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THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

ID# 528168  
PAGE 1

00159

DATE RECEIVED: 06/18/2002

NAME OF CORRESPONDENT: MS. CHRISTY HINES

SUBJECT: ENCLOSURES ITS 2002 FINDINGS AND POLICY RECOMMENDATIONS ON SUDAN

ACTION

DISPOSITION

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
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EXECUTIVE CLERK	TIM SAUNDERS	ORG	2002/06/18		C	2002/6/28
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ACTION COMMENTS *Not for President's email to the Congress*

<i>Staff Secretary Harriet Niens</i>		<i>A</i>	<i>2002/6/18</i>		<i>C</i>	<i>02/7/01</i>
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ACTION COMMENTS:

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ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODE:

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ACTION CODES:

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- CODE = A
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**WHITE HOUSE STAFFING MEMORANDUM**

Date: 7-1-02 11:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: -----

Subject: 2002 FINDINGS AND POLICY RECOMMENDATIONS ON SUDAN ON BEHALF OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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CARD	<input type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	JOHNSON*	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
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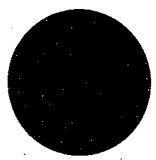
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**RESPONSE:**

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702

528168



**OFFICE OF THE EXECUTIVE CLERK**

**CORRESPONDENT:** Christy Hines  
Director of Government Affairs

**AGENCY:** U.S. Commission On  
International Religious Freedom

**DATE OF INCOMING:** 4/29/02

**ROUTE TO:** Tim Saunders

1094297

220249



UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

April 29, 2002

The Honorable George W. Bush  
President of the United States  
The White House  
Washington, DC 20500

Dear Mr. President,

On behalf of the U.S. Commission on International Religious Freedom, enclosed are its 2002 findings and policy recommendations on Sudan.

Sincerely,

A handwritten signature in cursive script that reads "Christy Hines".

Christy Hines  
Director of Government Affairs

Michael K. Young, Chair • Felice D. Gaer • Firuz Kazemzadeh • Richard Land • Bishop William F. Murphy • Leila Nadya Sadat • Nina Shea • The Hon. Charles R. Stith • The Hon. Shirin R. Tahir-Kheli • Tad Stahnke, Acting Executive Director



UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

REPORT ON  
SUDAN

APRIL 2002

**United States Commission on International Religious Freedom**

Michael K. Young  
*Chair*

Felice Gaer  
*Executive Committee*

The Honorable Charles R. Stith  
*Executive Committee*

Firuz Kazemzadeh

Richard D. Land

Bishop William F. Murphy

Leila Nadya Sadat

Nina Shea

The Honorable Shirin Tahir-Kheli

**STAFF OF THE U.S. COMMISSION ON INTERNATIONAL  
RELIGIOUS FREEDOM**

April 2002

Tad L. Stahnke, Acting Executive Director and Director of Research  
Lawrence J. Goodrich, Director of Communications  
Christy Hines, Director of Government Affairs  
Tracy J. Shycoff, Director of Administration

Dwight N. Bashir, Policy Analyst  
David L. Cahn, General Counsel and Senior Policy Analyst  
Patricia M. Carley, Senior Policy Analyst  
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Stephen R. Snow, Senior Policy Analyst  
Eileen A. Sullivan, Deputy Director of Communications  
John W. Tai, Policy Analyst  
Steven T. McFarland, Special Advisor



**LETTER OF TRANSMITTAL**

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, April 2002*

The PRESIDENT

*The White House*

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Sudan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

MICHAEL K. YOUNG  
Chair

Enclosure

**LETTER OF TRANSMITTAL**

---

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, April 2002*

Hon. COLIN POWELL

*Secretary of State*

*Department of State*

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Sudan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

MICHAEL K. YOUNG  
Chair

Enclosure

**LETTER OF TRANSMITTAL**

---

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, April 2002*

Hon. DENNIS HASTERT  
*Speaker of the House*  
*U.S. House of Representatives*

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Sudan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

