ANNUAL REPORT 2009

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Annual Report of the

United States Commission on International Religious Freedom

May 2009

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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Sudan

The government of Sudan commits egregious and systematic violations of freedom of religion or belief in the areas under its control, particularly against Christians, Muslims who do not follow the government's extreme interpretation of Islam, and followers of traditional African religions. Since January 2005, Sudan has been governed by an unusual power-sharing arrangement between the Northern-dominated National Congress Party, which had seized power in Khartoum in 1989 with an Islamist agenda, and the Southern-dominated Sudan People's Liberation Movement/Army (SPLM/A), most but not all of whose supporters are Christians or followers of traditional African religions. Security forces under the control of both parties, various militias, rebel groups in Darfur, and the Ugandan Lord's Resistance Army (LRA), which has made incursions into Southern Sudan, have engaged in serious human rights abuses in the past year. Due to these ongoing, severe violations, the Commission continues to recommend that Sudan be named a "country of particular concern," or CPC, which the State Department has done annually since 1999.

During the North-South civil war (1983-2005), the Commission identified Sudan as the world's most violent abuser of the right to freedom of religion or belief. The Commission also has drawn attention to the Sudanese government's genocidal atrocities against civilian populations in other regions. Successive regimes in Khartoum have emphasized Sudan's identity as being Arab and Muslim, thus effectively relegating non-Arabs and non-Muslims to a secondary status in the society. Resistance to Khartoum's policies of Islamization and Arabization was a major factor in the North-South civil war. Northern leaders, including Sudan's current President Omar Hassan Ahmad al-Bashir, used religion as a tool for popular mobilization against both non-Muslim Southerners and Muslims who opposed the regime's policies. The civilian victims of that conflict, two million dead and four million driven from their homes, were overwhelmingly Southern Christians and followers of traditional African religions, in contrast to the Arabic-speaking Muslims dominant in Khartoum.

Since the signing of the Comprehensive Peace Agreement (CPA) ending the North-South civil war on January 9, 2005, conditions for religious freedom have improved in the South and in the contested areas in central Sudan. The Commission continues to be seriously concerned, however, about severe human rights violations being committed by the Sudanese government in other regions of the country, including against both non-Muslims and Muslims who dissent from the government's interpretation of Islam, as well as in the western region of Darfur, where the State Department has determined that acts of genocide have taken place and may still be ongoing.

The responsibility of the highest levels of the Sudanese government in egregious human rights violations was underlined by the March 2009 decision of the International Criminal Court (ICC) to authorize an arrest warrant against President Bashir on five counts of crimes against humanity and two counts of war crimes in regard to his actions in the Darfur conflict. Sudan's President was the first head of state to be so charged. In response to the ICC action, President Bashir expelled 13 international humanitarian organizations which had provided roughly half of the international assistance to Darfur. This action threatens the well-being and potentially the survival of many victims of the Darfur conflict who are dependent on international assistance for access to food, water, and medical care, including a vaccination program in the face of an imminent meningitis epidemic.

Khartoum's expulsion of international humanitarian organizations not only demonstrates a callous disregard for the welfare of Darfur's civilian population, but also diverts needed attention from international efforts to press for further progress in implementing the CPA. Continued attention and monitoring by the United States and the international community are necessary to ensure that the terms of the CPA, particularly those relating to freedom of religion or belief and other universal human rights, are implemented fully.

The CPA followed and subsumed a series of partial and preliminary agreements addressing the

relationship of state and religion, the national capital, power-sharing, wealth-sharing (i.e., of oil revenue), and security. The CPA affirmed the Machakos Protocol of July 2002, whose Agreed Text on State and Religion established a number of principles regarding freedom of religion or belief, and the Protocol on Power-Sharing of May 2004, which committed the parties to respecting a range of human rights. Moreover, the Protocol on Power-Sharing states explicitly that "The Republic of Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party."

