



POLICY FOCUS

WINTER 2006

Sudan

Introduction

Sudan is in the midst of a historic transition. The six-year Interim Period – which began in 2005 – is scheduled to end with a referendum on whether the South will remain within a united Sudan or become an independent country. Whatever the South's choice, this phase in Sudan's political development will determine the future of the largest country – in terms of land mass – in Africa and in the Arab world, with potential ramifications beyond Sudan's borders, since Sudan is only one of several African countries with large Muslim and Christian populations. Peace, largely brokered by the United States, has created an opportunity for significant change.

The North-South peace brought by the Comprehensive Peace Agreement (CPA)¹ signed January 9, 2005 brought to an end one of Africa's longest running conflicts, with more than two million killed and four million driven from their homes. The civilian victims of that conflict were overwhelmingly Christian Africans and the followers of traditional African religions in contrast to the Arab Muslims dominant in Khartoum. That peace is fragile, however, and does not extend throughout the country.

Traveling to Sudan in January 2006, the U.S. Commission on International Religious Freedom found that the CPA's arrangements for the protection of human rights are vulnerable to erosion and manipulation. There have been significant delays and shortcomings in the CPA's implementation, raising questions regarding the sincerity of the commitment of the National Congress Party in the Government of National Unity. Moreover, the Commission found that new religious freedom and other human rights protections agreed to in the CPA and enshrined in Sudan's Interim National Constitution have not yet resulted in significant changes in practice in government-controlled areas of the North. The institutions intended to protect human rights are not yet functioning, while an authoritarian security system remains in place, and the attitude of impunity for human rights abuses shows little sign of change.

The United States has an opportunity to influence this process for the better. Sudan

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, Secretary of State, and Congress.

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First Vice President Salva Kiir and President Omar Bashir

National Congress Party (NCP)

The NCP began as the National Islamist Front (NIF) which was led by Hassan al-Turabi. The NIF led a successful military coup in Sudan in 1989. In 1998, the NIF changed its name to the National Congress Party. After a falling-out with Turabi, the NCP is now led by the current President of Sudan, Omar al-Bashir and Second Vice President Ali Osman Taha. The NCP is the main Northern based partner in the GONU.

Sudan People's Liberation Movement/Army (SPLM/A)

Founded in 1983 by Dr. John Garang and others, the SPLM/A was a largely Southern based rebel movement that fought against various Sudanese governments, including the NIF and the NCP. The SPLM/A advocated separation of religion and state, and fought against policies of ethnic and religious marginalization pursued by successive governments in Khartoum. Dr. Garang died in a helicopter crash in July 2005, just weeks after he was sworn in as Sudan's First Vice President in the GONU. In August 2005, Salva Kiir, Dr. Garang's deputy in the SPLM/A, replaced Dr. Garang as the head of the SPLM/A and as Sudan's First Vice President.

Government of National Unity (GONU)

The GONU is the government that has been formed in accordance with the Comprehensive Peace Agreement (CPA) signed in January 2005. The NCP and the SPLM/A were signatories to the CPA, and representatives from both now have key leadership roles in the GONU with Omar al-Bashir (NCP) as the President, and Salva Kiir (SPLM/A) as First Vice President. National ministries are now headed by both SPLM/A officials and NCP officials, but the NCP is the majority partner, occupying the office of the President, a majority in parliament, and most of the other key posts in the government.

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is a strategic nation where U.S. influence has already made a difference and should continue to do so. Unlike in Afghanistan and Iraq, Sudan's equivalent of the Taliban and of Saddam Hussein's Ba'athists have not been removed from power, but remain the major political force in the country, requiring close monitoring to ensure their compliance with commitments made to abide by international human rights standards. Moreover, the United States has a formal role on the Assessment and Evaluation Commission, a body established by the CPA to monitor its implementation.

The Commission concludes that continued U.S. leadership, resolve, and resources are needed to ensure that a stable and just peace is sustained in Sudan, that institutional development in the South brings stability and progress to that devastated region, and that Sudan's millions of refugees and Internally Displaced Persons (IDPs) can be assisted to return home in safety or to resettle elsewhere. The United States, through its expenditure of massive humanitarian relief and the investment of considerable political capital, has a huge stake in peace in Sudan, a country that has been a source of regional instability and a haven for Islamic extremists and international terrorists.

Conditions in Sudan, particularly in the North, warrant the Commission's recommendation that Sudan continue to be designated by the Secretary of State as a "country of particular concern" for particularly severe violations of religious freedom. Sanctions should remain an essential element of U.S. human rights policy toward Sudan, but should not preclude U.S. support for economic and political development in the South, as well as educational exchanges and specific programming throughout Sudan to promote religious freedom by assisting those, including in the Government of National Unity, favoring greater protection of human rights, the establishment of rule of law, and the development of truly accountable and democratic governmental institutions. The lifting of current U.S. sanctions should be conditioned on proven performance, in terms of CPA implementation, an end to the genocide in Darfur, and improvement in religious freedom conditions in the North.

Problematic Implementation of the Peace Agreement

Although Sudan's North-South civil war (1983-2005) had many contributing causes, religious factors were key: 1) the

effort of the Islamist government in Khartoum to extend sharia, or Islamic law, as well as Arabic language and culture to the African Christians and the followers of traditional African religions in the South; and 2) Khartoum's efforts to impose an extremist interpretation of Islam on all Sudanese Muslims. With neither side securing victory, the civil war ended in a set of compromises and mutual concessions, contained in the CPA. Among the most important of these was the agreement that sharia would not apply in the southern part of the country, but would continue to apply in the North, with special provisions for non-Muslims in Khartoum, the national capital, from being automatically subject to its punishments.

