

Written Statement of David Dettoni, Director of Operations, Sudan Relief Fund

House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, The Questionable Case for Easing Sudan Sanctions; Wednesday, April 26, 2017, 2:30 p.m.

I want to begin by thanking Chairman Smith, Ranking Member Bass, and the Distinguished Members of the Subcommittee for your public service and valuable work exercising oversight into American policy towards the wide range of extremely important issues under this Subcommittee's jurisdiction.

Many of your constituents may not understand how your work on this Subcommittee affects them in their daily lives, but your oversight, intervention, and attention to American policy related to Africa, Global Health, Human Rights, and International Organizations, saves lives and makes a difference in the world. Furthermore, when America has neglected Africa, human rights, and global health, we have done so at our peril or great tragedies have occurred.

An example of a great tragedy that occurred in the areas under this Subcommittee's jurisdiction was the slaughter of millions in Rwanda over the course of weeks while America basically sat on the sidelines. While the genocide in Rwanda did not pose an existential security threat to America, it did pose an existential threat as to the type of country we, the United States are and who we aspire to be as a people. The United States cannot be the world's policeman, but there are moral crises which arise which if we as the United States neglect, fail to respond, or fail to anticipate, America's neglect of these crises, past and future, will have the effect of decaying our great nation. In turn that moral decay will affect our children and our children's children, until at some point, we don't recognize our aspirations and our foundations as a country. My former boss and former colleague of yours, Congressman Frank Wolf, used to incessantly repeat the Biblical imperative: to much whom is given, much is required. America has been given much and therefore much is required.

What are some examples of American neglect in Africa leading to peril? Al Qaeda claimed responsibility for killing over 224 people—Americans, Kenyans, Tanzanians-- when our Embassies in Kenya and Tanzania were blown up in 1998. More to the subject at hand, Al Qaeda was likely able to accomplish these attacks and many others, including the bombing on 9/11 because Al Qaeda moved its headquarters to Khartoum, Sudan at the invitation of Sudan's Omar Bashir and his accomplices with the National Islamic Front/National Congress Party. This is the cadre of militant Islamic jihadists who seized power in Sudan in a coup in 1989 and who I believe have not relinquished their power or Islamic based, Anti-American, Anti-Western ideology in the parts of Sudan that they control.

For this hearing, I have been asked to discuss my observations of the situation on the ground in Sudan and whether or not I believe they justify the proposed easing of sanctions that President Obama lifted a week before his eight years of service ended as President of the United States. Certainly in the background of all of my comments on the conditions justifying or not justifying the lifting of sanctions for Sudan is this lingering issue: The current leader of Sudan, Omar Bashir, and the cadre of power in Khartoum provided material support for attacks against America that killed thousands of Americans. The ideology and politics of current political leaders and the cadre in Khartoum, more often than not, have been diametrically opposed to American interests.

One of the traits I admire about our country, the United States of America, is how we have befriended and become allies with so many of our former enemies. I believe this is a pragmatic trait of Americans and our former leaders, meaning it is in our interests to become allies with our former adversaries, and it is also because I believe we Americans fundamentally want to help the world become a better, safer place for all people. Germany and Japan are now two of our closest allies. We fought for independence from Great Britain and then fought again, and now they are very close allies.

In the case of Sudan, the same cast of characters, the same power base that promotes a perverted and violent expression of Islam is still in power. Look at Sudan's "President". It is still Omar Bashir. The same man who invited Al Qaeda to live in his hometown and set up a headquarters, to establish training bases, to recruit Sudanese to kill Americans. He and his power base are still intact and I do not think their fundamental belief system has changed, meaning, what drove them to power and drove their political and social agenda was a perverted and distorted version of Islam, a version that a vast majority of devout Muslims around the world most certainly reject and find abhorrent.

America, in contrast to Khartoum, is not a theocracy, and our policy makers do not have to embrace a religious dictum such as "all sins must be forgiven". For me, Khartoum's likely continued embrace of a corrupt religious ideology that promotes violence and hate and the fact that this same regime and political actors was ground zero for Al Qaeda operations and recruitment, is an unforgivable sin.