The CPA committed the parties to a number of interim measures for the governance of Sudan during a six-year Interim Period, to end in July 2011. According to the CPA:

- the Southern Sudanese people will determine in a referendum to be held at the end of the Interim Period whether the South stays within a united Sudan or becomes independent;

- the 10 Southern states would be exempt from sharia (Islamic law), which would continue to prevail in the North, and special provision would be made to protect the rights of non-Muslims in the national capital;

- the National Congress Party in power in Khartoum and the Sudan People's Liberation Movement/Army (SPLM/A) dominant in the South would form a Government of National Unity, with the SPLM/A having a minority share of offices; the SPLM/A would assume responsibility for the government of Southern Sudan;

- local autonomy would be granted to the contested areas of the Nuba Mountains and Southern Blue Nile State, which would 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, the national legislature, state governors, and all state legislatures would be held "not later than the end of the fourth year of the Interim Period" (i.e., by July 2009, but now delayed until February 2010); and

- constitutional arrangements for the Interim Period would be according to an Interim National Constitution and an Interim Constitution for Southern Sudan.

Since July 2005, Sudan's current Government of National Unity officially has governed under the Interim National Constitution, which contains provisions guaranteeing universal human rights, including freedom of religion or belief. As of this writing, however, many of these provisions, including those advancing human rights, have yet to be implemented or have experienced prolonged delays. For example, over two years passed between the signing of the CPA and the appointment in February 2007 of a chairman for the constitutionally-required Commission on the Rights of Non-Muslims in the National Capital. The chair of the Commission is a Christian Southerner. Other members of the Commission include judges, national and Khartoum State officials, and representatives of various Muslim, Christian, and other religious communities. Since its establishment, the Commission reportedly has handled a number of complaints from non-Muslims, particularly regarding difficulties in obtaining permission for church construction, treatment of non-Muslims by the police, and educational issues such as an Islamic bias in the teaching of history and inadequate numbers of Christian teachers for religious education. The Commission is reported to have intervened successfully to obtain the return of a portion of a Christian cemetery from the Khartoum State Government. The National Human Rights

Commission, called for in Sudan's Interim Constitution, has yet to be created.

In the now-autonomous South, the Interim Constitution of Southern Sudan, adopted in December 2005, separates religion and state and contains provisions for freedom of religion and for equality before the law regardless of religious belief. These provisions appear to be observed in practice.

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 to the government's practice of enforcing its interpretation of Islam to the detriment of those holding other views. Muslims reportedly receive preferential access to limited government services and preferential treatment in court cases involving Muslims against non-Muslims. All Sudanese in the North, including Christians and followers of traditional African religions, are subject to sharia. Corporal punishments adopted from sharia are imposed on both non-Muslims and on Muslims who do not traditionally follow such practices.

There is discrimination in granting governmental approvals required for the construction and use of places of worship. Although permits are routinely granted to build mosques, permission to build churches often is difficult to obtain. Since the establishment of the Commission on the Rights of Non-Muslims in the National Capital, there appears to have been some progress on this issue; three churches have received building permits and are under construction. Churches built without such official permission by owners who register land for personal rather than church use exist at the authorities' sufferance. Church-owned properties that legally are recognized are nevertheless vulnerable to seizure in a legal atmosphere in which government action is not constrained by an independent judiciary. Prior to the establishment of the Government of National Unity, governments confiscated church property in the North without adequate compensation.

Public religious expression and persuasion of non-Muslims by Muslims is allowed, but that of Muslims by non-Muslims is forbidden. Conversion from Islam is a crime legally punishable by death. In practice, suspected converts are subjected to intense scrutiny, intimidation, and sometimes torture by government security personnel who act with impunity. Converts to Christianity from Islam face societal pressures 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 in 1985. Those charged with blasphemy also are subject to harsh punishment.

In contrast, government policies and societal pressure promote conversion to Islam. During the North-South civil war, some children from non-Muslim families who were captured and sold into slavery by pro-government militias were reportedly forced to convert. Reports continue of coerced conversions in government-controlled camps for internally displaced persons, as well as among prison inmates, Popular Defense Force trainees, and children in camps for vagrant minors. The government also has allegedly tolerated the use of humanitarian assistance to induce conversion to Islam. In government-controlled areas, children who have been abandoned or whose parentage is unknown are considered by the government to be Muslims and may not be adopted by non-Muslims.