The final resolution of a number of important issues has been left to an array of commissions and administrative arrangements. The Commission delegation learned that there have been significant delays and shortcomings in the implementation of the CPA. These developments raise questions regarding the sincerity of the commitment of the National Congress Party leadership, who still holds the major levers of power in the new Government of National Unity. Northern politicians have a long history of broken promises in respect to the rights of Southern Sudanese.

The CPA's arrangements for the protection of rights are vulnerable. Key bodies have either not yet been established, are only beginning to function, or have yet to prove their worth. At the time of the visit, the Assessment and Evaluation Commission, on which the United States is represented, was just beginning its vital work. Southerners reported to the delegation that revenue-sharing was being implemented in a way that lacked transparency, making it difficult to determine if the South was actually receiving its agreed share of Sudan's current oil revenues.

The delegation was told that there are four competing drafts for the functioning of the yet to be formed national Human Rights Commission, as provided by the interim constitution. Not all of these drafts were in accord with international standards relating to the independence and mandate of such commissions.² The Commission delegation also learned that the National Constitutional Review Commission, charged with ensuring the creation on a proper legal basis for the various bodies necessary to implement the CPA, had been dormant for most of the past year. The establishment of the Special Commission for the Protection of the Rights of Non-Muslims in the National



Commissioner Bishop Ricardo Ramirez and Former Prime Minister Sadiq Al Mahdi, Khartoum



Former Prime Minister Sadiq Al Mahdi and USCIRF Chair Cromartie, Khartoum

Capital has only just been announced.³ Special provision for non-Muslims appeared to amount to little but promises of judicial discretion and training to make the police more culturally sensitive, which Christians in Khartoum believed were inadequate to protect their rights. Ominously, President Omar El Bashir has rejected the findings of

what was supposed to be a binding decision by the Abyei Boundary Commission.⁴

There are also questions about the depth of the commitment of the Sudan People's Liberation Movement/Army (SPLM/A) to its former leader Dr. John Garang's vision of a united Sudan. More-

USCIRF WORK ON SUDAN

Sudan was one of the first countries to be a focus of attention by the U.S. Commission on International Religious Freedom. The Commission found religion to be a major factor in Sudan's long-running North-South civil war because of Khartoum's coercive policies of Arabization and Islamization. That war's millions of victims were overwhelmingly Christians and followers of traditional African religions. Its victims also included Muslims, particularly in the Nuba Mountains, condemned for opposing the Islamist regime in Khartoum.

Since its inception, the Commission has recommended that Sudan be listed as a "county of particular concern" (CPC) in its extensive reporting on Sudan. The Commission has frequently testified at Congressional hearings on the myriad religious freedom violations there, held a full-day public hearing on Sudan, convened numerous press conferences, and issued many press releases drawing attention to the plight of the suffering in Sudan. In the midst of the war in 2000, former Chair of the Commission, Elliot Abrams, conducted a site visit to Southern Sudan.

In January 2006, a year after the signing of the peace agreement ending Sudan's North-South civil war, a Commission delegation visited Khartoum, Juba, and Kadugli in Sudan and Nairobi and Lokichokio in Kenya to discuss the impact of recent developments on religious freedom conditions in Sudan. Meetings included cabinet-level members of the Government of National Unity, lead negotiators for both sides, the retired Kenyan general who had mediated the North-South peace negotiations, opposition politicians, civil society activists, religious leaders, and representatives of international humanitarian organizations. A visit to the Jebel Aulia Internally Displaced Persons (IDP) Camp outside Khartoum provided an opportunity to hear directly from individuals displaced by the civil war.

The visit was agreed to by Sudan's Government of National Unity. The Commission's travel and program were facilitated by the U.S. Embassies in Khartoum and Nairobi and by the newly established U.S. Consulate General in Juba. The Commission wishes to express appreciation to the United Nations personnel who briefed the delegation and otherwise supported the visit.

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over, the ability of the SPLM/A to hold its former Sudanese government adversaries to the letter, much less the spirit of the CPA, is limited by the SPLM/A's own limited institutional capacities. The SPLM/A faces the triple challenge of participating in the Government of National Unity, of establishing the new regional government of Southern Sudan which it leads, and of transforming its armed wing from a rebel movement to a standing army, all without Garang's leadership.⁵ On a positive note, there was a smooth transition by the Government of National Unity and the SPLM/A to Dr. John Garang's successor, Salva Kiir, as First Vice President of Sudan, President of Southern Sudan, and leader of the SPLM/A.

Finally, as the Commission's delegation learned during its visit to Juba, the SPLM/A must accomplish this Herculean task in one of the most impoverished and least developed areas of the world, a region devastated by more than 20 years of warfare and suffering from decades of neglect by the Northern-dominated national government in Khartoum.⁶ The South's lack of infrastructure was underlined when the delegation found itself in a meeting with one of the Ministers of the new Government of Southern Sudan in the tent city in which he was living due to the lack of housing in the new Southern capital.