MICHAEL K. YOUNG  
Chair

Enclosure

**LETTER OF TRANSMITTAL**

---

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, April 2002*

Hon. ROBERT C. BYRD  
*President Pro Tempore*  
*U.S. Senate*

DEAR MR. BYRD: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Sudan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

MICHAEL K. YOUNG  
Chair

Enclosure

## SUDAN

### A. Introduction

The U.S. Commission on International Religious Freedom, in its past two annual reports, found the government of Sudan to be the world's most violent abuser of the right to freedom of religion and belief. The Commission also found that religion is a major factor in Sudan's ongoing civil war, and that religious persecution by the Khartoum regime is intertwined with other human rights and humanitarian violations in Sudan, including aerial bombardment of civilians and of humanitarian facilities, deliberate denial of international humanitarian assistance, abduction of women and children into conditions of slavery, and the forcible displacement of populations from oil-producing areas. (Further discussion of the religious dimension of the conflict is found under Section C, Recommendation 1.)

As was graphically demonstrated in the bombing of the World Food Program's feeding center in Western Upper Nile on February 20, 2002, and the April 2002 denial of access for humanitarian relief flights on which almost 2 million people depend, Sudan's government continues to commit genocidal atrocities against civilian populations in the south and central parts of the country. With the Sudan conflict now in its 19th year, over 2 million people have died and some 4 million have been driven from their homes, mostly in the southern and central regions of Sudan, in a nation with a population of approximately 36 million.<sup>1</sup>

The government of Sudan violates the religious freedom of Christians and followers of traditional African religions, as well as of Muslims who dissent from the government's interpretation of Islam. The State Department has repeatedly adopted the Commission's recommendation to designate Sudan a "country of particular concern" under the International Religious Freedom Act of 1998 (IRFA).

Over the past three years, the Commission has made a series of recommendations regarding U.S. policy toward Sudan, several of which have been adopted. President Bush prominently raised the situation in Sudan in a major address in May 2001. The President appointed former Senator John Danforth as Special Envoy for Peace in Sudan in September 2001. The Administration has also taken several steps to alleviate the humanitarian crisis of the Sudanese people, including designation of U.S. Agency for International Development (USAID) Administrator Andrew Natsios as Special Humanitarian Coordinator for Sudan and several reforms undertaken by USAID. All of these efforts implement directly or indirectly prior recommendations of this Commission. The U.S. government should build upon the Danforth Mission and take a central role in seeking a just and lasting peace in Sudan. The Commission urges implementation of its additional recommendations, particularly those directed toward ending the civil war.

The Commission has found that the development of Sudan's oil wealth has become an increasingly important factor in the intensification of the conflict. Thus, the United States should make as an essential condition of any comprehensive cease-fire the placement of Khartoum's oil revenues in an internationally-administered trust fund to be expended solely for developmental and humanitarian purposes on an equitable basis in both the north and the south. A cease-fire without such an arrangement will make the regime far less likely to engage in good faith

bargaining over power-sharing. It is crucial that Khartoum be given this incentive to cooperate in the successful and prompt completion of an agreement for a just peace. The Commission sees the Sudan Peace Act as a crucial part of American diplomatic efforts to achieve a conditioned cease-fire. The Commission supports the Sudan Peace Act as passed by the House of Representatives, with its important disclosure requirements and the provision limiting access to American capital markets by foreign oil companies involved in Sudan's oil industry. These provisions were first proposed by the Commission in its 2000 annual report.

The Commission is cognizant of the need for international cooperation in the war against terrorism, even from regimes, such as that in Khartoum, that are violators of religious freedom and other human rights. As stated in the Commission's letter of October 5, 2001 to President Bush, the Commission is concerned that in working with such regimes "the United States not compromise its commitment to human rights – including religious freedom – and democracy. We oppose such policy trade-offs."<sup>2</sup> The Commission believes that respect for human rights and religious freedom is central to a peaceful settlement of the conflict in Sudan and thus necessary for lasting security and stability in the region. Certain Administration actions – including a lack of support for the Sudan Peace Act, acquiescence in the lifting of UN sanctions, and public praise for Khartoum's cooperation in the war against terrorism – may, however, have signaled otherwise.