Although relative North-South peace has brought improvements in human rights conditions in the South and in the Nuba Mountains, in the western region of Darfur, government forces and "Janjaweed" soldiers (government-backed militias from Arab tribes) since 2003 have employed abusive tactics and brutal violence against African Muslim civilians, tactics similar to those used previously against non-Muslim Africans during the North-South civil war. Serious human rights abuses have included aerial bombardment of civilians, forced starvation as the result of deliberate denial of international humanitarian assistance, and the forcible displacement of civilian populations. To date, efforts by the international community to protect Darfur's civilian population have been wholly inadequate. With villages destroyed and lives at risk from further

attack by Khartoum's armed forces or government-supported Arab militiamen, many civilians remain in camps, dependent upon international humanitarian assistance.

The perpetrators of these crimes, both members of the Sudanese armed forces and allied militias, have acted with impunity. The government of Sudan thus far has refused to surrender to the International Criminal Court any of the individuals, including President Bashir, charged with crimes against humanity and war crimes. This lack of accountability and the persistent use of tactics amounting to crimes against humanity and war crimes by the government of Sudan and its agents against civilian populations raise serious questions about the government's commitment to abide by the terms of the CPA.

Actions resulting in mass killings by the government of Sudan against its own citizens repeatedly have been condemned as genocide. In the Sudan Peace Act of 2002, Congress found that the Sudanese government had committed acts of genocide during the civil war. By concurrent resolution in July 2004, Congress found the atrocities being committed in Darfur to constitute genocide. In congressional testimony delivered in September 2004, then-Secretary of State Colin L. Powell announced that the State Department "had concluded that genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility—and genocide may still be continuing." In a statement issued by the White House the same day, then-President Bush urged the international community to work with the United States to prevent and suppress acts of genocide in Darfur. In April 2007, in an address announcing new sanctions against Sudan and individuals responsible for the violence in Darfur, President Bush once again referred to actions in Darfur as genocide.

The government's genocidal actions stem in part from a policy of the governing elite in Khartoum to advance forcibly an Arab and Muslim identity in all parts of Sudan. This policy effectively relegates non-Arabs and non-Muslims to a secondary status. It also conflicts with the reality that Sudan is a religiously diverse country with a large minority of Christians and followers of traditional African beliefs, as well as Muslims from a variety of Islamic traditions. Opposition to this coercive policy has fueled support for armed resistance by non-Muslim and non-Arab populations in the South, the Nuba Mountains, and elsewhere. During the North-South civil war, the current regime in particular used appeals to Islam, including calls by senior government officials for *jihad*, to mobilize northern Muslim opinion. Religious incitement by government officials contributed to the horrific human rights abuses perpetrated by government security forces and government-backed militias.

The Plight of Sudan's Internally Displaced Persons and Refugees

One of the major issues facing Sudan is the situation of refugees and internally displaced persons (IDPs). The North-South civil war and the conflict in Darfur have together driven approximately 7 million Sudanese from their homes, including 5.4 million who are currently internally displaced, making Sudan the locus of the largest IDP crisis in the world. Sudan's total population today is just over 40 million. Most of the 4 million displaced from the North-South civil war are displaced internally, having fled to other parts of Sudan, particularly to the North. Of the 4 million, 500,000 became refugees in the Central African Republic, the Democratic Republic of Congo, Ethiopia, Egypt, Kenya, and Uganda. The overwhelming majority of those who fled as a result of the North-South civil war are Christians or followers of traditional African religions. Since 2003, the Darfur conflict has produced an additional two million IDPs and sent another 250,000 into neighboring Chad and the Central African Republic as refugees. Unlike those who fled the North-South civil war, the Darfuris are almost all Muslims, members of tribes identified as African rather than Arab.

The UN High Commissioner for Refugees (UNHCR) oversees refugee returns, and the International Organization for Migration (IOM), in collaboration with Southern and central Sudanese authorities, coordinates IDP returns in Sudan. Both

agencies emphasize that all returns by refugees and IDPs must be voluntary. Surveys indicate that most displaced Southerners indeed wish to return to the South because of a desire to return to their areas of origin, to take part in a new Southern Sudan, and to leave the harsh or restrictive living conditions in camps.