A year after the CPA's signing, it is necessary to educate the Sudanese in a more systematic manner about the terms of the agreement, including the protection of freedom of religion or belief. For people to assert their rights, they need to know them. It is troubling that little effort has been made to inform the Sudanese people about the CPA or the Interim National Constitution.

Although efforts are continuing to broaden participation in the Government of National Unity, significant political opposition exists to the current power-sharing arrangement, including parties that represent both of Sudan's main Islamic sectarian

movements and the followers of Hassan al-Turabi, who provided the ideological foundation for the former regime. To ensure that elections called for by the CPA are free and fair, the government will need to take considerable steps, for which external assistance and international monitoring may be necessary. If they are not, the protections for individual rights, including freedom of religion or belief, enshrined in the CPA and in the Interim National Constitution, may well remain just words on paper, like those in previous Sudanese constitutions.

Religious Freedom Still Limited in the North Despite Promised Safeguards

The Commission delegation found that in government-controlled areas of the North, the religious freedom and other human rights protections agreed to in the CPA and enshrined in Sudan's Interim National Constitution have not yet resulted in significant changes in practice:⁷

- All Sudanese in the North, and specifically in the national capital area, including Christians and followers of traditional



U.S. Embassy Nairobi representative, USCIRF Staff Steve Snow and David Dettoni



Protestant Pastors in Khartoum speaking with USCIRF Chair Cromartie

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African religions, are subject to sharia. Contrary to the understanding even of some Sudanese, the CPA and the Interim National Constitution's special provision for the rights of non-Muslims in the national capital does not exempt Christians and followers of traditional African religions from sharia. Rather, it proposes to mitigate the impact of its application by providing for alternatives to the punishments prescribed for Muslims, at the court's discretion.

- As has been the case for decades, no permits for new church construction have been granted. There were some indications, however, of a loosening of bureaucratic restrictions on church ownership of property, e.g., the authorities have in three instances permitted land purchased by a church to be registered in the name of the church as an institution rather than in the name of a church official, notwithstanding a previous requirement that had made such property more vulnerable to legal problems.
- Churches built without such official permission exist at the authorities' sufferance. Those constructed in squatter settlements or IDP camps have often been razed. Church-owned properties that are legally recognized are nevertheless vulnerable to seizure in a legal atmosphere in which government action is not effectively constrained by an independent judiciary. The most glaring example was the government seizure of a Roman Catholic recreational facility taken not for a public purpose, but for the use of the National Congress Party.
- Although not applied in recent years, the legal penalty of death for apostasy from Islam remains the law of the land. Converts to Christianity from Islam face societal pressure and harassment from the security services to the point that they typically cannot remain in Sudan. The law against apostasy is also of concern to Muslims; the last instance in which the death penalty was applied was to a Muslim reformer.⁸
- The government supervises and controls most Muslim religious institutions in order to enhance a militant interpretation of Islam that promotes intolerance and undermines the rights of Muslims who adhere to other interpretations, as well as the rights of non-Muslims and women.
- Government agencies in the North, including education and the government-controlled media, continued to show a



USCIRF Delegation meets Roman Catholic Cardinal Zubeir

preference for Islam, reinforcing the message that Christians and non-Muslims are not equal members of society. History books reportedly ignore the Christian and other non-Muslim societies that existed in what is now Sudan for centuries before the Islamic conquest. In addition, Koranic verses are found throughout school texts, even in mathematics and geography. All law students in the North, whether Muslim or non-Muslim, must be competent in sharia.

- Freedom of the press is limited, although there are some courageous independent voices testing those limits.
- The activities of both indigenous and international humanitarian and other non-governmental organizations (NGOs) are subject to harassment and interference by the security services, even under the Government of National Unity.

Religious Freedom Conditions Have Improved in the South and in the Formerly Contested Areas

In the South, the Nuba Mountains, and other transitional areas formerly contested by government and Southern rebel forces, religious freedom conditions have significantly improved since the signing of the CPA. North-South peace has dramatically decreased the severe abuses of religious

freedom and of other universal human rights that characterized military operations by Sudanese government forces and pro-government militias in the South and other areas of fighting during the civil war. Christian leaders in the major southern center of Juba reported a general lifting of the climate of fear of government security forces that had prevailed in the city during the war. A major Christian religious event was being advertised publicly during the Commission visit. On the down side, Muslims with whom the delegation met in Juba expressed concern about their prospects, especially in light of the anti-Muslim and anti-Northern violence that followed the announcement of Dr. John Garang's death.

Representatives of international NGOs working in the South reported to the delegation that since the signing of the CPA, there has been a decrease, although not a total cessation, in reports of the heinous crime of abduction into slavery, a tactic employed by government-supported militias against Southerners during the North-South civil war. Khartoum has established a mechanism for assisting victims of abduction, the Committee for the Eradication of Abduction of Women and Children (CEAWAC). Estimates of the number of victims vary enormously, but there is a general consensus that a majority of victims, numbering in the thousands, remain unidentified and that those responsible for their enslavement have

not been held to account. CEAWAC lacks funds to return home even those whom it has documented as victims. The lack of action of Sudan's legal system toward the perpetrators is inexcusable. Clearly more needs to be done to eliminate abduction into slavery, to prosecute the violators, and to ensure the rights of victims.⁹

Considering the poverty and lack of infrastructure in the South, as well as the general devastation there and in the formerly contested areas, peace may well be unsustainable without development and security. Community leaders told the Commission delegation that tangible "peace dividends" such as schools, clinics, and jobs are needed in order to provide alternatives to young people who only have known years of warfare. Insecurity also presents a major concern, whether from banditry or from continued attacks by the Lord's Resistance Army – previously and perhaps to date, supported by Northern elements in the government in Khartoum.

