

Hearings on Religious Persecution in Sudan: Mr. Steve Rickard Prepared Testimony

February 15, 2000

(Note: These are unedited and uncorrected transcripts)

Mr. Chairman, it is an honor to be invited to testify before you and the distinguished members of the Commission today on the subject of international religious freedom with a particular focus on the situation in Sudan. I also wish to express the regrets of our Executive Director, William Schulz, who had a previous speaking commitment and so is unable to be here today. As many of you know, Bill is a pastor and the former head of the Universalist Unitarian church. He has participated in many human rights missions involving issues of religious freedom and it is a subject about which he cares deeply.

Mr.

Chairman, Amnesty International was founded in 1961 when a single individual named Peter Benenson read about a human rights violation in the newspaper and was so angered by it that he decided to act. His call for an "Amnesty" for prisoners of conscience struck a chord, and within 12 months there were 70 Amnesty International groups in Europe. Amnesty's original purpose was to defend individuals who were imprisoned for exercising their rights under Articles 18 and 19 of the Universal Declaration of Human Rights. As you well know, Mr. Chairman, Article 18 states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

In

fact, more than a third of the original Amnesty Board of Trustees were clergymen. The first investigating mission ever undertaken by Amnesty was to Czechoslovakia to document and protest the imprisonment of Archbishop Beran and to gather information "about the conditions of other religious prisoners." The first conference organized by any Amnesty section was a Conference on Religious Persecution held in Paris the same year Amnesty was founded.

It should come as no surprise, therefore, that Amnesty believes that the recent

groundswell of interest in religious persecution is enormously important. That is particularly true of the significant increase in attention being paid by the public to the terrible human rights crisis in Sudan. Four years ago Amnesty International ran a worldwide campaign on the situation in Sudan. Three hundred thousand Amnesty members in the US and more than a million members worldwide held vigils, conducted rallies and sat at kitchen tables, in church basements and in high school classrooms writing letters to the State Department and the government in Khartoum. They are grateful -- even thrilled -- that literally millions of people are now aware of and working to stop the merciless killing going on there. Amnesty members in our Urgent Action Network and other Amnesty groups and members continue to "adopt" prisoners of conscience in Sudan and to work tirelessly on their behalf.

Mr.

Chairman, you and the members of the Commission have had the opportunity to hear from many experts on the situation in Sudan. I will try to avoid repeating their testimony and will therefore not offer a comprehensive review of the situation in Sudan. Suffice it to say that the statistics concerning the atrocities in Sudan are as staggering as the individual testimonials of torture, rape and slavery are heartbreaking. -

I was particularly struck by a statement from the US Committee on Refugees that one in five southern Sudanese have died in the war. Few people realize that the term "decimated" has a more precise definition than "heavy losses". In fact, it comes from the days of the Roman legions, and it refers to the loss of one person out of every ten. By that standard, southern Sudan has been "decimated" twice over.

Let me turn to questions of US human rights policy. I will group my comments in four areas: US human rights policy in general, policy toward Sudan, related issues concerning China and some concluding remarks.

US Human Rights Policy

There are, of course, policy questions that concern solely Sudan. But there are also a number of extremely important policy questions that apply to US human rights policy across the board and, therefore, have great significance for both Sudan and other countries where religious freedom is being denied. Here I encourage the Commission to call for four vital human rights policies: (1) consistency in US policy, (2) improved US political asylum practices, (3) better funding for human rights activities, and (4) US and multilateral codes of conduct on arms transfers.

Consistency Matters

A foolish consistency may be the hobgoblin of small minds in some fields. But there's nothing foolish about being consistent in diplomacy because there's a price to be paid for inconsistency. Just how does the United States expect to make progress complaining to the EU for pursuing contracts in Sudan, while the US is avidly pursuing them in China- a country that is severely repressing Buddhists, Muslims, Christians and now Falun Gong practitioners? How seriously will Canadian officials and corporate executives take concerns about Talisman Oil's operations in Sudan if they are simultaneously being elbowed aside by US officials lobbying for US contracts in China? Likewise, isn't it likely that the decision to leave Saudi Arabia off the State Department's list of the worst violators of religious freedom makes it harder for us officials to excoriate the EU, Russia and China for allowing oil to influence human rights policy?