The Obama Administration's justifications for lifting sanctions announced on a publicly released fact sheet on January 13, 2017, by the Office of the Spokesperson for the Department of State, listed five reasons for justifying lifting the sanctions which included, ceasing hostilities in Darfur and the Two Areas, improving humanitarian access, ending negative interference in South Sudan, and addressing the threat of the Lord's Resistance Army (LRA), and enhancing cooperation on counterterrorism,.

On Sudan "enhancing cooperation on counter terrorism", I've read many public reports of how this cadre of power in Khartoum began to cooperate with the United States and our allies on issues of terrorism after the attacks of 9/11. Reportedly, many in the security profession were pleased with the information and other assistance received. I cannot judge the helpfulness of the counter terrorism cooperation, but it seems counterintuitive to reward the same group of people who promulgated and allowed the terrorism in the first place. Not only do they get some type of reward, they are allowed to continue to be in power.

As you Members on this committee realize, policy decisions are not always a choice between two good options, sometimes policy decisions are choices between evils, or to put it another way, policy makers are faced with making decisions that are less than ideal.

Sudan's supposed enhanced cooperation on "terrorism" does not come without a price. The events of 9/11 and Al Qaeda's attacks against American in Africa and around the world, are more distant. The supposed "junior varsity" team of DAESH has shown its capabilities and atrocities, and they and Assad, Hezbollah, and Iran seem to be center stage in the Middle East. I hope America and our allies are safer, and that lives and tragedy have been saved because of the supposed counter terrorism cooperation. Nevertheless, I believe some actions by rulers are

unforgivable and that linking the lifting of sanctions to a regime that has not fundamentally changed its leaders, outlook and fundamental political beliefs, is not justified.

I have been asked to comment on whether I believe the sanctions being lifted are justified based on conditions on the ground in Sudan and I will direct the rest of my comments towards what I know to be conditions on the ground with a more specific focus on the Two Areas, whether Khartoum has improved humanitarian access, how the cadre in Khartoum implemented the Comprehensive Peace Agreement of 2005, and Khartoum's ending its negative interference in South Sudan.

On the issue of humanitarian access, according to UNHCR, since 2013 Khartoum has allowed some 380,000 refugees from the chaos and civil war in South Sudan. My understanding is that humanitarian access to all of these camps is controlled, and monitored by Khartoum's security services and that refugees do not have freedom of movement around the rest of Sudan. I've heard life is tough in these camps, but Sudan has allowed these very vulnerable and suffering people to have a form of refuge. The cadre in Khartoum has also allowed perhaps 200,000 Eritrean refugees to have refuge in Sudan. These poor Eritreans presence in Sudan probably gives a form of sanctuary to them that is better than their suffering in Eritrea.

However, Khartoum seems very effective in using their supposed benevolence as leverage for political or other goals that they want to achieve. The Enough Project has just published a report titled *Border Control from Hell: How the EU's migration partnership legitimizes Sudan's "militia state"*, that describes how the European Union is improving relations with Khartoum as a basis to stem the flow of refugees into Europe, providing millions of Euro for equipment and training efforts to Sudanese security type forces to decrease or stop the flow of illegal migration to Europe. Sudan has been known as a transit and collection point for the flow of illegal migration to Europe. I was surprised to learn from a European official whose daily job is to work on refugee issues, that Eritrean refugees are particularly not wanted in Europe as they have very few job and foreign language skills, they are poorly educated, and many have psychological trauma from forced conscription in the Eritrean military. The cadre in Khartoum is shrewd. They are using the refugee and illegal migration crisis to their advantage, using their "humanitarian efforts" to loosen sanctions, gain respect, gain valuable foreign currency. As long as Bashir and his cadre are in power, America should never forget who we are dealing with in Khartoum, nor what they and their cadre did to America.

On the issue of humanitarian access to the "Two Areas", South Kordofan/Nuba Mountains and Blue Nile State, I do not believe any humanitarian access has crossed the battle lines from Khartoum into the two areas. Since the implosion of the Comprehensive Peace Agreement, the only type of "assistance" Khartoum has brought to the Nuba Mountains and Blue Nile is military, and the guns, tanks, rockets, aerial bombardment is not meant to develop or grow individuals, but to maim, destroy, kill. I suspect many of us who have remotely followed Sudan issues for the past many years can become numb to the constant fighting, with some new military movement or disagreement arising every few years. Whenever I visit the region, I am struck by the fact that Bashir and his cadre, are intentionally killing their own people. Thousand pound bombs with Cyrillic handwriting drop from Sudan Air Force planes to kill women and children tilling their fields. Innocent children lose their limbs when shrapnel from their "government" tears them apart.