Since the signing of the CPA in 2005, more than 2 million refugees and IDPs have returned to the South. However, only 13 percent of all returnees have returned through a process organized by the UNHCR, IOM, a state government, or the Government of Southern Sudan (GoSS). Returnees assisted by the UN or IOM receive a reintegration kit, which includes food rations for three months, cooking utensils, agricultural tools, landmine protection kits, and applications for micro-credit schemes to support the local economy. Those who return on their own, however, receive little assistance, either in transit or in their destination community. Furthermore, poor coordination among return operations has left many returnees and local communities without the proper resources for integration. Most of the returnees are settling in urban areas, because either rural areas lack the services required to integrate them or they have become accustomed to urban living after years of living in urban-like camp settings or in Khartoum. This has led to a significant "squatter" problem, increased competition for overtaxed resources, and in some cases, discrimination against returnees.

The return of refugees and IDPs to the South is important for the planned elections and 2011 referendum. A much-delayed national census was finally conducted at the end of April 2008, despite SPLM objections that IDPs and refugees who had not yet returned to the South were not to be included in the count. Returns to the South increased prior to the April census, as many refugees and IDPs wanted to take part in that process and state governments and the GoSS heavily promoted returns. UNHCR expects a similar uptick in returns prior to the elections and 2011 referendum. (In Darfur, many IDPs refused to cooperate with the census, presumably further skewing the results in favor of populations under Khartoum's control.) As of this writing, the final results of the census have not yet been announced.

Southern Sudan faces major challenges in its capacity to absorb and provide services to the large number of returnees. Years of civil war have devastated the South, making the development of infrastructure, including mass communications, schools, health clinics, and water and sanitation facilities, one of the steepest challenges to be met by the new government. Returnees also face limited employment opportunities, continuing security concerns, difficulties obtaining restitution for land and property, potential communal tensions, and a lack of assistance and development. These challenges, coupled with the expectation by many Sudanese that development in the South should be faster, have led many IDPs to return to Khartoum, despite pressure from authorities there, including discrimination and harassment based on religious identification, and terrible camp conditions. There are also reports of families splitting up, with children remaining in Khartoum or in refugee camps so that they can access better education services.

Commission visit to Southern Sudan

In October 2008, a Commission delegation led by Commissioner Leonard Leo visited Southern Sudan, including Juba, the regional capital, and Malakal, the capital of Upper Nile State. Accompanied by State Department officers from the U.S. Embassy in Khartoum and the Consulate General in Juba, the delegation met with a number of officials of the Government of Southern Sudan, officials of the ruling SPLM, and representatives of the Christian and Muslim religious communities and of civil society. Among the senior officials with whom the Commission delegation met in Juba were First Vice President of Sudan and President of Southern Sudan Salva Kiir Mayardit, the GoSS Minister for Legal Affairs and Constitutional Development, the Secretary General of the SPLM, and the Chair of the Southern Sudan Human Rights Commission. In Malakal, the delegation was received by the governor of Upper Nile State Sudan Armed Forces Major General Tatluak Deng Garang, the only governor among the ten Southern states who

is a member of the Northern-dominated National Congress Party.

Major findings of the Commission's visit to Southern Sudan were:

- Religious freedom conditions are relatively good in Southern Sudan and the GoSS generally appears to respect freedom of religion or belief. A GoSS registration requirement for new religious organizations could, however, be abused to exclude groups on the basis of their beliefs.

- The GoSS is to be commended for the establishment of the Southern Sudan Human Rights Commission, which appears to be operating under energetic leadership, in stark contrast to the yet-to-be-established national Human Rights Commission called for in the CPA and Sudan's Interim National Constitution.

- The GoSS promotes inter-religious harmony. Official occasions typically begin with prayer by both Christian and Muslim clergy. On the other hand, the secular stance taken by the GoSS has disappointed some Christian leaders who had expected more deference in view of the churches' role in the liberation struggle, as well as government support for the churches' educational and social programs. Major Christian groups actively promote conflict resolution across ethnic and religious lines.