Congress has been admirably aggressive in raising the issue of human rights in Sudan, but it too has sent mixed messages. Specifically, it declined to cut off US imports of "gum arabic" -- a fruit juice and printers ink additive -- from Sudan because of US commercial interests. I need to be absolutely clear that Amnesty International takes no position for or against economic sanctions. But I am free to comment that the failed effort to cut off the most important US import from Sudan undoubtedly undermined the message Congress wanted to send about religious persecution in Sudan. I, for one, believe that the American people would be willing to shake up their orange juice bottles before they drank them, if it meant helping people who are being tortured, enslaved, starved and murdered by the hundreds of thousands, and even millions, in Sudan.

Charity Begins at Home -- Restore America's Tradition of Offering Refuge

Concern for those fleeing religious persecution anywhere in the world could find no better or more tangible expression than in a political asylum policy that is consistent with America's best traditions. That is not what we have today. Amnesty believed that one of the most important parts of the original Wolf-Specter legislation were the positive steps it proposed toward undoing the deeply retrograde changes which have been made in recent years in US policy on political asylum. We simply have to get the word out to the American people that victims of every kind now must run a gauntlet of obstacles before the lucky few obtain safe haven in the United States. I simply do not believe that the millions of Americans who have come to care passionately about religious persecution in the world would tolerate this situation if they understood it.

The Administration is to be commended for providing Temporary Protective Status to persons fleeing Sudan. But this is, as the title implies, "temporary" and is an extraordinary country-by-country determination. Legislation has been introduced in the Senate to reverse some of the worst aspects of the current system. I believe that the Commission should endorse S. 1940, the Refugee Protection Act of 1999, and call upon the Congress to pass it.

Resources Matter

We all want the State Department to do more for human rights victims. Then we need to give our diplomats the resources to do so. The Department now produces a massive (1,100 page) report on religious freedom. It needs additional funding for this work. It needs diplomatic tools to implement strong policies. This past year, with leadership from Rep. Chris Smith the Congress mandated a significant increase in funding for the Bureau of Democracy, Human Rights and Labor (DRL). Amnesty strongly supported that proposal and fought for it, and it would have been great to have had a broad-based coalition of groups with varied human rights concerns, including religious persecution, also writing Secretary Albright and lobbying the Congress in support of this proposal. Replacing obsolete computers, providing travel funds to investigate human rights and hiring more staff aren't glamorous -just essential.

The new funding level should help, but it is still not nearly enough. I would like to see the Commission support the principle that at least one penny of every dollar the State Department spends on salaries and expenses ought to go to the human rights bureau.

But I would certainly prefer for the State Department not to be placed in the position where it has to rob Peter to pay Paul in order to increase DRL funding. Speaking for myself, I sympathize with the very strong pleas that Secretary Albright has made for increased funding for all foreign affairs activities, including foreign aid. I am reminded of the passage in Exodus in which Pharaoh responded to the appeals of Moses and Aaron by telling his taskmasters: "You shall no longer give the people straw to make bricks... let them go and gather straw for themselves." People who want US diplomats to build a strong international human rights policy need to actively support providing the straw to make the bricks for building that policy.

Controlling Arms Sales

Last

year the Congress directed the Administration to make determined efforts to negotiate a serious multilateral Code of Conduct on arms sales. The Clinton Administration has recognized the serious problem of a world awash in light weapons and has focused on this issue in Africa, particularly. But the Sudan civil war also involves major weapons systems like jet aircraft, tanks and armored personnel carriers. A strong international code of conduct on weapons transfers would be a dramatic step toward preventing, stopping and reducing the devastation of conflicts like the war in Sudan and I believe that the Commission should endorse this congressional mandate..

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US didn't wait for the rest of the world before it made bribery illegal for us companies in the Foreign Corrupt Practices Act. Likewise, I don't believe the US should wait until every country in the world agrees not to arm tyrants and dictators. Acting now isn't "unilateral" -- it's leadership. For that reason, I believe the Commission should also endorse the Code of Conduct on Arms Transfers introduced by Rep. Cynthia McKinney and Rep. Dana Rohrabacher and previously passed by the House.