## **B. Background**

Following the Commission's establishment by IRFA, Sudan was one of first three countries to be the focus of the Commission's attention. A Commission member traveled to southern Sudan in January 2000. A Commission fact-finding mission was set for late September 2001 but had to be postponed after the events of September 11.

As detailed in the Commission's 2000 and 2001 reports, oil development has both exacerbated the civil war in Sudan and given it an added international dimension with the involvement of foreign oil companies. In addition to the increased revenue given to Khartoum to prosecute the war effort, oil wealth, both actual and potential, provides a material incentive for Khartoum to assert control of the oil region. Sudanese security forces have displaced large numbers of civilians from oil areas, employing shocking brutality in the process.<sup>3</sup>

Having concluded that the government of Sudan is responsible for egregious human rights abuses, including widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, banning or impeding relief operations, and severe restrictions on religious freedom, the Commission has included policy recommendations on Sudan in both of its previous annual reports.

Among the Commission's recommendations in its 2001 annual report was a call for the appointment of a prominent special envoy to work for an end to Sudan's civil war. In early September 2001, President Bush appointed former Senator John Danforth as the Special Envoy for Peace in Sudan. Prior to his first trip to Sudan, the Commission wrote Senator Danforth with a four-point set of policy recommendations for his talks with that country's government, which were reflected in the proposals subsequently presented by Senator Danforth to the government of Sudan.

Senator Danforth's efforts have resulted in agreement by the warring parties to a set of confidence-building measures, including a cease-fire in the Nuba Mountains allowing for delivery of humanitarian aid, an international commission to investigate slavery, temporary cease-fires (referred to as days and zones of "tranquility") to permit humanitarian interventions such as disease-eradication campaigns, and a reported agreement on a verification mechanism to monitor bombardment of civilians, including humanitarian and relief operations. (Despite denials to the contrary, bombardment of civilians is a deliberate tactic employed by the government of Sudan, which has a monopoly on air power in the conflict.)

### **C. Recommendations**

Secretary of State Colin Powell stated to Congress last spring: "There is perhaps no greater tragedy on the face of the earth today than the tragedy that is unfolding in Sudan." President Bush has pledged that his "administration will continue to speak and act for as long as the persecution and atrocities in the Sudan last." The Commission commends this resolve, but urges the Administration to give it content by taking firm measures so that a just and lasting peace can be achieved. In light of this, the Commission makes the following recommendations.

**1. The U.S. government should urge the government of Sudan to abide by its international obligations to protect and ensure the right to freedom of religion. Specifically, the U.S. government should urge the government of Sudan to:**

**1.a unequivocally affirm that Shariah-based criminal code provisions do not apply to Sudan's southern states or to non-Muslims throughout Sudan and re-affirm its commitment to Section 3.4 of the Declaration of Principles of the Intergovernmental Authority on Development (IGAD) (see below);**

**1.b allow all religious groups to conduct their activities freely without interference or burdensome regulation by the state, including the selection and training of religious leaders, the content of sermons, and the distribution of religious literature, subject only to restrictions provided for by international standards;**

**1.c ensure that all religious groups are free to build, repair, and operate houses of worship and social service ministries without delay or harassment, subject to land-use regulations that are applicable to all, regardless of religion;**

**1.d ensure the protection of religious properties, return confiscated religious properties, and compensate religious groups for demolished or damaged properties; and**

**1.e repeal any laws that punish changing one's faith or encouraging another to do so (e.g., Article 126 of the Sudan Penal Code), and release any persons convicted of or detained on account of any such law.**

The right to religious freedom is guaranteed in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights (ICCPR), to which the government of Sudan is a party. According to the ICCPR, the right to freedom of religion includes the freedom of everyone "to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."<sup>4</sup> This right also ensures that "(n)o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."<sup>5</sup>

Religion and religious identity are significant factors in Sudan's civil war. As eloquently explained by a distinguished Sudanese scholar, Ambassador Francis Deng:

