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RELIGIOUS PERSECUTION IN SUDAN

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RELIGIOUS PERSECUTION IN SUDAN

THURSDAY, SEPTEMBER 25, 1997

U.S. SENATE,
SUBCOMMITTEE ON AFRICAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:07 a.m., in room SD–419, Dirksen Senate Office Building, Hon. John Ashcroft, chairman of the subcommittee, presiding.

Present: Senators Ashcroft and Feingold.

Senator ASHCROFT. The committee will come to order.

OPENING STATEMENT OF HON. JOHN ASHCROFT, U.S. SENATOR FROM MISSOURI

Senator ASHCROFT. I want to welcome all of you here today, both the witnesses, some of whom have travelled great distances to be with us, and interested individuals.

Sudan has become a priority for me, as chairman of the African Affairs Subcommittee, and this hearing will focus on one of the great tragedies in Sudan.

Religious persecution is a thread that runs through the civil conflict and social upheaval that have occurred in Sudan over the last 4 decades. I would like to begin this morning with a brief video segment. A number of organizations have produced videos and this is just one of them. I do not think it would pay for us to try to do a variety of them.

I believe "NBC Dateline" recently had a video that focused exclusively on religious persecution. This item by "Global Countdown 2000" is a little broader in its approach. It tells a story about the broader set of concerns in the conflict.

I noted that CBN television had also done a video.

After we have watched the video, I will proceed to welcome the statements of witnesses after opening statements by members of the committee.

Because we have but one screen, I would invite anyone who is not in a position to see the screen to move, and that includes members of the committee.

We will take about 5 minutes for this video.

[A video was shown]

Senator ASHCROFT. In a post cold war world, where individual liberty has been advanced and democracy has taken root around the globe, it is easy for us to forget that tyranny still exists in many countries where millions are subjected to cruel dictatorships and brutal military regimes.

From all the information that I have been able to gather, Sudan is one such country. It is the largest country in Africa in size. Sudan has had the historical potential to serve as a bridge and stabilizing link between the Middle East and Africa. Tragically, this country of great potential has been wracked by a civil war inflamed by religious and ethnic hatred for much of its history since independence in 1956.

The Subcommittee on African Affairs held a hearing on "Sudan and Terrorism" in May 1997, in which Sudan's sponsorship of international terrorism was discussed. The subject of this hearing will be the war of persecution Sudan is waging against its own people. Sudan's support for the most violent terrorist organizations in the world is intolerable. But I must say that the atrocities committed by the government in Khartoum against the Sudanese people are even more outrageous and shocking.

Sudan's behavior draws what is all too frequently a link between the way regimes are willing to treat their own people and the designs and intentions they harbor for those beyond their borders.

After overthrowing a democratically elected government in 1989, the military regime of Omar al-Bashir has turned the civil war against southern Sudan into a *jihad,* or holy war. The government attacks and persecutes all Sudanese who do not ascribe to the government's brand of Islam—a brand of Islam rejected by the vast majority of practicing Muslims.

More than 1.5 million civilians have died since the civil war was reignited in 1983, with over 4 million more being displaced by the fighting. An estimated 430,000 refugees have fled Sudan to seek safety in neighboring countries.

Human rights organizations working in Sudan have testified before Congress that the government uses "aerial bombardment and burning of villages, arbitrary arrests, torture, slavery, especially child slavery, hostage taking, summary executions, inciting deadly tribal conflict, the abduction and brainwashing of children, the arrest of Christian pastors and lay church workers, and the imprisonment of moderate Muslim religious leaders" to suppress dissent and form a radical Islamic State.

Being a Muslim does not guarantee freedom from religious persecution. Only those who accept the government's particular brand of religious extremism are spared harassment and torment. Major Muslim political parties were banned along with all political parties in 1989, and the Muslim sects upon which these parties are based have been harassed by the government.

Muslim *imams* who criticize the government are incarcerated and Muslim ethnic groups in the north, such as the Beja, are attacked by government forces, their children sold into slavery or drafted to fight in the civil war against the south. As in a number of Arab countries, Sudanese citizens who repudiate Islam are subject to the death penalty.