The Plight of Sudan's Internally Displaced Persons and Refugees Calls for Greater Resources

In terms of the number of civilians displaced by conflict, no country comes close to Sudan. There are more than 600,000 refugees and four million IDPs from the North-South civil war, and more than 200,000 refugees and two million IDPs from Darfur, for a total of seven million displaced Sudanese from a population of 40 million. In the Khartoum area alone, there are 255,000 IDPs residing in official camps, and an additional 1.7 million living in unofficial squatter settlements. The overwhelming majority of the nearly five million displaced as a result of the North-South civil war are Christians or followers of traditional African religions; those displaced from Darfur are Muslims who are members of tribes identified as African as distinct from Arab.

Sudanese of all walks of life who met with the Commission delegation made clear that they want peace and are weary of the many conflicts that they have lived through since independence. One of the surest signs of the hunger for peace is that approximately 500,000 IDPs and 50,000 refugees already have returned to the South and transitional areas. Preparations are being made for still others to return home with assistance, an effort to which the United States is the largest contributor. Southerners living in Khartoum overwhelmingly told delegation members that they plan to return to the South, even those



Commissioner Ramirez at IDP Camp Jebel Aulia, Khartoum

who had lived for many years in the North and had secure jobs.

The UN High Commissioner for Refugees (UNHCR) oversees refugee returns, and the UN Office for the Coordination of Humanitarian Affairs (OCHA) coordinates IDP returns in Sudan. Both agencies have emphasized that all returns of refugees and IDPs must be voluntary. This has been memorialized in recent tripartite agreements between the UNHCR, Sudan, and major host countries of Sudanese refugee camps.

However, the international community has acknowledged that the infrastructure of Southern Sudan is so frail and overstretched that it can support only a relatively small number of returns at this time. This obstacle is compounded by serious protection concerns, as well as a total lack of safe transportation options from the IDP camps to the places from which the IDPs fled. According to UNHCR, land mines and unexploded ordinances are "omnipresent" along the feeder roads that would be used by returning refugees and IDPs. By now, the UN had expected to have 23 way stations in place to assist spontaneous returnees en route, but currently has only two. As a result, while all returns must be "voluntary," many individuals who do wish to return home have no way of doing so at this time.

Indeed, according to IDP community leaders with whom the Commission

delegation met, most of Sudan's internally displaced would like to return home without further delay. In spite of difficult conditions, these displaced persons would rather work to rebuild their country than continue to be confined to IDP camps under deteriorating conditions. The community leaders indicated that the reason so few had returned was because they could not afford to pay for the dangerous, weeks-long journey home to the South or the transitional areas. On the other hand, as Walter Kalin – the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons – recently reported, many IDPs in and around Khartoum are "badly or not at all informed about conditions in their places of origin."

The journey itself is, indeed, very arduous. The trip begins with a 220 mile ride packed into a truck from Khartoum to Kosti. Once in Kosti, the IDPs must wait in the outdoors for up to a month to catch a barge for a journey which can take between 5 and 25 days, in a boat with no guardrails, sanitation, or cooking facilities. This water route is necessary because travel by road is not feasible as the few passable roads in existence are laden with landmines. From the port, returnees must find their way home, often on foot.

Of the nearly 4 million IDPs resulting from the North-South Civil War, 1,260,000



Internally Displaced People, Sudan
Photo Credit to UNHCR, S Mann

were expected to return in 2005 and 2006, and UNHCR expected to repatriate 140,000 of the refugees by May 2006, out of a population of more than 400,000 refugees. UNHCR and U.S. officials now concede, however, that the actual number of returns will likely be much smaller. At this rate, voluntary returns will take several years.

Moreover, once home, the returnees will likely remain without shelter, sufficient food, potable water, or access to schools or medical services. Many – particularly the elderly, women, and female-headed households – face serious security risks as well. Nor are there any state structures to support speedy resolution of land disputes or other conflicts.

The numbers of potential returnees are so great and the infrastructure in the South so lacking that the return effort will necessarily be massive, requiring a concomitant response by the United States

and other donors. Particular emphasis will need to be placed on developing safe and regular transportation options by river and by air while the roads are de-mined, as well as a general commitment among the U.S. Agency for International Development (USAID), OCHA, and UNHCR to more closely coordinate development efforts to support returns of IDPs and refugees. The resources of the Southern Sudanese churches and other private groups engaged in humanitarian and development assistance in the South are already considerably strained. Moreover, increased international attention to Darfur and to reconstruction in the South has meant that fewer resources, such as food and medical services, are going to the IDP camps around Khartoum and the refugee camps in neighboring countries such as Kenya. Those remaining camp residents are often those with the least. If conditions in these camps continue to deteriorate, the refugees and IDPs within them may feel compelled to return to an area where they will face serious dangers en route and more dangers upon arrival.