Since the resumption of hostilities in 1983, the relationship between religion and the state, in particular the role of Shari'a, has emerged as the central fact in the conflict. Religion on both sides defines identity. For Northerners, Islam is not only a faith and a way of life, it is also culture and ethnic identity associated with Arabism. For Southerners, Islam is not just a religion, but also Arabism as a racial, ethnic, and cultural phenomenon that excludes them as black Africans and adherents of Christianity and indigenous religions.<sup>6</sup>

The Commission, in its 2000 annual report, cited as key factors in the Sudan conflict: a) the effort undertaken by the government in Khartoum to extend Shariah to the African Christians and traditional religionists in the south and b) the government's efforts to impose its extremist interpretation of Islam on all other Muslims.<sup>7</sup> Similarly, the State Department's 2001 human rights report states that the government of Sudan's own policies of Arabization and Islamization and the imposition of Islamic law on non-Muslims have "fueled support for the civil war."<sup>8</sup>

In 1983, Sudan's President Jaafar al-Numeiri renounced the Addis Ababa Accords, which had given the south a degree of regional autonomy and religious freedom, and decreed that Shariah "be the sole guiding force behind the law of the Sudan."<sup>9</sup> The September Laws, as the decree was called, instituted an Islamic penal code. Popular and political discontent with Numeiri's rule mounted following the promulgation of the September Laws and led to the civil war that continues to this day.

That Shariah continues to be imposed on non-Muslims to the detriment of their human rights, including religious freedom, was illustrated by the reported case of an 18-year-old Christian southerner and member of the Dinka people who was sentenced, in December 2001, to death by stoning as punishment for alleged adultery. She could not produce the four male witnesses required by the Shariah courts to prove that her pregnancy was the result of rape. The court proceedings were conducted in Arabic, a language she did not speak. Although her death sentence was overturned following international publicity, the woman was subjected to 75 lashes, with the sentence executed immediately so that there was no opportunity for an appeal.<sup>10</sup>

Moreover, the government in Khartoum, including at the highest levels, has appealed to Islamic sentiment to evocate greater popular support for the war effort.<sup>11</sup> It would go a long way toward ending that conflict if the government of Sudan were to implement the commitment contained in the Declaration of Principles of the East African regional body IGAD that:

A secular and democratic state must be established in the Sudan. Freedom of belief and worship and religious practice shall be guaranteed in full to all Sudanese citizens. State and religion shall be separated. The basis of personal and family laws can be religion and customs.<sup>12</sup>

**2. The U.S. government's diplomatic effort in Sudan should have as its major goal encouraging the government of Sudan, including all its allied militia, to enter into a comprehensive and conditioned cease-fire with the Sudan People's Liberation Movement/Army (SPLM/A) and the National Democratic Alliance (NDA) that would apply to all areas of the country and be subject to monitoring by international observers.**

**The U.S. government should urge the government of Sudan, as an essential condition of the ceasefire, to agree either to cease the extraction of oil in the country, or to place its oil revenues in an internationally-administered trust fund to be expended solely for development and humanitarian purposes on an equitable basis in both the north and the south.**

The cease-fire should include a commitment by the government of Sudan to: a) permanently cease aerial bombardment and ground attacks, b) undertake measures to eradicate slavery, and c) lift all bans on relief flights and permit full access to international humanitarian assistance in all areas where the United Nations identifies needs. Even if fully implemented, such confidence-building measures must not be the end of U.S. efforts. The United States should emphasize to the warring parties that a ceasefire is an interim step toward a just and lasting peace, which should continue to be actively pursued by the United States.

Ending the Sudanese government's use of oil revenues to prosecute the war would be a first step toward achieving peace. The Commission, as other independent observers, has found that the Sudanese government-controlled petroleum industry is funding Khartoum's war against the southern Sudanese people and insulating it from international criticism. The only form of pressure that could cause Khartoum to engage in good-faith negotiations that will produce lasting peace and religious freedom is the restriction of its access to oil revenues. As long as Khartoum is able to receive oil revenues and use them for military purposes, peace will prove elusive. The Commission believes that passage of the House version of the Sudan Peace Act – addressed in Recommendation 3 below – provides a powerful incentive to the government of Sudan to agree to a trust arrangement for oil revenues.