The government has armed militia groups to serve as its proxy in terrorizing the Sudanese people. The Dinka, the largest ethnic group in southern Sudan, have been the target of genocidal policies characterized by the government as "draining the sea so the fish cannot swim." The slaughter of perhaps 500,000 Dinka and the

scorched earth policies of government forces have transformed the face of southern Sudan.

As Human Rights Watch Africa reports, "The deepest conflict is between the government and the Christian churches." High officials in the Sudanese Government have referred to Christians as the "infidel crusaders" and enemies of Sudan. Christian churches are suspected by the government of being sympathetic to the rebel Sudan People's Liberation Army, and church leaders are singled out for detention, security surveillance, and even execution.

During this decade, Reverend Paul Agilti, an Episcopalian clergyman, was murdered along with one of his parishioners at his church near Bor in Eastern Equatoria. Reverend Agilti's body was dismembered by the government soldiers. Earlier in the decade, Pastor Haroun of the El Nugra church in the Nuba Mountains was crucified by government troops, and churches in Dellami, Haiban, Gorban, Umdurain, and Buram have been burned, with the leaders and members of those churches being killed or tortured. One 40-year-old pastor, Kamal Tutu, was thrown into the embers of his burning church, losing his lower arms and feet to the fire.

People of all faiths should be outraged and grieved by what has happened in Sudan. The humanitarian catastrophe, driven by religious and ethnic hatred in Sudan, is comparable in scope to the tragedies of Somalia, Rwanda, and Bosnia combined.

We cannot forget that these statistics represent families, mothers, fathers, sons, daughters—families like ours, yours and mine, that have been shattered by war and crushed by sorrow.

This week is an appropriate time to consider religious persecution in Sudan. September 28 marks the beginning of a season of prayer for the persecuted church. This time of prayer will culminate in the United States with a day of prayer for the persecuted church on November 16.

The Sudanese people do not seek for the United States to remake their country in our image, but they desperately need U.S. policies to help them throw off the yoke of military dictatorship which is crippling their culture and society. It is not enough to be outraged by what has happened in Sudan. The United States must be motivated to confront and isolate the rogue government in Khartoum responsible for inflicting untold misery on its citizenry.

I am pleased now to call upon Senator Russell Feingold, who is the ranking minority member of the subcommittee. Senator Feingold.

STATEMENT OF HON. RUSSELL D. FEINGOLD, U.S. SENATOR FROM WISCONSIN

Senator FEINGOLD. Thank you, Mr. Chairman. As I believe you already pointed out, this is the second Africa Subcommittee hearing we are holding on Sudan, a followup to what was a very informative hearing on terrorism in the Sudan back in May.

Today we are considering in particular religious persecution in Sudan, which is an equally important topic. Let me apologize in advance if I am unable to stay for the second panel. I very much appreciate their participation. But there is something I must do at some point later on.

Mr. Chairman, the problems we face in Sudan today are among the most vexing on the African Continent. During its more than 40 years of independence, Sudan has only seen about 11 years of peace. In its place, a brutal civil war between the north and the south rages on. This seemingly endless conflict has taken the lives of more than 1.5 million people and, as you have indicated, resulted in well over 2 million displaced persons or refugees. Young children are taught early how to use a gun, and most of them have, unfortunately, had the opportunity to do so.

Throughout this conflict, both sides continue to engage in all too frequent human rights violations. According to the most recent State Department human rights report, the Khartoum Government maintains not only regular police and army units but also internal and external security organs, a militia unit, and a parallel police, called the Popular Police, whose mission includes enforcing "popular social behavior."

The report notes that the government forces have been responsible for extrajudicial killings, disappearances, forced labor, slavery, and forced conscription of children. Imposition of Islamic law on non-Muslims is far too common.

