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International Organizations**

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**“The Questionable Case for Easing Sudan Sanctions”**

Chairman Smith, ranking member Bass, and members of the committee, thank you for affording me the honor to testify before you today, and to share my personal observations regarding the concrete impact on the ground in Sudan of U.S. sanctions policy. My name is Mohamed Abubakr. I am a Khartoum-born human and civil rights activist, and I am the President and founder of the African Middle Eastern Leadership Project (AMEL – Arabic for “hope”). AMEL is an organization that works to mobilize, empower, and unite millennial leaders and activists from the Middle East and Africa to build resilient, inclusive societies that are free from discrimination, persecution, and violent coercion, and to advocate for policies in support of these goals.

My goal is to share what I observed and experienced in Sudan, in hopes that it helps inform and advance the United States’ efforts to constrain state-sponsored violence and promote space for civil society. I hope to help you see what I have seen and experienced so that we may all act to best effect change with a shared sense of the realities on the ground. So today, I will not repeat statistics and deep concerns about political figures that are already in evidence; rather, I will share with you my story about the impact of sanctions — because I have lived it.

**Living Under Sudan Sanctions:**

For most of my life, I have lived in a comprehensively-sanctioned Sudan. Having spent half a lifetime trying to protect and empower the vulnerable, and to prevent conflict, I respect deeply the impulse behind the sanctions that the U.S. and others have imposed on Sudan. They are principled sanctions, thoroughly vetted, I am sure, by foreign policy and economic experts. These experts make a persuasive case for such sanctions.

I hope to offer a complementary perspective from the ground in Sudan. I can attest that the sanctions have contributed to great reduction in government violence. Limited access to funds limited scale and sophistication of violence, as evidenced by the scaleback of operations in South Sudan in the late nineties. At the same time, sanctions on the Sudan government also have had unintended effects on Sudan’s everyday citizens and struggling civil society, sometimes with devastating

consequences. These consequences may not be immediately visible from to you from Washington, but on the ground they are very palpable--and at times severe--to the people of Sudan.

For example, until recently, Sudan's civil society has been practically unable to access or benefit from American content, online and offline, including educational and scientific resources. Sudanese citizens often could not purchase basic electronics, even when abroad. Many banks and professional organizations have so feared running afoul of the OFAC sanctions that they often simply refused to fund, do business with or engage with any individual or entity in Sudan.

Such unintended consequences have had an injurious effect on Sudan's civil society and human rights communities, to which I can attest personally. With banks fearing fines, humanitarian exceptions that were made for Sudanese NGOs in U.S. policy were not realized in practice. Moreover, the tough regulations disincentivized important U.S.-based organizations from providing essential financial support to deserving Sudanese human rights and humanitarian organization, and made it exceptionally challenging for civil groups to make use of modern online crowdsourcing programs to fundraise and become self-sustaining.

### **Civil Society Support for U.S. Sanctions**

While I personally have been outspoken about these unintended consequences, and joined the call to revise, **modernize**, and reform the U.S sanctions regime, I do not doubt the rationale for their imposition. I, like most people in Sudan, also understand and appreciate that **the sanctions have significantly limited the ability of the regime to perpetuate violence**. And I, like many in the Sudanese civil society and human rights community, also believe that a sanctions policy with teeth -- even one with serious unintended impacts on civilians and civil society -- is still better than allowing the government of Sudan to access more funds to build their deadly security arsenals and militias.

The Sudanese people, and in particular the Sudanese human rights community, understand very well why each layer of sanction was put in place, and what it was intended to accomplish. We fully complied with and supported them despite our concerns and against many of our personal interests, out of belief in the good intentions behind them, and stronger-still belief that the sanctions were indeed limiting atrocities in Sudan. It wasn't hard to notice the strong correlation between the government's access to funds, and the escalation of its violence.

