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DEAN, NEW JERSEY DELEGATION

The Questionable Case for Easing Sudan Sanctions

*Subcommittee on Africa, Global Health,
Global Human Rights and International Organizations
Excerpts of Remarks by Rep. Chris Smith
April 26, 2017*

For most of the 37 years I have been in Congress, the House and Senate have been heavily involved in U.S. policy toward Sudan. For example, I've chaired 12 hearings on Sudan since 1996.

My first hearing focused on chattel slavery in Sudan followed by genocide in the Darfur region, persistent bombing of people in the Nuba Mountains, the Khartoum government's failure to abide by the 2011 agreement that created an independent South Sudan, myriad human rights violations and the government's historic relationship with terrorist groups.

The Sudan government has long sought sanctions relief, and Congress and successive administrations have considered such relief as an incentive for Khartoum to reach and abide by various peace agreements.

When I personally met with President Omar al-Bashir in Khartoum in August of 2005, I spoke about Darfur refugees—and visited two refugee camps, Mukjar and Kalma—and spoke almost exclusively about ending the violence.

President al-Bashir focused almost exclusively on sanctions relief.

The Obama administration, in its last days in office in January, purported to see justification in ending a sanctions regime built over decades. In its announcement of the easing of sanctions, the Obama administration declared positive actions by the Sudan government in five key areas:

1. Rebuilding counterterrorism cooperation.
2. Countering the threat of the Lord's Resistance Army.
3. Ending "negative involvement" in South Sudan's conflict.
4. Sustaining a unilateral cessation of hostilities in Darfur, Southern Kordofan and Blue Nile Provinces.
5. Improving humanitarian access throughout Sudan.

Missing in this list of positive developments is improvement in the overall human rights situation in Sudan including and especially sex and labor trafficking—Sudan is a tier 3 egregious violator.

On religious freedom, Sudan gets a failing grade as well from the State Department and has been designated a Country of Particular Concern (CPC).

It is well within the government's ability to meet the standards in the five areas mentioned if it truly has the will to do so. However, the Government of Sudan has never been known for its respect of the rights of those not considered Arab, such as Darfur residents who were persecuted despite being largely Muslim, or Sudanese who were not Muslim at all.

There was the 2014 case of Meriam Ibrahim, a Christian woman sentenced to death by the Sudan court for refusing to renounce her Christian faith. The court also ordered Ibrahim — who married a Christian man in 2011 and was eight months pregnant when she was arrested and imprisoned — to receive 100 lashes for "adultery" because her marriage was considered void under sharia law. The couple had a child, a 20-month-old boy, who was also in detention with her.

I joined with a group of House and Senate members, including our subcommittee's Vice Chairman Congressman Mark Meadows, in working with elements of the Sudan government in an eventually successful effort to vacate the sentence and allow Ms. Ibrahim and her family to come to the United States. That effort demonstrated that there are some elements of an internally divided Sudan government with whom we can work toward a better future for Sudan's people, but it also confirmed that other elements are viciously opposed to religious freedom.

The Obama administration's justification of its decision on sanctions relief was done in the absence of congressional consultation and presented as a *fait accompli*. It freed more than \$30 million in unfrozen Sudanese assets, allows commercial transactions in all sectors and signaled a new policy of more positively reviewing licenses to do business in Sudan. Commercial transactions prohibited as a result of the Government of Sudan's designation as a state sponsor of terrorism and Darfur-specific targeted actions are still in place. The entire sanctions easing process will be fully effective six months from the date of the announcement on January 13th.

Today's hearing is intended to ask hard questions concerning sanctions relief in order to facilitate improved relations between the United States and Sudan if that will benefit the people of Sudan. Nevertheless, it is incumbent on the U.S. government to honestly consider the conditions under which sanctions easing is justified. As stated earlier, the Government of Sudan is fully capable of meeting the requirements outlined in the January executive order, but we must be sure of the extent to which that government is abiding by them and urge them to do more where necessary. Various reports indicate that attacks on civilians, including sexual-based violence, continues by government and allied forces.

Even though human rights improvement is not one of the requirements in the executive order, we must not as a government ignore this aspect. Successive administrations and Congresses have worked hard to ensure that human rights concerns in Sudan are addressed. Now is not the time to abandon decades of work by men and women of good will in our government and the many American citizens who have supported our efforts. We also must not forsake the welfare of the people of Sudan for whom our efforts all this time have been made.

If the Government of Sudan is indeed willing to work with us to fulfill the aspects mentioned in the executive order and improve the state of human rights in Sudan, then for the sake of the Sudanese people our government should make the effort to work with them. But it will do the Government of Sudan and its people no good if we turn a blind eye to ongoing problems and fail to press for genuine improvements.

As we await the appointment of the Trump administration officials tasked with making the ultimate decisions on these matters, we have assembled a panel of private sector witnesses who can give us a picture of the status of adherence to the requirements outlined in the executive order and human rights in Sudan. We do not have a witness that is involved in humanitarian activities because of concern by such groups that testifying

publicly would interfere with their operation, but we have checked on the issue of humanitarian access in Sudan.

This hearing is only the beginning of Congress' investigation into the matter of Sudan sanctions. By July 12th, when the sanctions easing regime fully comes into effect, we hope to know whether there is sufficient justification to approve this action or whether more work needs to be done.