I have been on the ground in the Nuba Mountains when Khartoum's Antonov bombers circled over me, and a few hours later, visited the burning huts and the crying, grieving parents of a child who had just been slaughtered by Bashir's weapons that he and his cronies use against the innocent citizens of Sudan. We cannot ever forget that Bashir and his supporters in Khartoum are killing their own people in cold blood to achieve their political and religious objectives.

Humanitarian conditions in the Two Areas is dire. Planting and harvesting of food has not occurred on any scale as people are concerned about the resumption of hostilities at any time. Food is scarce. Malnutrition is rampant. There are virtually no doctors in the Nuba Mountains. Almost no one is available to give basic life-saving surgery to those in need except for an American citizen named Dr. Tom Catena who faithfully conducts surgery in the Nuba Mountains. Child birth deaths are outrageously high. Women suffer and die giving birth or from complications. No building or development is occurring as people cannot get material to build, and they are worried about any structure being bombed or targeted by Khartoum. Khartoum has attacked by air or ground any structure it can see, churches, schools, hospitals. Churches and schools have foxholes scattered around their buildings so the children and worshippers can flee to safety feet way from where they worship or learn. I have seen the destruction of churches, school classrooms that are flattened by Khartoum's bombs. What kind of supposed government intentionally drops bombs on its own children while they are at school???

In terms of assessing Khartoum's abiding by the Comprehensive Peace Agreement of 2005 signed with the Sudan People's Liberation Movement (SPLM), Khartoum has abjectly failed in implementing this agreement as it concerns the Two Areas and with the Sudan People's Liberation Movement North. Khartoum did allow the South to vote for independence, but the cadre in Khartoum violated most of the other key aspects to the agreement regarding the oil rich disputed area of Abyei, and against the Northern element of the SPLM, the SPLM North (SPLMN).

The Abyei region sits between Sudan and South Sudan and is claimed by both countries. The CPA determined that the residents of Abyei were to vote in a referendum held simultaneously as the referendum on the independence of South Sudan in January 2011. Khartoum insisted that a nomadic pastoralist tribe that historically grazed its cattle for a few months a year, the Misseriya, should be determined as residents of Abyei. South Sudan insisted that only the year round residents, the Ngok Dinka, should be counted as residents. In May 2011, Khartoum invaded Abyei, burning, looting, destroying, killing and forcing the removal of over 100,000 Ngok Dinka. South Sudan and Khartoum negotiated that Khartoum forces would depart Abyei and a UN mandated force of Ethiopian peacekeepers has been on the ground in Abyei subsequently to this day. The referendum on Abyei has still not occurred, but Khartoum's invasion of Abyei was a very clear and violent breaking of the Comprehensive Peace Agreement.

Unlike the supposed referendum for Abyei that has still not occurred, the CPA provided for a "popular consultation" to ascertain the views of the people of the Two Areas. The popular consultation has not occurred. Instead, Bashir and the cadre in Khartoum gave the SPLMN one week notice, in May 2011, to disarm, in violation of the CPA. My understanding of the CPA is that it provided for one year for the SPLMN and Khartoum to negotiate a new security agreement and integration of units if the people of South Sudan chose for independence, which of course, we all know the people of South Sudan voted for independence. Bashir and his cadre in Khartoum began to forcibly disarm the army of the SPLMN triggering the resumption of the

civil war between the Two Area and Bashir/Khartoum. This was another clear violation of the CPA by Bashir and his cadre.

The CPA recognized the freedom of assembly and provided for political participation and representation in the Transitional Government of Sudan that was comprised of the ruling cadre of Bashir/Khartoum and the SPLM AND SPLMN. I was in Khartoum in 2009 on an official U.S. delegation with the United States Commission on International Religious Freedom. Several members of the National Assembly allied with the SPLM tried to peacefully walk to the steps of the National Assembly in Khartoum to present a list of grievances of violations of the CPA by Bashir and his supporters. As our delegation drove we witnessed thousands of Interior Ministry troops driving into the city center and we later met with the SPLM Members of the Parliament who had led the march and learned they had been detained, kicked and beaten with batons by Bashir's security forces. This was a clear violation of the CPA and it signaled the beginning of the end of Bashir's implementation of the CPA as it applied to the Two Areas, and political participation of political parties not aligned with Bashir.