The Sudanese authorities, the donors, and the international community need to accelerate efforts to enhance the capacity of the South and transitional areas to absorb large numbers of IDPs and refugees. Otherwise, significant dangers will be faced, not only by the individuals who choose to return, but also to the peace process itself and to the development prospects for the region. Without adequate preparation, large scale influxes would likely result in additional tensions within overstretched local communities due to competition over scarce resources and services. This could result in further conflict and diversions of funding from recovery and development to pay for emergency humanitarian assistance.¹⁰

Darfur Threatens Sudan Peace, Must be Resolved within a National Context

Since 2003, government forces and “Janjaweed” (government-backed militias from Arab tribes) have carried out a campaign of ethnic cleansing against African Muslim civilians in the western region of Darfur, similar to Khartoum’s previous tactics against Christians or followers of traditional African religions in the North-South conflict. The government’s culpability in the killings of an estimated 400,000 persons, the destruction of 90 percent of

COMPREHENSIVE PEACE AGREEMENT

The Comprehensive Peace Agreement (CPA) signed January 9, 2005 followed and subsumed a series of partial and preliminary agreements addressing the relation of state and religion, the national capital, power-sharing, wealth-sharing (i.e., of oil revenue), and security. The understandings reached in the CPA were in turn reflected in Sudan’s new Interim National Constitution and in the Interim Constitution of Southern Sudan. According to the CPA:

- a referendum would be held at the end of a six-year transition period (the Interim Period) to determine whether the South stays within a united Sudan or becomes independent;
- the South would be exempt from sharia, which, however, would continue in the North;
- special provision would be made to protect the rights of non-Muslims in the national capital; non-Muslims would still be subject to those provisions of the penal code based on sharia but, at the discretion of the courts, not to the same penalties as those prescribed for Muslims;
- the former government of Sudan in Khartoum, led by the National Congress Party and the Sudan People’s Liberation Movement/Army (SPLM/A), would form a Government of National Unity, with the SPLM/A having a minority share of government offices; the SPLM/A would assume responsibility for the government of Southern Sudan;
- local autonomy would be granted to the formerly contested areas of the Nuba Mountains and Southern Blue Nile State, which would, however, remain part of the North, and a special administration would be established in the oil-rich area of Abyei, whose boundaries would be determined by an independent Commission; a popular referendum would determine whether Abyei continues to have a special status in the North or becomes part of the South;
- elections for President of Sudan, President of Southern Sudan, state governors, the National Assembly, the legislature of Southern Sudan, and all state legislatures would be held “not later than the end of the fourth year of the Interim Period”; and
- during the Interim Period, Sudan would be under new constitutional arrangements, i.e. an Interim National Constitution and an Interim Constitution for Southern Sudan, to be replaced by permanent constitutions following the Southern referendum.

Darfur's villages, and the widespread torture, rape, and abduction of civilians is well documented. The State Department has termed Darfur an instance of genocide.¹¹ Abundant evidence demonstrates that the Sudanese government has directly overseen and organized Darfur's destruction.¹² UN reports have cited the government as "largely responsible" for the humanitarian disaster caused by the Darfur conflict and have cited the Sudanese armed forces and government-backed militias for "serious violations of international human rights and humanitarian law," including the killings of civilians and rape and sexual violence against women.¹³ Despite international pressure, the perpetrators of these crimes, both members of the Sudanese armed forces and allied militias, have not been brought to account, either by the efforts of domestic or international bodies.

According to UN Secretary-General Kofi Annan, there has been a marked deterioration in the situation in Darfur since

September 2005.¹⁴ With villages destroyed and lives at risk from further attack by government-supported Arab militiamen, many thousands of civilians remain in camps, either as IDPs in Sudan or as refugees in Chad. Despite the presence of African Union forces in Darfur, these traditionally self-reliant African villagers are unable to return home to raise crops and are now dependent upon international humanitarian assistance, with the United States and other foreign donors funding the relief effort necessitated by Khartoum's actions.

Recognizing the extraordinarily pressing need for U.S. and international action on Darfur, the Commission nonetheless concludes that more can be done to assist the rest of the country. Urgent efforts to end the killing and atrocities in Darfur and to resolve the problems facing IDPs and refugees are needed, along with international attention and resources devoted to severe problems in other parts of Sudan affected

by the delays and shortcomings in the implementation of the CPA.

Moreover, the conflict in Darfur is yet another illustration of Sudan's broader political pattern of deliberate marginalization and resource-deprivation of all of Sudan's regions with non-Arab or non-Muslim populations. Full implementation of the CPA, with its provisions for democratic elections, human rights guarantees, revenue-sharing, and state governments with significant powers, both North and South, hold promise for overcoming the internal tensions that have torn Sudan since independence. Although resources are admittedly limited, the Commission concludes that ways must be found to continue U.S. leadership. Engagement on both Darfur and the implementation of the CPA is critical to help the Sudanese secure the peace they overwhelmingly desire.