**3. The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. Specifically, the United States should:**

**3.a require companies doing business in Sudan to disclose the nature and extent of that business in connection with their access to U.S. capital markets,**

**3.b prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan, and**

**3.c deny licenses for the importation of gum arabic from Sudan to the United States.**

**The Administration and the Senate should support the adoption of the House-passed version of the Sudan Peace Act.**

As noted in the Commission's 2001 annual report, there is a significant, undesirable gap in U.S. law regarding Sudan and other countries designated as a "country of particular concern" (CPC) under IRFA. In many cases, foreign companies that are doing business in Sudan can sell securities on U.S. markets without having to disclose fully 1) the details of the particular business activities in Sudan, including plans for expansion or diversification; 2) the identity of all agencies of the Sudanese government with which the companies are doing business; 3) the relationship of the business activities to violations of religious freedom and other human rights in Sudan; or 4) the contribution that the proceeds raised in the U.S. debt and equity markets will make to these business activities and hence, potentially to those violations.

The Commission, therefore, continues to recommend – as it did in May 2001 – full disclosure of these details for companies with any business activity in Sudan or any other CPC. This would prompt corporate managers to work to prevent their companies from supporting or facilitating human rights violations. Full disclosure also would aid 1) U.S. investors in deciding whether to purchase the securities; 2) shareholders in exercising their ownership rights (including proposing shareholder resolutions for annual meetings and proxy statements); 3) the Treasury Department's Office of Foreign Assets Control in enforcing existing sanctions; and 4) U.S. policymakers in formulating sound policy with respect to Sudan and U.S. capital markets.

Shortly after release of the Commission's 2001 annual report, then-Acting Securities and Exchange Commission (SEC) Chairman Laura Unger committed the SEC to seek enhanced disclosure by foreign registrants doing business directly or indirectly in Sudan and other countries subject to U.S. economic sanctions and to support formation of an interagency working group on Sudan.<sup>13</sup> However, at his confirmation hearing only two months later, Harvey L. Pitt, now SEC Chairman, declined to affirm these commitments without further consideration. The outlook for full implementation of the enhanced disclosure committed to by Chairman Unger is uncertain. Information received by the Commission from the SEC suggests that the agency does not intend to require companies routinely to make such disclosure. Given the reluctance of the SEC to take steps on its own, legislation is required.

The Commission believes significant restrictions on U.S. capital markets access are fully warranted by the specific and extreme conditions that currently exist in Sudan. We do not recommend them lightly. By blocking the Sudan Peace Act from going to conference committee, the Senate and the Administration may have inadvertently signaled Khartoum that the U.S. government is indifferent to the violent persecution the government of Sudan inflicts on its own population. The Commission supports the Sudan Peace Act as passed by the House of Representatives, with its important disclosure requirements and the provision limiting access to



American capital markets by foreign oil companies involved in Sudan's oil industry. These provisions were first proposed by the Commission in its 2000 annual report. The Commission believes that their passage into law will provide the critical leverage needed for the government of Sudan to find the political will to proceed to a peace process.

The Commission recognizes that unilateral economic sanctions by the United States have not prevented foreign investment in Sudan's oil development, which has, in turn, provided the Sudanese government with significant financial support for its egregious human rights violations. However, it has not been established that U.S. sanctions have been completely ineffective. They can continue, for example, to slow the rate of increase of foreign investment in Sudan and of oil revenues to the Khartoum regime.

The United States should enlist the support of other nations in this effort, but should be prepared to act alone if necessary. The Commission therefore deplores as clearly premature the decision of the European Union to resume assistance to the government of Sudan and urges the U.S. government to seek closer coordination with the Europeans and other interested governments in using donor assistance to further the cause of peace in Sudan.