Lastly, the Obama Administration listed "progress over the past six months", on the issue of Khartoum ceasing its negative interference in South Sudan and that the lifting of some U.S. sanctions has been used as leverage in all of the various areas in which the Obama Administration outlined. Exactly what "negative influence" specifically means was not described in the published press release or subsequent announcements. Bashir's security apparatus was well known during the war with the South for supporting various splinter or disaffected Southern rebel groups to fight or cause trouble against Dr. John Garang's led factions and the main SPLM. Bashir's security forces know perhaps better than anyone else in the world how to fuel instability and chaos in South Sudan, given that it was part of their war strategy for decades against the SPLM. I believe Khartoum and Bashir are partly to blame for the chaos and killing that has occurred since South Sudan gained independence. The South Sudanese generals, political leaders and others are not blameless, so all of the guilt is not on Bashir, but certainly, Bashir and his security forces have not contributed much to stability or the strengthening of South Sudan. Riek Machar and other Southern warlords received material and other support from Khartoum during the long civil war with the SPLM and my eyebrows certainly were raised when in the past few years, Khartoum gave Riek Machar sanctuary after the major conflagration between Machar and other elements of the ruling Southern SPLM party. Indeed, Machar announced a resumption of military fighting from a pulpit in Khartoum after he arrived. Machar quickly left Khartoum after he made this announcement, and to my knowledge has not been allowed back, so presumably, Khartoum no longer perceived it in their interests to allow Machar to make pronouncements of war from the streets of Omdurman. Whether Bashir and Khartoum have made progress over the past year on ceasing their negative influence on South Sudan is very difficult to know unless one has access to classified intelligence. I believe before the Obama Administration entered into discussions with Bashir and his cadre, Sudan most certainly was quite a disruptive and negative player in South Sudan, fueling the crisis and massive humanitarian situation in South Sudan.

So, what should the Trump Administration's position be in regards to President Obama's Executive Order issued January 13, 2017 revoking some U.S. sanctions on Sudan? What should Congress do in response to the January 13, 2017 Executive Order?

I believe the Trump Administration has until July 12, 2017 either to revoke or amend President Obama's January 13, 2017 Executive Order or it will come into effect. This means that the Trump Administration has a little more than two months to review the pertinent issues and decide how to act. One option is that President Trump can do nothing which means some specific sanctions are lifted permanently. Another option is for President Trump to revoke all or parts of President Obama's January 13 Executive Order.

My recommendations are the following.

First, President Trump needs to appoint a high-level Special Envoy for Sudan and South Sudan. This person needs to have direct access to President Trump. The appointment ceremony should occur in the Rose Garden and President Trump should conduct the press conference. This needs to occur in the next few weeks, or as soon as possible. In President Trump's remarks, he should note his expectation that the Special Envoy should travel to the Nuba Mountains, the Two Areas, Khartoum, Darfur, Juba, other areas in South Sudan, and Sudan. To my knowledge, no Special Envoy from the United States has ever travelled to the Two Areas to see for themselves the situation on the ground. This needs to change.

Second, the Trump Administration needs to do a reset in relations to South Sudan. As a signatory to the CPA, and as a major stakeholder in the creation of the newest country in the world, the United States has a moral obligation to help move South Sudan off the precipice of total collapse and President Trump having a personal relationship with President Salva Kiir might help improve conditions in South Sudan and the region and encourage peace and stability. Despite their being two independent countries, Sudan and South Sudan's future and prosperity are linked together, and solutions to both political and civil war crises must be found and it is in America's strategic and moral interests to bring peace and viable solutions.

Third, within six months from today, President Trump should hold a regional peace conference in Washington, DC and meet with South Sudan President Salva Kiir, President of Uganda Yoweri Museveni, the President of Kenya, Prime Minister of Ethiopia Hailemariam Desalegn, others, to promote a unified agenda for peace, democracy, security assistance, and stability in the region and in finding unified approaches to the problems in Sudan and South Sudan.