USCIRF Chair Cromartie, Foreign Minister of Sudan Liam Akol, and Commissioner Ramirez

Recommendations for U.S. Policy

I. U.S. Diplomacy

The U.S. Government should:

- assign a ranking official to the U.S. Embassy in Khartoum with a mandate to advance the human rights aspects of CPA implementation, including coordination of U.S. engagement with the various mechanisms established by the CPA, the Interim National Constitution, and the Interim Constitution of Southern Sudan, as well as U.S. foreign assistance to support these mechanisms and to promote human rights, including religious freedom, as recommended below;
- in support of the ranking official, provide more adequate U.S. Embassy and Consulate staff with appropriate rank, training, and language skills to strengthen reporting on human rights conditions and advocating for human rights protections, and require political and public affairs officers to travel regularly throughout Sudan to monitor and examine human rights concerns;

II. Implementation of the Comprehensive Peace Accords

The U.S. Government should:

- report publicly every six months, through the State Department or the U.S. Embassy in Khartoum, on the status of implementation of the CPA and the return of IDPs and refugees; this reporting should include information on CPA mechanisms to protect human rights as well as significant obstacles to CPA implementation and the return of IDPs and refugees;
- take a leadership role within the Assessment and Evaluation Commission to ensure the timely, transparent, and complete implementation of the CPA's power-sharing, revenue-sharing, and security arrangements in order to prepare the way for the agreed-upon referenda and for free and fair elections at all levels;

III. Existing Sanctions

The U.S. Government should:

- maintain existing U.S. sanctions on Sudan until particularly severe violations of freedom of religion or belief throughout Sudan and the genocidal atrocities in Darfur are ended;
- ensure that sanctions do not preclude U.S. support for (a) development projects in Southern Sudan, including with the participation of the government of Southern Sudan;

(b) programming in Sudan, whether in the North, the South or elsewhere, to advance implementation of the human rights aspects of the CPA, other protections for human rights, the rule of law, and the development of truly accountable and democratic governmental institutions; and (c) educational exchanges between Sudan and the United States;

IV. U.S. Foreign Assistance

The U.S. Government should:

- ensure that USAID, the State Department's Human Rights and Democracy Fund, and other providers of U.S. government assistance develop a strategy and fund specific programs to 1) promote implementation of the human rights and religious freedom provisions of the CPA, and 2) advance legal protections and respect for freedom of religion or belief throughout Sudan, in recognition of (a) the central role of religion as a factor in the civil war, and (b) the emphasis within the CPA to religious freedom concerns; the programs funded by USAID's Office of Transition Initiatives, should be expanded;
- specific objectives for these U.S. programs should include:
 - greater efforts to ensure citizen awareness of and enforcement of the legal protections for human rights included in the CPA, the Interim National Constitution, the Interim Constitution of Southern Sudan, and the international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), to which Sudan is a party;
 - grassroots reconciliation and "peace through dialogue" among Sudanese, including building on steps USAID has already taken to promote reconciliation among Southern Sudanese, recognizing that participants in such programs must be transported, housed, and fed; participants should specifically include religious and other civil society leaders from Sudan's diverse religious and ethnic communities;
 - greater capacity of those elements of civil society throughout Sudan (i.e. the North, the South, and the transitional areas) that promote religious tolerance, respect for human rights, and the peaceful resolution of conflicts, to advance those goals on both the national and the local levels;
 - development of an independent and impartial judiciary in Southern Sudan, including through training of judges, prosecutors, and court administrators and support personnel, with the aim to ensure international standards of due process, fair trial, and non-discrimination;
- expand the use of educational and cultural exchanges, such as the Fulbright Program, the International Visitors Program, and lectures by visiting American

scholars and experts, in order to introduce more Sudanese to the experience of societies in which religious freedom and other human rights are protected by law; preference should be given to programs that bring together leaders from various religious and ethnic backgrounds from the North, South, and the transitional areas;

- expand international radio broadcasting to Sudan to provide objective sources of news and information and to improve awareness of the CPA and its implementation, including specific programming promoting grass-roots reconciliation and respect for freedom of religion; support independent television and radio broadcasting, including in the South, to the same end;
- promptly dispense financial assistance for humanitarian purposes, to build civil society, and to promote economic development in Southern Sudan, including in the area of an independent network of telecommunications;

V. Refugees and IDPs

The U.S. Government should:

- appoint a high-level “Special Representative” or “Coordinator” to Refugees and IDPs of Sudan to ensure that U.S. resources and influence are effectively applied to facilitate voluntary returns as soon as they can be done in safety and in dignity; to coordinate IDP and refugee returns with reconstruction efforts in Southern Sudan; and to ensure that those refugees who need a durable solution other than repatriation are not left to languish in camps;
- provide additional assistance – and urge other countries to follow suit – to expedite development efforts in the South. Although the United States has been the leading donor to these efforts, Congress funded Southern Sudan humanitarian and development assistance at \$63 million less than the \$100 million requested by the Administration. Without a significant increase in the commitment by the U.S. and other donors to develop the South, safe IDP and refugee returns – and the peace brought by the CPA – may not be sustained;
- urge UN agencies and their NGO partners to focus urgently on practical, community-based solutions to providing returnees with basic infrastructure and health and education services;
- urge OCHA and UNHCR to strengthen their efforts to disseminate information to IDPs and refugees about return and reception conditions, including expanding “look and see” trips by refugees and IDPs to review conditions and report back to their camps so that individuals can make informed choices about returns; and urge that OCHA and UNHCR also track returns more closely;
- lend and operate safer modes of transportation, including planes and river vessels, to facilitate spontaneous – as well as organized – voluntary refugee and IDP returns; de-mining efforts of roadways should continue and be intensified;
- encourage OCHA to move quickly to establish the 21 remaining “way stations” on the return route to Southern Sudan which, according to its own plans, should have been in place by now;