**4. The U.S. government should urge the government of Sudan to demonstrate a good-faith commitment to and participation in internationally-recognized and -monitored peace talks based upon the Declaration of Principles developed under the auspices of the Intergovernmental Authority on Development (IGAD) and previously agreed to by the government of Sudan and the Sudan People's Liberation Movement/Army.**

**The re-establishment of full diplomatic relations with Sudan or the opening of a USAID mission in Khartoum should be conditional upon the government of Sudan demonstrating a fundamental change in its policies.**

The IGAD Declaration of Principles affirms that Sudan is "a multi-racial, -ethnic, -religious and multi-cultural society" and calls for "full recognition and accommodation of these diversities." The Declaration of Principles also provides for self-determination for the south and for a secular government that would ensure religious freedom for all individuals, north and south. Plans, such as that proposed by Egypt and Libya, which omit these two key terms, would not be likely to result in a just settlement.

**5. In fostering such peace talks, the U.S. government should work to ensure the inclusion of Sudan's civil society, including its various political parties and religious leaders from the north and the south.**

The views of the full range of Sudan's civil society, including representatives of political parties, non-governmental organizations, and religious groups from all regions of the country, should be included in the peace talks. No lasting peace can be expected if Sudan's future is left to two non-elected military leaders.

**6. The U.S. government should urge all parties to the conflict to include as an element of the peace settlement a full accounting for crimes against**

**humanity, such as the systematic aerial bombardment of civilians. Moreover, the parties to the conflict should undertake efforts now to investigate reports of war crimes and other human rights abuses and to prosecute those individuals responsible.**

The Commission believes that a mechanism for truth-telling and accountability would promote long-term reconciliation in Sudan and would strengthen public confidence by bringing to justice perpetrators of prior human rights abuses.

The Commission further believes that the Danforth Mission's success in obtaining access for teams of international monitors of the Nuba Mountains ceasefire and for international experts to investigate the slavery issue has laid the groundwork for future indigenous Sudanese efforts in this field. With proper training and support, the Sudanese who work with the international monitors can form the nucleus for the investigative staff of Sudan's own institutions for truth-telling and accountability. Moreover, accountability for serious abuses of human rights and humanitarian law should not wait until the completion of a peace process. Steps can and should be undertaken now to investigate reports and to prosecute individuals responsible for such abuses.

**7. The U.S. government should continue to increase the amount of its humanitarian assistance that passes outside of the UN humanitarian relief mission, Operation Lifeline Sudan (OLS), and should press OLS to deliver aid wherever it is needed, especially to the Nuba Mountains, with or without the approval of the Sudanese government.**

The Commission continues to affirm this recommendation made in its 2001 annual report, as it is vitally important that food aid go to the people in Sudan who need it. To do otherwise is to collaborate with Khartoum's tactic of employing food assistance as a weapon. The seriousness of this problem has once again been underlined by the UN World Food Program's (WFP) recent public condemnation of "the decision by the government of Sudan to deny access of WFP flights to 43 locations in southern Sudan, which will prevent about 1.7 million people from receiving humanitarian assistance." According to the WFP, these groups include "some of (Sudan's) most vulnerable populations frequently displaced by insecurity." The UN agency also complained of Khartoum's hampering relief flights by the imposition of "bureaucratic obstacles" and technical requirements with which it is "virtually impossible to comply."<sup>14</sup>

Moreover, the U.S. government should continue its efforts to strengthen the capacity of humanitarian groups delivering aid outside of OLS and should urge other donors to do likewise. USAID has informed the Commission that, in fiscal year 2001, 42 percent of U.S. non-food assistance and 20 percent of U.S. food assistance were delivered outside OLS.

**8. The U.S. government should increase its non-lethal assistance to southern Sudan and to the National Democratic Alliance. As provided for by law, this assistance should include, but not be limited to, "communications equipment to notify civilians of aerial bombardment."**

Over the past two years, Congress has appropriated at least \$10 million to the State Department to aid southern Sudan and the opposition National Democratic Alliance as the Commission recommended in its 2000 and 2001 annual reports. The Commission is pleased that the State Department has begun to expend these funds. Congress, however, has specifically included in the categories of allowable assistance for the National Democratic Alliance the provision of "communications equipment to notify civilians of aerial bombardment." No such equipment, however, has been supplied as yet. As it has recommended in the past, the Commission continues to urge that satellite phones and other appropriate equipment be provided to civilian leaders for the protection of civilian populations in the areas of south Sudan and the Nuba Mountains that are prey to aerial bombardment and slave raids. Aid should not, however, be given to the National Democratic Alliance or any opposition group in control of territory in Sudan unless it is making substantial and verifiable efforts to adhere to international human rights norms. This Commission does not recommend military aid for any opposition force.

