged that there is a commitment to introduce a strengthened and updated bill. We are fully prepared to do everything possible to generate attention and support for this important initiative. I cannot emphasize enough how desperately this is needed.

Responding to a grass-roots movement of conscience, Congress played a crucial role in moving the United States and other nations to wake up in 2004 and take action in response to the brutal genocide in Darfur. Sanctions on the Sudanese government that Congress established a decade ago still stand. However, it is painfully clear today that this action was not enough. The suffering and systematic assaults on innocent people in Darfur and other parts of Sudan has returned to a level that has not been seen since Congress acted eleven years ago. New action is needed and needed now, including:

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

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

2. **Strengthening the effectiveness of existing sanctions** – The officials in the U.S. government tasked with tracking and enforcing sanctions on Sudan are grossly overtasked and under-resourced. Enhancing the ability to follow the money will lead to sanctions that truly bite.
3. **Expanding sanctions beyond Darfur** – Existing sanctions apply only to severe human rights abuses committed in Darfur, but attacks have spread, particularly in South Kordofan and Blue Nile since 2011.
4. **Demanding accountability for those who support Bashir** - Accountability has not been given appropriate priority as the United States fails to utilize leverage to encourage other governments and persons to end support of and assistance to the government of Sudan. This includes sanctions against countries that welcome Sudanese President Bashir despite arrest warrants on charges of war crimes, crimes against humanity, and genocide. In 2014, President Bashir visited nine countries and just last week he was in the United Arab Emirates for an international arms bazaar.
5. **Ensuring a comprehensive U.S. strategy** to end serious human rights violations and to reinvigorate peace efforts. Previous U.S. policy and legislation has focused on particular crises within Sudan whether in the South, Darfur, or other parts exclusively, allowing attacks and violence to flare up in other areas. U.S. strategy should advance a single, comprehensive approach for all of Sudan.

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

1. Join thousands of United to End Genocide members in a call for the United States to play a leadership role in the UN to renew and strengthen the peacekeeping mission in Darfur. A letter from Members of Congress to U.S. Ambassador to the UN Samantha Power would be very timely as the administration considers its options on the UN Security Council. We also urge you to join thousands of our members by signing our nationwide petition to save and protect the people of Darfur.
2. Demand that Omar al-Bashir, and those governments who help keep him from justice as they welcome him to their capitals, be held accountable. Help end the deafening silence of apathy and acquiescence when Bashir, who is wanted for genocide and crimes against humanity, travels freely to other countries. Speak out on the floor, in Committee deliberations and through this Commission. Raise questions about U.S. relations with these offending countries and urge the Obama administration to also speak up and take action. Governments who aid and abet Bashir need to know that they will be held accountable. He belongs in the Hague, not on a red carpet.
3. Work toward the introduction and passage of new legislation to strengthen the U.S. position on Sudan.

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

A History of Abuses

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

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

Fact: The same perpetrators of violence at the start of the genocide in 2003-2004 are behind the escalating mass violence against innocent civilians today. Leading these systematic assaults is President Bashir who is wanted for seven counts of crimes against humanity and war crimes and three counts of genocide by the International Criminal Court. Bashir's Defense Minister Abdel Raheem Muhammad Hussein faces 21 counts of war crimes and 20 counts of crimes against humanity, including recruiting, arming, and funding the infamous Janjaweed militia. Many of the Janjaweed militia have been reconstituted into the new Rapid Support Forces cited for new attacks on civilians.

Fact: The government or government-allied forces are behind most of the attacks against innocent men, women and children in Sudan, according to the latest report of the UN Secretary General on Darfur. For the latest reporting period, the UN peacekeeping mission in Darfur (UNAMID) recorded a total of 55 cases of violence and attacks against civilians of which 23 were allegedly perpetrated by government

forces and 16 by allied Arab militias. Again, many of those committing these crimes are the former Janjaweed reconstituted as the Rapid Support Forces.

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

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

Fact: The limited medical facilities in South Kordofan and Blue Nile have each been bombed at least once. That includes one run by Doctors Without Borders who have subsequently been forced to withdraw. The bombing of field crops has prevented planting and harvesting leading to grave levels of malnutrition. USAID’s Famine Early Warning System estimates that tens of thousands of people will face crisis levels of food insecurity in the coming months.

In addition, there are credible allegations that Sudan is arming South Sudanese rebels. From a humanitarian standpoint, as the Two Areas border South Sudan, instability and violence on either side of the border has led to large refugee flows in both directions. From Sudan, refugees flee the dropping of bombs and denial of food. In South Sudan, continued fighting has led to a great risk of famine. As an observer recently noted, “It must be pretty bad in South Kordofan for people to be flowing to South Sudan!”

Recent Outrages

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

Just months after the mass rapes in Tabit and days after Human Rights Watch’s damning report confirming the evidence, Sudan is set to become a leading member of the UN Commission on the Status of Women. This harkens to the days when Rwanda sat on the UN Security Council as the Rwanda

genocide unfolded and seems a repeat of history as Sudan sat on the UN Human Rights Commission at the start of the Darfur genocide in 2004.

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

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

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

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

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

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

These mixed messages extend to the halls of the UN as well. While in New York Ghandour was greeted by UN Secretary General Ban Ki-moon with polite inquiries about how President Bashir was doing. For far too long, the world has failed to act to address the atrocities in Darfur and across Sudan. By ignoring the violence and postponing justice, conditions have gotten much worse for the victims of the genocidal regime of Omar al-Bashir. Now, by laying out a welcome mat and taking steps to normalize relations, the U.S. administration is giving a green light for further atrocities.

Recommendations

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

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

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

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

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

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

Conclusion

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

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

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

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

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

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