Policy Questions Specifically Concerning Sudan

As

I told the Commission staff when Amnesty was invited to testify, there are many hotly contested questions concerning Sudan policy on which Amnesty has no position as a matter of its own internal policies. Amnesty is an international movement consisting of nearly 100 national "sections" that met in a biennial conference to debate and vote upon the scope of Amnesty's "mandate." At the present time, Amnesty policy is to take no positions on economic sanctions or boycotts or on the maintenance or status of diplomatic relations among states. However, I will offer a number of observations concerning (1) making Sudan an Administration priority, (2) the need to emphasize violations of international law in Sudan, (3) the issue of re-opening of the US embassy in Khartoum, (4) the Talisman oil venture and (5) the question of food aid.

First, concerning making Sudan an

Administration priority, Amnesty is sincerely grateful for the efforts of the many outstanding people in the State Department and elsewhere in the Administration who work tirelessly to help human rights victims. And we commend Secretary Albright for the attention, including two trips as Secretary, she has devoted to Africa. To say that people in the State Department don't care about human rights, aren't doing anything about religious persecution or don't care about Sudan is indefensible.

At the same time, to say that as a nation we are not doing enough is indisputable. And here the question is not what the Administration has said or already done, but how much it is prepared to do. There are priorities, and then there are priorities. The US was willing to have a nasty, prolonged fight with the European Union over bananas. Is the United States willing to take as tough a line with the EU on Sudan as it did on bananas? It has been willing to press China hard on pirated videotapes, including threatening sanctions. Is the Administration willing to press China just as hard on its relationship with Sudan, as well as on freedom in China itself? Or, are copyrights more important than human rights? In short, how do the displaced millions in Sudan stack up as a foreign policy priority next to fair treatment for bananas and the "Little Mermaid"?

Second, we believe that it is essential to focus on the simple, indisputable fact that the Government of Sudan is flagrantly violating specific international agreements it is bound to respect, including the Geneva Conventions and the International Covenant on Civil and Political Rights. Why? Because what the Government of Sudan is doing is not just "wrong". It is illegal under well-defined international agreements. Bombing civilian targets, much less hospitals and food relief centers, is clearly illegal, to take just one example. Skeptics may scoff at "law without police," but the fact is that as a treaty partner to Sudan on these conventions, the US has a right to demand compliance. It thus has a firm basis in calling for international action on grounds that make it more difficult for the Government of Sudan to portray this as a cultural issue or itself as a victim.

It is also important to emphasize that the combatants in the south, including the SPLA, are bound by Common Article 3 of the Geneva Conventions and that they have frequently violated it. There are tremendous differences between the SPLA's conduct and the government's, but Amnesty categorically rejects the canard that demanding accountability for SPLA violations amounts to implying "moral equivalence." The scale of atrocities is important, but these violations also have certain absolute qualities. When they occur, they should be condemned, stopped and punished. .,Period. The laws of war and international human rights law do not admit to a defense that "the other side is worse." Nor should they. Proponents of working more closely with the SPLA should support or even take the lead in raising these concerns and seeking to have them corrected.

Third, the question of whether to reopen the US embassy in Khartoum is one on which Amnesty takes no position as a matter of policy. But any knowledgeable observer can see that it is not an easy question. It seems fairly clear, to me at least, that once you have closed the embassy, re-opening it will be interpreted as a change of policy toward engagement with the government and a defeat for efforts to isolate it. Even those urging that the embassy reopen should be troubled by the government triumphalism that would likely result.

I do note -- without recommending this -- that there is a precedent for an alternative arrangement that I have not heard discussed. The US embassy in Rangoon is open, but operates without a US ambassador because of the brutal and unrepresentative nature of the military dictatorship in Burma. In fact, no US ambassador has been sent there during the entire Clinton Administration, although the embassy itself remains open.

Fourth, concerning Talisman Oil and the development of Sudan's oil fields, again, Amnesty takes no position on economic relations among states or corporate boycotts. It is, however, little more than an observation of the facts, to say that the mere expectation of significant oil revenues seems to have pumped oxygen into the Government's war aims like a bellows into a furnace. Repeated reports suggest that anticipated oil revenues have already been used to back loans for arms purchases and have produced deeply troubling government statements about plans to acquire even more arms. It would be profoundly tragic if soaring, oil-financed arms purchases resulted in a belief that government forces can finally impose a "Carthaginian peace" on the south, just as a number of genuine peace initiatives are underway, and some positive steps had been taken by Sudan's government.