### **Civil Society's Response to Easing Sanctions:**

One can therefore imagine the frustration Sudanese civil society and human rights leaders felt upon hearing that the United States would ease the sanctions, as opposed to revising and modernizing them. I would be less than candid if I did not alert this Committee to the sense of sadness and betrayal that we felt. **This concern**

**was exacerbated by the conditions tied to the sanctions relief, which made no demands on the government to address the daily violations of human rights, the suppression of the press, and the unlawful arrest and torture of activists and journalists.** Such easing of sanctions without requiring any reforms in exchange hurts the very people that the sanctions were created to protect.

The patience and resilience of Sudanese civilians and civil society was encouraged by the belief that the United States had created layered sanctions to address a range of crimes committed by the government of Sudan against its own people.

### **Challenges with Rationale Behind Sanctions Easing**

The United States government's five-part public rationale for then dropping these sanctions was to help "*cease hostilities in Darfur and the Two Areas, improve humanitarian access, end negative interference in South Sudan, enhance cooperation on counterterrorism, and address the threat of the Lord's Resistance Army (LRA).*" An examination of each of these reasons, however, raises important practical questions about what the Sudanese government has done, or ever will do, to deserve such relief.

*Firstly*, with regard to the hostilities in Darfur, the government of Sudan has in fact done nothing to improve the situation in Darfur. On the ground, the regime has not taken any proactive steps toward reconciliation with the rebels in Darfur, and it is still conducting air bombardments of the Nuba Mountains region, where civilians are essentially helpless against such attacks. The Sudan government may currently not be further escalating the fighting, but it most certainly has taken no steps to cease hostilities.

*Secondly*, the government of Sudan has taken no action whatsoever to improve humanitarian access to rebel-held areas, nor has it granted any previously-blocked international humanitarian organizations access to war-torn areas since the sanctions relief was announced.

*Thirdly*, the narrative that the Government of Sudan is, or can be, part of the solution to the South Sudan humanitarian disaster does not reflect the reality on the ground. While the government wants to position itself as a key player to resolving the South Sudan catastrophe, this is a quintessential case of the fox wanting to protect the henhouse. Positive change in South Sudan needs serious, long-term intervention and investment in building its institutions and unifying its broken pieces, through an internationally supervised transitional justice and reconciliation process. And those efforts must be clear-eyed about the Sudan government and others' competing interests in the region. Anything short of that will fail.

*Fourthly*, the belief that sanctions relief would induce Sudan to cut off its terrorist ties to Iran and Hamas is based on the misguided assumption that renewed Sudan-Iran or Sudan-Hamas relations is even possible at this time. To get U.S. sanctions relief,

the government of Sudan made the risky gamble of **irreparably** destroying its relations with Iran and joining the Sunni-lead assault operation in Yemen. This was a move that not only puts the regime in a vulnerable place of reliance on the Sunni powers, but also cuts off its weapons-trade activities with Hamas, which provided the Sudan government with significant income and leverage.

Sudan's great risk in irreparably cutting ties to Hamas, and Iran, and casting its lot with Sunni powers also yielded it great rewards. Regional Sunni powers and their allies worked on the Sudanese regime's behalf and called loudly for sanctions relief, thus amplifying the Sudan government's diplomatic propaganda campaign. The U.S. and others' **fears that Sudan might now reestablish relations with Iran are unfounded and misguided, in my view**; Iran is extremely unlikely to be interested in relations with Sudan after its very public expressions of animosity and proven unreliability. Moreover, **Sudan cannot easily re-engage in weapons-trade with Hamas**, given the border scrutiny imposed by Egypt, tight Israeli-Egyptian supervision of the Sinai, and without Iran to foot the bill. Sudan's support of Hamas was incentivized solely by financial benefits that are no longer available.

Finally, it is tragically ironic that the United States has legitimized the Government of Sudan as a partner in efforts to address the threat of the Lord's Resistance Army (LRA), and specifically its recruitment of child soldiers, while **child soldiers are recruited everyday by militias associated with Sudan's government, in exactly the same fashion as the LRA**. It is quite common to see children as young as ten years old holding machine guns in conflict areas dominated by the Sudan government's forces and militias. To collaborate with the Sudan government against the travesty of the LRA's child soldier recruitment practices, while overlooking that government's use of the very same tactics, undermines the very human rights policy changes that sanctions relief seeks to promote.