Fourth, working with Congress, President Trump should either amend President Obama's January 13, 2017 Executive Order or ask Congress to draft legislation concerning sanctions on Sudan. An amended Executive Order by President Trump or legislation from Congress should make the lifting of some or fewer of the sanctions listed in President Obama's January 13, 2017, reviewable every 180 days or annually. The Executive Order should contain a requirement that the Executive Branch must submit in writing to Congress and to the President a rationale and review for action on sanctions toward Sudan. Such a review should be as publicly viewable as is possible and should be submitted to Congress and to the President 2 months before the sanctions could be lifted. The Executive Order should be written such that the sanctions being conditionally lifted are not automatically lifted due to Executive inaction, requiring the Executive Branch to prove that progress is being made along certain areas or the sanctions will be automatically revoked.

The stoppage in fighting in the Two Areas has been a positive development and it needs to be sustained. Both the SPLMN and Bashir have mostly kept the fighting to a minimum. The sustained lull in fighting can create an environment and situation more conducive to a lasting

resolution to the conflict between the SPLMN and the cadre in Khartoum. It begs the question as to the true nature of Khartoum if it needs some type of sanctions to be lifted for it to act in the interests of its own citizens and people. Lives are at stake. I would like to see the people of the Two Areas live more in peace. At the top of the list for a new Special Envoy for Sudan and South Sudan must be to establish a more formal cease fire in the Two Areas and to establish modalities for humanitarian assistance to be delivered, without Khartoum having the ability to control or deny access to such assistance. The people in Khartoum have not been subjected to daily aerial bombardment, nor with facing sustained, intensive invasions, but I also hope for the average citizen in Khartoum and its environs, to have the benefits of sustained peace.

Fifth, Chairman Royce, Ranking Member Engel, Chairman Smith, Ranking Member Bass, the Majority and Minority leadership of the House, and the appropriate counterparts in the Senate should request a classified briefing from the relevant U.S. agencies on Sudan's counter terrorism assistance to the United States. In that same briefing, the agencies should provide a report detailing the involvement and extent of Khartoum's meddling and negative influence in South Sudan and the region, detailing current and past activity with specific dates involved. After receiving this briefing, and determining its merit, Mr. Smith and Ms. Bass could ask the agencies to provide the briefing to other Members of Congress.

Sixth, President Trump should issue an Executive Order immediately amending President Obama's January 13, 2017 Executive Order on sanctions, and require the Secretary of State, to provide the report hitherto required to be provided to the President on or before July 12, 2017, to be provided to the President, and the Congress, on or before June 12, 2017.

In conclusion, I do not believe Bashir and the cadre in Khartoum's actions of material support for terrorism against the United States should be forgiven and those in and out of power in Khartoum need to be held accountable for their actions against the United States.

Bashir and the cadre in Khartoum have broken the CPA with impunity and they need to be held accountable for this, not rewarded. Bashir invaded Abyei and his forces looted, killed, raped and stole from the indigenous tribe that lives there year round. The regime in Khartoum violated the CPA in invading the Two Areas, demanding the SPLMN to disarm in a week.

Bashir and the cadre in Khartoum certainly bear some responsibility for the chaos and instability in South Sudan. They should not be rewarded so quickly for possibly ceasing to be such a negative, malicious actor.

That there has been minimal fighting in the Two Areas over the past several months is a fact. I believe that the offer of some sanctions against Sudan being lifted, may have contributed to the cease fire in the Two Areas.

I want to give President Trump and his team an opportunity to build on the fact that the fighting in the Two Areas has mostly ceased. The fighting in the Two Areas can begin again, at a moment's notice, and I believe the region, and the leadership in the region is waiting to see how President Trump will lead, amend, change direction, or build upon the work from previous U.S. Administrations.

We want to give President Trump the ability to lead on Sudan and South Sudan, and in this volatile region in Africa. I believe my recommendations on limiting the lifting of some sanctions against Sudan to a certain, transparent, reviewable and certifiable process that also

involves Congressional approval could provide America with leverage and encourage better behavior from Bashir and Khartoum.

My hope is for President Trump to become personally engaged in the peace process in Sudan and South Sudan, for President Trump to develop a personal relationship with our allies in Africa and with those African leaders who want him and America to succeed. I believe it is in the security interests of the United States and the region for Mr. Trump to help use the resources and levers of American power to promote peace and prosperity in this troubled region of Africa.