Further, the possibility that whole regions have been depopulated and gross human rights violations committed in order to produce or transport oil raise very serious human rights concerns on which Amnesty does take positions. Several thousand people are reported to have been forcibly displaced from parts of Unity state and western Upper Nile by government forces. In the process, hundreds are feared to have been killed in what may amount to extrajudicial executions and thousands remain unaccounted for. Villages and homes have been razed to the ground and livelihoods destroyed. It should be a high priority to obtain unrestricted access to the oil-producing and pipeline regions for human rights monitors to ascertain whether, as appears entirely possible, gross human rights violations have been and are being committed against the civilian populations in these areas. Foreign companies operating in these areas should be required to demonstrate that they are not complicit with or benefiting from such violations.

Finally, the question of how to approach the life-and-death question of food aid has been, of course, hotly debated. Here, again, I must say that it would be far beyond Amnesty's mandate to endorse or oppose providing food aid directly to or through particular combatants. I will say that I understand why this question has occasioned so much concern. On the one hand, the war has dragged on in all its grotesque proportions, causing horrible suffering. And, yet, both the proponents of this policy and the opponents rightly share the concern that a change in policy may further interfere with the ability of Operation Lifeline Sudan to bring relief to millions and may result in increased government attacks on food operations. This would be an outrageous additional violation of the laws of war by the Government. But saying so would not change the fate of the thousands who might starve. It states the obvious that this

is not a step to be taken lightly. Finally, I am frankly not aware that anyone disputes charges of SPLA human rights violations, or who seriously disputes the reports of several highly credible relief organizations who report that the SPLA has itself also manipulated food aid and hunger in the past. That the government has been, by far, the worse culprit in no way removes the practical and moral questions that SPLA violations present for any policy that proposes to embrace the SPLA.

Sudan and China

While

I know that the focus of this hearing is on Sudan, I found in preparing to testify that my reading and thinking kept bringing me back to US policy toward China. Why? Perhaps because there were days when the same page in the newspaper seemed crowded with stories of atrocities in Sudan, attacks on Falun Gong and the Clinton Administration's campaign to win permanent most-favored trade status for China. Unfortunately for the Clinton Administration, China seems to be going out of its way lately to make it unmistakably clear that it refuses to pay any human rights price whatsoever in order to win admission to the WTO. Chinese authorities have beaten a democracy activist for meeting with US officials, they have reportedly retrieved from the dustbin of history the obscene Soviet practice of locking dissidents up in mental asylums, and now they even refuse to accept human rights demarches in Beijing. When I was asked to testify on China's admission to the WTO recently, I said that now is the time for China to show that it truly believes in and will adhere to international norms of behavior and the rule of law. I must say that, in addition to its egregious internal behavior, nothing in China's relationship with Sudan suggests in any way that it takes international agreements like the Covenant on Civil and Political Rights seriously.

But

there are more direct connections between Sudan and China. China has been Sudan's leading arms supplier. It is the major partner in the Talisman oil project. Like Sudan, it is itself one of the State Department's "Countries of Particular Concern" regarding religious persecution. It also happens to be the major arms supplier for the SLORC in Burma, a third country on the State Department list.

Concluding Remarks

Mr.

Chairman, I said at the beginning of my remarks that I thought that the groundswell of grassroots interest in religious persecution is important and helpful. But that does not mean that I think that everything that has been said or done over the last few years on this subject has been helpful -- or even truthful. A small amount of what has been said has been polarizing. Some of the criticisms of State

Department personnel have been uninformed and unfair, and some of the attacks on colleagues of mine in the human rights field have been hurtful and untrue. Pitting people of goodwill against each other is a poor excuse for a policy.

All of this only reinforces my view of the important role that this distinguished panel can and I am confident will play in helping to craft recommendations that are balanced and bipartisan, forceful and insistent and which bring people together on this important issue.

Mr. Chairman, tyrants fear religion and people of faith. They fear anyone who is willing to assert allegiance to a higher, non-secular authority. They fear those who organize themselves and congregate and who may have others outside of the national territory who care about and pray for them. It is an astonishing, miraculous fact that human beings are willing to suffer and even die for their religious beliefs. We owe it to brave individuals to stand with them and work to protect them.

Thank you very much for permitting me to testify. I look forward to answering your questions.