**9. The U.S. government should work to increase human rights and media reporting on abuses in Sudan, including supporting, diplomatically and financially, the placement of human rights monitors in southern Sudan and in surrounding countries where refugee populations are present.**

The Commission reiterates this recommendation from its 2001 annual report out of a belief that greater awareness of human rights abuses is an important element in curbing them. Humanitarian and religious groups, human rights organizations, and the media have worked hard, often under difficult and dangerous conditions, to report the horrific suffering of the Sudanese people. The government of Sudan has hampered those efforts through its travel restrictions. Human rights monitors and the media should be permitted unimpeded access throughout Sudan by the government and by opposition groups in the areas they control. The Commission notes as positive first steps the success of the Danforth Mission in obtaining access for teams of international monitors of the Nuba Mountains ceasefire and of international experts to investigate the scourge of slavery and abduction perpetrated by government-sponsored militias. The U.S. government should encourage more such access as contributing to the eventual resolution of the Sudan conflict. If implemented, the deployment of monitors to report on the bombardment of civilian targets could provide the basis for a broader human rights monitoring system, for which the Commission would urge U.S. government support.

**10. The U.S. government should further promote grassroots reconciliation among Sudanese as an essential building block toward a lasting peace settlement in Sudan.<sup>15</sup>**

Some of the suffering in southern Sudan has been caused by violence among southerners themselves. This tribal conflict has often been abetted by the government of Sudan, which has actively solicited southern support against the SPLM/A, winning several armed factions at least temporarily to the government side. The Khartoum regime has also employed tribal militias as part of its war effort, capitalizing on traditional tensions between nomadic and settled agricultural populations, such as the Baggara Arabs and their Dinka neighbors. Operations of such irregular forces account for many human rights abuses, including slave-raiding.

The past year has witnessed some important steps toward reconciliation at the grassroots level. Baggara Arabs and Dinkas have reached local accommodations. Dinka and Nuer leaders have likewise taken risks for inter-tribal peace. Calls for reconciliation have also met with a positive response in the large overseas Sudanese Diaspora. In Washington, D.C. in January 2002, a conference of Dinka and Nuer representatives from the Diaspora called for a “reconciliation process that will not rest or be complete until all Dinka and all Nuer are freely incorporated in this peace process and it is extended to all Sudanese who long for peace.” The New Sudan Council of Churches has played an active role in promoting such “people-to-people” reconciliation efforts.<sup>16</sup>

The results of these efforts continue to be fragile. USAID’s Sudan Transitional Assistance for Rehabilitation (STAR) program has contributed to south-south reconciliation by supporting such laudable local peace initiatives as the Wunlit Dinka-Nuer Covenant of 1999 and by promoting institutional and economic development in southern Sudan.<sup>17</sup> Much more needs to be done, however. The U.S. government should expand its financial, diplomatic, and logistical support to efforts for peaceful accommodation of inter-group differences, including by targeting humanitarian and development assistance to those communities that are making good-faith efforts to live in peace with their neighbors.

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<sup>1</sup> Population estimate from the Central Intelligence Agency, *The World Factbook 2001*, “Sudan” (<http://odci.gov/cia/publications/Factbook/geos/sz.html>, accessed April 26, 2002).

<sup>2</sup> U.S. Commission on International Religious Freedom press release, “Commission Urges President to Continue to Defend Human Rights, Religious Freedom,” October 8, 2001.

<sup>3</sup> U.S. Department of State, *2001 Country Reports on Human Rights Practices*, “Sudan,” March 4, 2002 (<http://www.state.gov/g/drl/rls/hrrpt/2001/af/8405pf.htm>, accessed April 15, 2002); Georgette Gagnon and John Ryle, *Report of an Investigation into Oil Development, Conflict and Displacement in Western Upper Nile, Sudan*, October 2001 (<http://www.freedom-quest.ca/SudanReportfinal101601.pdf>, accessed April 15, 2002); Karl Vick, “Oil Money is Fueling Sudan’s War,” *The Washington Post*, June 11, 2001; International Crisis Group, *God, Oil & Country: Changing the Logic of War in Sudan* (January 2002), 132-133.