- Although Islam no longer receives preferential treatment as it did when Juba and other urban centers were under Northern occupation, the National Congress Party is still trying to influence Southern Muslims. On the other hand, the concerns of Southern Muslims about their security appear to have eased since the earlier Commission visit.

- Despite serious problems with CPA implementation and questions regarding Khartoum's willingness to complete the peace process, the CPA has brought tangible benefits to the people of Southern Sudan: a real albeit uneasy peace with the North, a functioning regional government, real though limited economic development, and greater freedom, including in the exercise of the freedom of religion or belief.

- The ruling party in the South, the Sudan People's Liberation Movement (SPLM) is to be commended for the progress made in assuming the responsibilities of government at the state, regional (in the GoSS), and national levels (in the Government of National Unity).

- With U.S. assistance, progress is being made in professionalizing an insurgent force, the Sudan People's Liberation Army (SPLA). However, more could be done, including by the U.S. military, to strengthen and to professionalize the SPLA. The South is particularly vulnerable to aerial bombardment, a fact that Khartoum exploited during the civil war. Improved air defense and communications would help to deter or counter aerial bombardment by the North. Improved radar, air traffic control, and communications, all crucial for air defense, also would have civilian benefits and would aid Southern Sudan's economic development.

- The human rights performance of Southern Sudan's security forces would benefit from greater professionalism on the part of the SPLA and the police. Improved security also would enhance the prospects for free, fair, and peaceful elections.

- U.S. leadership remains crucial to protecting the gains made by the CPA. The Commission delegation was impressed by the strong expression of support, both by GoSS officials and by representatives of civil society, for past U.S. diplomatic and humanitarian efforts in Sudan.

- Southern Sudan should be strengthened – in terms of economic development, institutional resources, human capacity, and defensive ability – in order to deter Khartoum from reneging on the CPA's promise of free and fair elections and of referenda on Southern independence and on whether the border region of Abyei will go with the North or the South. More emphasis needs to be given to development, as opposed to humanitarian assistance, in order to strengthen the South in ways that produce a better climate for peace with the North.

- Southern Sudan's judicial sector is particularly weak and under-resourced. Not only are some judges holding court under trees and in dilapidated buildings, according to the Chief Justice of Southern Sudan's Supreme Court, but many younger judges lacked both training and access to reference materials.

- Due in significant part to foot-dragging by Khartoum, Sudan is unlikely to be able to hold credible elections on the schedule mandated by the Comprehensive Peace Agreement, i.e., before July 2009.

- U.S. sanctions continue to have a negative impact on the South, including in the development of a viable banking system, necessary for increased economic growth and greater stability.

- The facilities and personnel resources of the U.S. Consulate General in Juba should be significantly upgraded and strengthened in order to support increased U.S. engagement and programming in Southern Sudan.

Other Commission Actions on Sudan

Sudan was one of the first countries to be a focus of the Commission's attention. Since its inception, the Commission has met with a broad range of government officials, religious leaders, human rights monitors, civil society representatives, and others knowledgeable about Sudan; held public events to focus attention on religious freedom abuses in Sudan; testified on Sudan at congressional hearings; and visited Sudan three times to see conditions on the ground first hand.

Following a serious outbreak of fighting in the sensitive North-South border region of Abyei in May 2008, the Commission issued a public statement calling on the U.S. government to tell President Bashir that nothing less than full implementation of the CPA, including provisions relating to Abyei and other contested areas, is acceptable. Beginning in mid-May in Abyei, units of the Northern-controlled Sudan Armed Forces and associated tribal militia brutally attacked local residents and destroyed private property, laying waste to the region's main town, also called Abyei, and driving 90,000 civilians from their homes.

In September 2008, the Commission held the first of a series of public hearings exploring the impact of religious extremism on U.S. national security interests, including one on Sudan entitled *Sudan's Unraveling Peace and the Challenge to U.S. Policy*. Witnesses, including the U.S. Special Envoy on Sudan, Ambassador Richard Williamson, examined U.S. options for encouraging the full implementation of the CPA. Representatives Capuano (D-MA), Payne (D-NJ), and McGovern (D-MA) gave remarks at the hearing and Senator Feingold (D-WI) and Representative Chris Smith (R-NJ) provided statements for the record.