I believe that the United States instituted these sanctions relief criteria with an exaggerated sense of the GOS' credibility and commitment to improve human rights conditions, and of its will, capacity and leverage to combat extremism and brutality in the region. Under the current conditions set forward for sanctions relief, very little has actually been demanded of the government in return, and no meaningful progress has been delivered. Meanwhile, the people of Sudan see no post-easing change to give hope for improvements in their human rights. They now believe that they have been left behind by the United States and other international allies, and that these former allies have chosen to defend neither their own core values, nor the most vulnerable people in Sudan. They see too that the Sudan government has delivered nothing of lasting value to the United States.

### **Virtually No Change in Behavior:**

Meanwhile, Sudan remains as engaged as ever in the very same activities that provoked the imposition of sanctions in the first place. While sanctions may have hurt the Sudan government's access to financial resources, and thereby reduced violence somewhat, their intentions have not changed. Sudan still harbors terrorist

groups, homegrown and foreign, and daily violations of human rights of millions of people across Sudan are still mandated by government laws and enforced by its brutal security arsenal.

Sudan's much-feared National Intelligence and Security Services agency (NISS) is still engaged, with complete impunity, in activities that violate the Geneva Convention on a daily basis. The NISS continues to break international law -- it arrests and tortures political and social activists, civil society figures, and journalists. Peaceful protesters are shot dead in cold blood over and over again across Sudan, and anyone who expresses an opinion that may remotely disagree with the regime is a target. Large-scale human rights violations can be observed pervasively in Darfur, the Blue Nile states, and in broad swaths of the Kordofan region.

The military, and the other militias affiliated with the government, have continued to commit mass rape as a weapon of war with impunity in Darfur, as they have since the start of the war. Human Rights Watch reported in 2015 that "*Sudanese army forces raped more than 200 women and girls in an organized attack on the north Darfur town of Tabit in October 2014.*" This is not an isolated case, and the lack of reporting about other such atrocities is due simply to the Government's concerted effort to prevent human rights organizations from accessing conflict-affected areas. As a Sudanese, I hear directly about what is going on from those who have seen it.

Finally, according to Amnesty International, chemical weapons were recently used against unarmed civilians. An Amnesty International report from September 2016 reported that "*using satellite imagery, more than 200 in-depth interviews with survivors and expert analysis of dozens of appalling images showing babies and young children with terrible injuries, Amnesty's investigation indicates that at least 30 likely chemical attacks have taken place in the Jebel Marra area of Darfur since January 2016. The most recent was on 9 September 2016.*" Furthermore, the report stated that "*[t]he scale and brutality of these attacks is hard to put into words. The images and videos we have seen in the course of our research are truly shocking.*"

### **No Remorse:**

And yet, Sudan's President Al-Bashir shows no remorse for the brutality of his regime. In his last public address before sanctions-easing was announced, President Al-Bashir called the United States "**the land of the enemy.**" He did so after threatening the activists who lead peaceful civil disobedience against his policies, promising to do to them what he did in 2013. In 2013, his forces shot dead hundreds of peaceful protesters who took to the streets to protest the poverty and underdevelopment caused by the corruption and endless looting of Sudan's resources by Bashir's kleptocracy. Some of the dead were people I knew personally; I could easily have been one of them.

And in Bashir's first public address after the U.S. announced plans to ease sanctions, he bragged that the United States had failed to twist his hand, and eventually had given up and decided instead to shake it. He proudly **thanked Saudi**

**Arabia and Gulf states for lobbying on his behalf in recent months because “they recognized his regime was innocent, and unfairly treated.”** He showed no remorse, admitted no wrongdoing, and evidenced no willingness to change.