- work with UN agencies and NGO partners to ensure that the populations which remain in refugee and IDP camps continue to receive at least the same level of humanitarian assistance as before, so they are not unduly pressured into making “voluntary” returns;
- work with other resettlement countries, UNHCR, and its NGO partners to ensure that UNHCR expeditiously identifies those refugees for whom repatriation is not an appropriate or imminent solution to their displacement, including those who have suffered from past persecution; secure – as appropriate – timely local integration in countries of first asylum or resettlement to third countries for such refugees; and promptly devise a strategy to achieve this concurrent with efforts to repatriate refugees to Sudan;

VI. Freedom of Religion and Belief and Related Human Rights Concerns

The U.S. Government should:

- use U.S. bilateral discussions with Sudan, as well as UN mechanisms and bilateral discussions with third countries with influence in Sudan, to urge Sudan’s Government of National Unity to:
 - allow all religious groups to conduct their activities without harassment, discrimination or undue interference, including activities such as publishing or importing religious literature as well as building, repairing, and operating houses of worship and social service programs;
 - repeal laws that punish changing one’s religion or encouraging another to do so; end official accusations of blasphemy, apostasy, “offending Islam,” or similar charges used to stifle public debate or restrict the right to freedom of expression;
 - dismantle the burdensome bureaucratic obstacles the government places on international humanitarian assistance; remove the state security services from their current role in regulating humanitarian assistance;
 - establish an independent and impartial national Human Rights Commission as called for in the Interim National Constitution and in accordance with the international standards for such bodies in terms of independence, adequate funding, a representative character, and a broad mandate that includes freedom of thought, conscience, and religion or belief;
 - abandon efforts to force religious organizations to register as nongovernmental organizations under regulations that give government officials effective control over their activities;
 - permit relations between national religious communities and their co-religionists abroad in accordance with universal human rights norms;
 - reform the state security services to be representative of all Sudanese and ensure that all national institutions such as the military, law enforcement agencies, and the highest levels of the judiciary are representative of and equally protective of all Sudanese regardless of religious affiliation or belief;

- end the impunity with which members of the security forces and others acting as agents of the government have engaged in human rights abuses; urge the establishment of effective mechanisms for accountability for past abuses; and in the absence of such bodies, provide full cooperation with international institutions, including those mandated by the UN Security Council;
- cease messages of intolerance and discrimination against non-Muslims in the government-controlled media;
- exclude negative stereotyping in school textbooks; include in school curricula, in textbooks, and in teacher training the concepts of tolerance and respect for human rights, including freedom of religion or belief; history texts should reflect the religious and cultural diversity of Sudan's past;
- undertake a comprehensive review, in collaboration with Sudanese civil society and independent international experts, to bring Sudanese law into compliance with Sudan's international human rights obligations; and
- cooperate fully with international mechanisms on human rights issues, including inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Special Rapporteur on the Situation of Human Rights in Sudan, and by the UN Working Group on Arbitrary Detention;

VII. Victims of Slavery and Human Trafficking

The U.S. Government should:

- use U.S. bilateral discussions with Sudan, as well as UN mechanisms, and bilateral discussions with third countries with influence in Sudan, to urge Sudan's Government of National Unity to prosecute strictly the crime of abduction into slavery, most of whose victims were women and children taken during the North-South civil war or in Darfur by government-sponsored militias; ensure that the existing mechanisms accomplish speedy identification, voluntary return, and family reunification of victims as well as measures for their rehabilitation and reparation.

USCIRF RECOMMENDATIONS ON DARFUR (MAY 2005)

In order to build on the peace accords and to protect civilian populations, the U.S. government should:

- closely monitor compliance by the government of Sudan with UN Security Council Resolutions addressing the conflict in Darfur;
- support a stronger United Nations and African Union presence in Sudan sufficient to protect civilian populations and to monitor compliance with the peace accords and Security Council resolutions, including by
 - urging the expansion of the African Union's mandate in Darfur to explicitly include active protection of civilians and preventative protection;
 - providing resources such as improved communications equipment, reliable vehicles and helicopters, and logistics assistance to enable African Union troops to move quickly to places where abuses are occurring;
 - bringing in advisors on civilian protection issues in armed conflict to train and work with African Union commanders;
 - ensuring that there is a secure environment for the delivery of humanitarian aid and the return of refugees and the internally displaced; providing an early warning system with GPS capability to warn camps and villages of approaching forces;
 - supporting the assignment of designated protection teams to camps for internally displaced persons;
 - supporting the active enforcement of the aerial "no fly" zone already specified in Security Council Resolution 1591 of March 29, 2005, which calls for the immediate cessation of "offensive military flights in and over the Darfur region;"
 - taking measures to prevent – and providing aid to those victimized by –widespread sexual violence and rape in Darfur, including by training advisors for the African Union mission and encouraging the African Union to include female troops and female police officers in their deployment to handle rape cases effectively; and
 - supporting a substantial increase in the number of human rights monitors from the Office of the UN High Commissioner for Human Rights and in the number of African Union troops deployed in Darfur;
- prevail upon the government of Sudan to provide needed humanitarian access to international relief organizations;
- continue efforts to aid the suffering civilian population of Darfur, including by seeking an end to killing, to ethnic cleansing and forced displacement, and to Sudanese government impediments to the distribution of international humanitarian assistance; assisting refugees and internally displaced persons to return home in safety; and promoting a ceasefire as well as a peaceful and just resolution of the grievances that underlie the crisis; and
- urge the Sudanese authorities to cooperate with the international prosecution of those accused of violations of international humanitarian law and human rights law in connection with the events in Darfur since July 1, 2002, in accordance with Security Council Resolution 1593 of March 31, 2005.