In February 2009, the Commission held a press conference to announce its latest set of recommendations for U.S. policy on Sudan. The recommendations reflect the public hearing and visit to Southern Sudan described above. Representatives Payne (D-NJ), Chris Smith (R-NJ), Wolf (R-VA), and Lee (D-CA) participated in the press conference, and Representative McGovern (D-MA) provided a statement.

The Commission, since its establishment, has made a series of recommendations regarding U.S. policy toward Sudan. In September 2001, following a Commission recommendation that the U.S.

government appoint a nationally prominent individual to bring about a peaceful and just settlement of the North-South civil war in Sudan, then-President Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan, energizing the peace process. Senator Danforth was followed in September 2006 by former USAID Administrator and Special Humanitarian Coordinator for Sudan Andrew Natsios, and in January 2008 by Richard Williamson. Following the inauguration of the Obama Administration, the Commission announced a new set of recommendations for U.S. policy in Sudan, including a call for a new Special Envoy who would demonstrate continued U.S. commitment to peace in Sudan. On March 18, 2009, President Obama appointed retired Major General J. Scott Gration to this position. The Commission has successfully influenced other U.S. actions, including the Administration's decisions to give peace in Sudan a higher priority on its foreign policy agenda, engage actively to move the warring parties toward peace, monitor progress toward implementation of a series of partial and preliminary peace agreements, limit the impact of U.S. Sudan sanctions on the South and other areas that have suffered from Khartoum's abuses, and use U.S. assistance more effectively in alleviating the suffering of the Sudanese people and in aiding development in Southern Sudan.

Recommendations for U.S. Policy

In addition to recommending that Sudan continue to be designated a CPC, the Commission urges the U.S. government to remain engaged at the highest levels in bringing about a just and lasting peace for all of Sudan. The Commission believes that the normalization of relations with Sudan and the lifting of U.S. sanctions must be preceded by concrete action and demonstrated progress by Khartoum in ending abuses, cooperating with international peacekeeping and humanitarian assistance operations in Darfur, and fully implementing the CPA.

I. Focusing U.S. diplomacy on the successful implementation of the CPA

In order to maintain the level of U.S. engagement during the early part of the new U.S. Administration, the U.S. government should:

- ensure that the Special Envoy for Sudan has the bureaucratic authority, the appropriate personnel, and other support needed to coordinate successfully U.S. efforts toward the complete and timely implementation of the CPA and secure a just and lasting peace for all of Sudan, including in Darfur; and

- build on past efforts by the Special Envoy to enlist international support for peace in Sudan, including from China and other nations that have major economic investments in Sudan, to press Khartoum to end its delaying tactics on CPA implementation.

II. Encouraging the parties to implement the CPA fully

The U.S. government should:

- insist on the full implementation of the CPA (including power-sharing, wealth-sharing, respect for human rights, democratic accountability through elections, resolution of the Abyei issue, the 2011 referenda, and termination of all support for militias) as the agreed basis for North-South peace and a model for political accommodation of legitimate grievances in other regions such as Darfur;

- help ensure that the parties conduct the national, Southern, and state elections mandated by the CPA; insist that these elections be free and fair, that adequate security be provided to enable participation by all eligible voters regardless of religious or ethnic background, and that the results be accepted by both the National Congress Party and the Sudan People's Liberation Movement;

- recognize the importance of a peaceful resolution of the Abyei issue to continued North-South peace and the role of the United States in formulating the compromise on Abyei that was incorporated in the CPA; insist upon acceptance by the parties of the findings of the Abyei Boundaries Commission and implementation of the Abyei Roadmap Agreement;

- investigate and publicly report to the Congress every six months on the status of implementation of the CPA, with a particular focus on violations, assessing responsibility and indicating what actions are to be taken by the U.S. government in response;

- make clear that the United States expects the choice of the people of Southern Sudan, as expressed in a free and fair referendum to be held in 2011 in accordance with the CPA, to be respected, whether the people of Southern Sudan choose to remain in Sudan or be independent;

- strengthen the capability of the U.S. Embassy in Khartoum to monitor implementation of the crucial human rights provisions of the CPA and to report on human rights abuses, including religious freedom in the North, as well as to advance the U.S. human rights agenda in Sudan by appointing a ranking official reporting to the Ambassador and working full-time on human rights;

- consider new sanctions as needed to respond to non-compliance with the terms of the CPA, including targeted sanctions such as asset freezes and travel bans against individuals and institutions, such as the National Congress Party, identified as responsible for serious human rights abuses or for impeding CPA implementation; and

- 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.