### **Europe’s Bargain with Brutality**

In fairness, the United States was far from alone in re-engaging Sudan with no demand for improvement in the human rights of our fellow humans in Sudan. Even worse, the EU engaged in morally-questionable activities that may themselves qualify as violations of human rights. The Sudanese people have been treated to the terribly sad spectacle of the European Union agreeing to pay Sudanese government forces to prevent Sub-Saharan and East African migration, including asylum seekers, from reaching the shores of Europe - at any cost. These government forces, today known as the Rapid Support Force (RSF), were created out of the Janjaweed Militia, the very same militia that the world watched kill hundreds of thousands of Darfurian civilians. Rather than punish the Janjaweed, the European Union has hired them. And the cost, especially for those forcibly returned to states they had fled, was indeed high.

With the European Union having sacrificed its commitment to human rights principles in return for an ethically-questionable and hopelessly-flawed deal, **the United States represents the Sudanese people’s last and only hope.** If the United States goes down the same path as Europe; if this country, and this subcommittee, lets sanctions against the Sudanese government be significantly eased or removed without meaningful, tangible, and lasting improvement in Sudan’s respect for human rights, it will drive a nail in the coffin of the Sudanese people’s lingering dreams for a better tomorrow. Tragically, the nail in the coffin is likely to be real for members of the principled opposition in Sudan.

### **Conclusion**

Respectfully, I urge that the United States further revamp its sanctions on Sudan as quickly as possible. This can be done in ways that restrain the most dangerous impulses of the Government of Sudan while opening space for the evolution of a civil society that helps to make the country, and the region, more stable and peaceful. I am one of many who will happily try to offer helpful input. The United States is the only standing ally for those who fight for human rights and liberal democratic values in Sudan. The members of this Committee, the government of the United States, and the many Americans across the political spectrum, as practical champions for human rights in Sudan are the last hope for the people of Sudan.

There are many ways to mitigate the unintended consequences on the people of Sudan as a result of U.S. sanctions, without giving what will, in my view, be an unrequited carrot to a brutal and unreliable regime. I have participated in many Sudan policy discussions with American civil society organizations, including the ENOUGH project, Humanity United, The National Endowment for Democracy and Human Rights Watch, and sanctions always take center stage in these discussions.

We have exchanged ideas and perspectives on sanction models that can achieve the intended results, even more effectively and without the counterproductive impacts that have plagued Sudan.

I am confident that this Committee, if it chooses to use its enormous power and intellect, can achieve a U.S. approach to Sudan that advances both near-term U.S. security objectives while also enhancing the deep unmet needs of the people of Sudan for liberty and dignity. And if you do, those people will, I assure you, fight hard to prevent and defeat extremism and brutality, and to create a more peaceful and prosperous society.

When evaluating the grim statistics and images of people suffering in Sudan, please picture those people as friends or family members, because that is who they are for me. Imagine hearing Al Bashir's ever-threatening words as if you were a surviving family member of the hundreds of thousands who perished in Darfur. Please try to put yourself in the shoes of an activist arrested and tortured for preaching human rights, or demanding democratic reform. Think, not of the data about the numbers of women gang raped and now raising the children of their rapists in Tabit and IDP camps, but of what it would mean to know, to have grown up with, to see, or god forbid to be, these women...

Think not in the abstract of a generation of Sudanese women and men that grew up in a comprehensively sanctioned Sudan, clinging to the hope and promise of light at the end of the tunnel, but of your human family. Then please, I ask, think about whether it is fair to them, or to U.S. interests, to reward a regime that as we speak is prosecuting multiple, major wars in Sudan, shutting down free speech, and regularly exercising brutal abuse of the human and civil rights of their own very vulnerable people -- men, women, children alike. ...

I also urge you to think carefully about what this sanctions-relief signals, both to the Al-Bashirs of the world, and to human rights defenders and those fighting for liberal democratic reform, in Sudan and the world. The choice doesn't have to be between pragmatism and idealism. United States interests can be served without military intervention on the one hand, or signaling the approval of such a regime on the other, but by instituting policies that empower those human rights voices on the ground to take control of their own destiny.

Which policies and which strategies will empower these voices, and which will block them from pursuing their values - values that you, in the U.S., share? What policies will bolster chances for peace and lasting friendship with the United States and its allies? I can testify, as one of these voices, that respectfully I believe that easing sanctions against the Government of Sudan will be a detriment to peace and human rights, and I hope you will consider my evidence.