<sup>4</sup> International Covenant on Civil and Political Rights (1966), Art. 18(1).

<sup>5</sup> *Ibid.*, Art. 18(2).

<sup>6</sup> Francis M. Deng, “Sudan – Civil War and Genocide,” *Middle East Quarterly*, vol. 8, no. 1 (Winter 2001), 16.

<sup>7</sup> U.S. Commission on International Religious Freedom, *Report of the United States Commission on International Religious Freedom*, May 1, 2000, 2.

<sup>8</sup> *2001 Country Reports*, “Sudan” (Internet).

<sup>9</sup> Ann Mosely Lesch, *Sudan: Contested National Identities* (1998), 55.

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<sup>10</sup> The Sudanese Victims of Torture Group, "Press Release: Dinka Woman Shipped in Nyala," February 18, 2002; Christian Solidarity Worldwide, "Six Months Pregnant Sudanese Woman Accused of Adultery given 75 Lashes," February 21, 2002.

<sup>11</sup> The report on Sudan in the State Department's *Annual Report on International Religious Freedom 2001* (<http://www.state.gov/g/drl/rls/irf/2001/5680.htm>, accessed April 16, 2002) states that "The Government (of Sudan) has declared a 'jihad' (Muslim holy war) against the southern rebels." See also quote from Sudanese Vice President Ali Osman Taha cited in Agence France Press report "Sudan government to give peace move a last chance," Khartoum, October 6, 2001. Speaking to "a brigade of mujahideen fighters who were heading for the war front," Vice President Taha is quoted as saying, "The jihad is our way and we will not abandon it and will keep its banner high."

<sup>12</sup> Section 3.4, The Declaration of Principles adopted by the Intergovernmental Authority on Development (IGAD), Nairobi Kenya, August 1994.

<sup>13</sup> Laura Unger, letter to The Honorable Frank P. Wolf (*sic*), May 8, 2001.

<sup>14</sup> World Food Program News Release, "Sudanese Government Denies Humanitarian Access to 1.7 Million People in Southern Sudan," April 5, 2002 ([http://www.wfp.org/newsroom/subsections/Press\\_Releases.asp?id=518](http://www.wfp.org/newsroom/subsections/Press_Releases.asp?id=518), accessed April 16, 2002)

<sup>15</sup> This recommendation and its discussion reflect ideas proposed by John Prendergast and Douglas H. Johnson, found in John Prendergast, "Senator Danforth's Sudan Challenge: Building a Bridge to Peace," Center for Strategic and International Studies *Africa Notes* series, January 2002 (<http://www.csis.org/Africa/ANotes0201.pdf>, accessed April 26, 2002), and Douglas H. Johnson, electronic communication of February 7, 2002 conveying his memorandum "Independent Analysis of Sudan Peace Process," February 6, 2002.

<sup>16</sup> According to the Dinka-Nuer Washington Declaration of January 13, 2001, previous People-to-People peace conferences have been held at Loki (1998), Wunlit (1999), Liliir (2000), and Kisumu (2001).

<sup>17</sup> U.S. Agency for International Development, "USAID Assistance to Sudan: Fact Sheet," July 19, 2001 ([http://www.usaid.gov/press/releases/2001/01fs\\_sudan.html](http://www.usaid.gov/press/releases/2001/01fs_sudan.html), accessed April 16, 2002); U.S. Agency for International Development, "Sudan: Complex Emergency" ([http://www.usaid.gov/hum\\_response/ofda/99annual/africa24\\_sudan.html](http://www.usaid.gov/hum_response/ofda/99annual/africa24_sudan.html), accessed April 15, 2002, and [http://www.usaid.gov/hum\\_response/ofda/00annual/sudan.html](http://www.usaid.gov/hum_response/ofda/00annual/sudan.html), accessed April 2, 2002).