III. Protecting civilians

To prevent violence against civilians (including mass atrocities and genocidal acts) that would result from renewed conflict, the U.S. government should:

- take the steps necessary to make feasible the establishment of various security guarantees for Southern Sudan in order to deter Khartoum from renewing the North-South civil war or otherwise impose its will by force in violation of the CPA;

- provide Southern Sudan with the technical assistance and expertise or other capacity it might need to bolster professionalization of the Sudan People's Liberation Army, such as International Military Education and Training (IMET), and secure radar, communications, and other passive, defensive equipment, as appropriate, to improve the South's ability to detect air attacks and therefore reduce civilian casualties; and

- support the Government of Southern Sudan's current, active efforts toward disarmament, demobilization, and reintegration of Southern Sudan's many ex-combatants.

IV. Strengthening reconciliation and the rule of law in Southern Sudan

The U.S. government should:

- utilize existing social institutions, including indigenous religious bodies, and strengthen civil society organizations that have special expertise and a demonstrated commitment in the areas of inter-religious and inter-ethnic reconciliation and conflict prevention, to promote a peaceful civil society;

- continue and strengthen existing programs through the State Department's Bureau of

International Narcotics and Law Enforcement Affairs to improve the professional competence and human rights performance of Southern Sudan's police and security forces;

- expand U.S. assistance to the court system in Southern Sudan, which is in dire need of training, reference materials, improved court security, and facilities; encourage greater involvement by the U.S. private sector, including professional associations, law schools, and corporations, in this effort; and

- provide scholarships to promising students to attend law school in the United States under the requirement that they return home at the completion of their training to build a modern legal system in Southern Sudan, including a law school with an advanced curriculum built upon democratic principles, but targeted to the needs of the area.

V. Strengthening human rights protections

The U.S. government should:

- continue to support and strengthen the Government of Southern Sudan's institutions and infrastructure, including the Southern Sudan Human Rights Commission, necessary to protect, monitor, and investigate human rights abuses and promote respect for internationally recognized freedom of religion or belief and related human rights;

- improve citizen awareness 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;

- urge the establishment of an independent and impartial national Human Rights Commission as called for in the Interim National Constitution and in accordance with international standards[1] 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; and

- urge the Government of National Unity to 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, the UN Working Group on Arbitrary Detention, and the UN Human Rights Council's High-Level Mission on the Situation of Human Rights in Darfur and comply with the Mission's recommendations.

VI. Building a successful indigenous economy in Southern Sudan

The U.S. government should:

- support the creation of an effective banking system in Southern Sudan, recognizing that such a system is crucial for the South's economic development and political stability;

- encourage U.S. private investment in Southern Sudan while ensuring that U.S. sanctions are targeted more effectively in support of U.S. diplomatic efforts to ensure a just and lasting peace in all of Sudan;

- alleviate the impact of remaining U.S. sanctions on all areas under the control of the Government of Southern Sudan and local institutions in the border areas of Abyei, Southern Blue Nile, and the Nuba Mountains, including sanctions on communications equipment;

- expand U.S. educational assistance, including building the capacity of the University of Juba, to enhance Southern Sudanese expertise in agriculture, business, law, and other areas to support development efforts;

- promote agricultural development in Southern Sudan with the goal of promoting greater food security;

- expand the provision of U.S. assistance to indigenous civil-society, private-sector groups and provide appropriate technical assistance to enable such groups to prepare project proposals for U.S. grants;

- explore providing the Sudan People's Liberation Army with needed technical expertise and capacity, such as in road construction and other public works, to assist in creating an infrastructure that bolsters economic development; and

- while recognizing the urgent need for continued U.S. assistance for returning refugees and internally displaced persons, begin shifting from humanitarian to development assistance in order to enhance the economic viability and political stability of Southern Sudan in anticipation of the 2011 referendum on the South's political future.