ENDNOTES

¹ See box for a summary of major provisions of the CPA. For full text of the CPA and the preliminary agreements it subsumed, see United States Institute of Peace, Peace Agreements Digital Collection: Sudan, "Comprehensive Peace Agreement," March 16, 2005 (http://www.usip.org/library/pa/sudan/cpa01092005/cpa_toc.html, accessed February 22, 2006).

² Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights, found in the Annex to *Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights*, Office of the High Commissioner for Human Rights (<http://www.unhcr.ch/html/menu6/2/fs19.htm>, accessed February 14, 2006). These are commonly referred to as "the Paris Principles."

³ ReliefWeb, United Nations Office for the Coordination of Humanitarian Affairs, United Nations Country Team in Sudan, "United Nations Sudan Situation Report 3 January 2006," (<http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6KW3AF?OpenDocument>, accessed February 17, 2006).

⁴ In the CPA, "the government and southern representatives agreed to the establishment of the Abyei Boundary Commission (ABC) and tasked it with evaluating historical and conflicting claims to the land and demarcating a border between the groups. The final report of the ABC was completed in July 2005, but the Government of Sudan has yet to publicly release the document or accept its findings, as stipulated in the CPA. The Sudan People's Liberation Movement (SPLM), in contrast, supports the release of the ABC's findings." U.S. Institute of Peace, "Resolving the Boundary Dispute in Sudan's Abyei Region," October 2005 (http://www.usip.org/pubs/usipeace_briefings/2005/1026_sudan.html, accessed February 17, 2006).

⁵ Dr. John Garang died in a helicopter crash shortly after the Government of National Unity was formed. The timing of his death, just weeks after he was sworn in as First Vice President of Sudan, aroused suspicions among many Southern Sudanese resulting in rioting both in Khartoum and in the South.

⁶ Sudan ranks 141st on the United Nations Human Development Index of 177 countries surveyed. The index is available on-line at <http://hdr.undp.org/statistics/data/indicators.cfm?x=1&y=1&z=1>.

⁷ See UN Special Rapporteur on the situation of human rights in Sudan, *Statement by Ms. Sima Samar to the UN General Assembly, 60th Session, October 27, 2005*. "Since the formation of the Government of National Unity the people of Sudan have seen little change in their everyday life – the emergency laws are still in place in Darfur and the East and are also applied in Khartoum, people are arbitrarily arrested or held incommunicado by security forces; torture, ill-treatment and killings of civilians continue. Discrimination and marginalization of groups continue and basic rights such as access to food, shelter, health and education are not guaranteed."

⁸ Mahmud Muhammad Taha, a Sudanese Muslim who called for debate about the role and content of sharia, was convicted of apostasy and executed on January 18, 1985. Taha was the only individual executed on this charge following Sudanese President Ja'far Mohamed al-Nimeiri's implementation of sharia.

⁹ For the most comprehensive and authoritative background information on the abduction and slavery issue see U.S. Department of State, *Report of the International Eminent Persons Group: Slavery, Abduction and Forced Servitude in Sudan*, May 22, 2002 (<http://www.state.gov/p/af/rls/rpt/10445.htm>, accessed February 22, 2006).

¹⁰ See comments of Walter Kalin in United Nations Press Release, *Much More Needs to Be Done to Ensure Protection of Internally Displaced of Southern Sudan, Rights Expert Says*, October 14, 2005, (<http://www.brook.edu/fp/projects/idp/20051017sudan.htm>), accessed February 27, 2006).

¹¹ Glenn Kessler and Colum Lynch, WashingtonPost.com, "U.S. Calls Killings In Sudan Genocide: Khartoum and Arab Militias Are Responsible, Powell Says," September 10, 2004 (<http://www.washingtonpost.com/wp-dyn/articles/A8364-2004Sep9.html>, accessed February 17, 2006); Sue Fleming, Reuters, "US's Rice says genocide continues in Darfur," February 17, 2006.

¹² UN Security Council, *Report of the Panel of Experts*, UN Doc. S/2006/65, January 30, 2006.

¹³ UN Special Rapporteur on Extrajudicial, summary or arbitrary executions, *Report of the Special Rapporteur Mission to Sudan*, E/CN.4/2005/7/Add.2, August 6, 2005; UN Special Rapporteur on the situation of human rights in the Sudan, *Report of the Special Rapporteur on the situation of human rights in the Sudan*, E/CN.4/2006/11, January 11, 2006; Report of the International Commission of Inquiry on Darfur, *Report to the Secretary-General*, January 25, 2005; UN News Centre, "Security Council Refers Situation in Darfur, Sudan, to Prosecutor of International Criminal Court," March 31, 2005 (<http://www.un.org/News/Press/docs/2005/sc8351.doc.htm>, accessed February 17, 2006).

¹⁴ UN News Centre, "Despite forceful Security Council moves, atrocities continue in Sudan's Darfur region – UN report," December 29, 2005 (<http://www.un.org/apps/news/story.asp?NewsID=17064&Cr=Sudan&Cr1=Darfur#>, accessed February 17, 2006); Monthly Report of the Secretary-General on Darfur, UN Doc. S/2005/825, December 23, 2005.

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