VII. Expanding U.S. diplomatic capacity in Southern Sudan

The U.S. government should:

- enhance the facilities and personnel resources of the U.S. Consulate General in Juba in order to support increased U.S. engagement and programming in Southern Sudan.

VIII. Promoting Freedom of Religion or Belief

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 publishing or importing religious literature, building, repairing, and operating houses of worship, and operating social service programs;

  --repeal laws that punish changing one's religion or encouraging another to do so and end official accusations of blasphemy, apostasy, "offending Islam," or similar charges used to stifle public debate or restrict the right to freedom of expression;

  --eliminate the bureaucratic obstacles the government places on international humanitarian assistance and remove the state security services from their current role in regulating humanitarian assistance;

  --abandon efforts to force religious organizations to register as non-governmental organizations under regulations that give government officials 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 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 using government-controlled media for messages of intolerance and discrimination against non-Muslims; and

--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; and incorporate into history texts the religious and cultural diversity of Sudan's past.

IX. Assisting Refugees and Internally Displaced Persons

The U.S. government should:

- increase support to UN agencies and their NGO partners in facilitating the voluntary return of refugees and the internally displaced, including through intensified efforts to monitor spontaneous or "self-assisted" returns to the South, provide safer modes of transportation, de-mine roadways, and develop a comprehensive return and reintegration strategy, as well as development plans, to enhance the capacity of Southern Sudan to absorb large numbers of IDPs and refugees;

- increase technical assistance programs to assist the Government of Southern Sudan in providing basic services, including education, health, and water sanitation, to the returnees;

- work with UN agencies and NGO partners to ensure that the populations that 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 returns; and

- 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, 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.

X. Protecting Victims of Slavery and Human Trafficking

The U.S. government should:

- urge Sudan's Government of National Unity to prosecute the crime of abduction into slavery, most of whose victims are women and children taken during the North-South civil war or in Darfur by government-sponsored militias, and ensure the speedy identification, voluntary return, and family reunification of victims, as well as measures for their rehabilitation and reparation.

XI. Protecting Civilians and Promoting Peace in Darfur

The U.S. government should:

- support a stronger international presence in Sudan sufficient to protect civilian populations and to monitor compliance with the peace accords and UN Security Council resolutions, including by:

  --urging the United Nations-African Union Mission in Darfur (UNAMID) to protect civilians in accordance with the highest international standards for peacekeeping operations;

  --providing resources such as improved communications equipment, reliable vehicles and helicopters, and logistics assistance to enable peacekeepers to move quickly to places where abuses are occurring;

  --bringing in advisers on civilian protection issues in armed conflict to train and work with international force commanders;

  --ensuring that there is a secure environment for the delivery of humanitarian aid and the

return of refugees and the internally displaced and providing an early warning system with GPS (global positioning system) 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 the UN Security Council's resolution 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 advisers for the international forces in Darfur and by encouraging participating nations 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 UN Office of the High Commissioner for Human Rights and in the number of international peacekeepers deployed in Darfur;

- lead an international effort to pressure the government of Sudan to reinstate all international relief organizations expelled following the International Criminal Court's authorization of an arrest warrant against President Bashir and permit unimpeded, safe access by such organizations to the region so that necessary humanitarian assistance can be provided to refugees and internally displaced persons;

- work with international partners to end the suffering of the civilian population of Darfur, including by seeking an end to killing, ethnic cleansing, forced displacement, and interference with the distribution of international humanitarian assistance; by assisting refugees and internally displaced persons to return home in safety; and by promoting a ceasefire as well as a peaceful and just resolution of the grievances that underlie the crisis; and

- use bilateral and multilateral diplomacy to mount an international campaign to pressure the Sudanese authorities to cooperate fully with the International Criminal Court.

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[1] *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.unhchr.ch/html/menu6/2/fs19.htm*, accessed April 6, 2009).