At the same time, according to a 1996 report from the United Nations Special Rapporteur, religious leaders, including Muslims, who do not conform to official policy, can be subjected to measures of harassment, curbs on freedom of movement, arrest, arbitrary detention and ill treatment. Various Muslim brotherhoods are said to be subjected to discriminatory attitudes and policies.

There are also numerous reports of human rights abuses in the rebel held areas. Amnesty International reports that last year, soldiers from the Sudan People's Liberation Army, or SPLA, committed gross violations including torture and deliberate and arbitrary killings of captured prisoners and unarmed civilians.

Clearly, Sudanese citizens do not enjoy those basic freedoms that we can take for granted—freedom of assembly, of association, of privacy, of religion.

In an effort to raise international awareness of this situation, the United States has, for 5 years in a row now, introduced resolutions condemning Sudan under the auspices of the United Nations Human Rights Commission as well as in the United Nations General Assembly. These resolutions have highlighted the range of human rights abuses and abrogation of civil liberties that we know take place in Sudan, including, of course, the subject of our hearing today, the persecution based on religious beliefs.

I fully commend these efforts because I think these resolutions, while clearly not as significant as, say, for example, a Security Council resolution, nevertheless still send a tremendously important signal.

Let me just read very briefly, Mr. Chairman, some of the preamble of this year's UNHRC resolution.

The Commission on Human Rights, noting with deep concern reports of grave human rights violations and abuses in the Sudan, particularly detention without trial, forced displacement of persons and torture, as described inter alia, in numerous reports submitted to the General Assembly and the Commission on Human Rights; expressing concern about reports of religious persecution, including forced conversions of Christians and animists in government-controlled areas of the Sudan; gravely disturbed that the government has not provided full and impartial inves-

tigations and reports on human rights violations and abuses; deeply concerned about continued reports of slavery, servitude, the slave trade and forced labor, the sale and trafficking of children and their abduction and forced internment, often at undisclosed locations; also concerned about reports of ideological indoctrination or cruel, inhuman or degrading treatment, especially but not exclusively affecting displaced families and women and children, belonging to racial, ethnic, and religious minorities

——and so on.

Mr. Chairman, This isn't even half of the preamble. It goes on and on and on, detailing the abuses that take place in the Sudan. These findings are followed by 28 "resolved" clauses expressing the outrage and concern of the commission.

Because of the gravity of the situation, the Secretary of State made what I thought was a wise decision, to send Deputy Assistant Secretary Gare Smith, whose testimony we will hear shortly, to Sudan in July of this year. Mr. Smith was the highest level U.S. diplomat to go to Sudan in several years. I hope his rank made clear to the Sudanese Government just how seriously we take the human rights situation in that country.

The Secretary has also just announced her decision to reopen the embassy in Khartoum in an effort to increase diplomatic pressure on the regime.

Now while I support her desire to include diplomacy among the tools at her disposal, I would note that I hope this move in no way signals a weakening of our policy toward the Sudan. In fact, I know the chairman and I both agree that the United States should take the toughest line possible with respect to Sudan.

The United States cannot and will not tolerate the disrespect for fundamental human rights that is apparent in Sudan.

So once again, Mr. Chairman, I thank you for your strong leadership on this issue and I look forward to hearing from the witnesses.

Senator ASHCROFT. I thank Senator Feingold for his diligence, his speech, and his research. The recitation from the preamble of the United Nations report is a chilling recitation.

It is now my pleasure to welcome Mr. Gare Smith, the Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor.

Mr. Smith is the highest ranking U.S. official to visit Sudan in years, having journeyed to the country in July specifically to address human rights issues.

Mr. Smith, thank you for coming. We look forward to your testimony.

STATEMENT OF GARE SMITH, DEPUTY ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR

Mr. SMITH. Thank you very much, Mr. Chairman, and thank you, Senator Feingold. It is certainly an honor to be here with you all this morning.

The issue of religious persecution in Sudan is a very troubling one. It is troubling to those of you in Congress. It is troubling to those of us in the administration. Your video clearly identifies that it is increasingly troubling to American citizens throughout our country.

I think this hearing is an excellent opportunity to emphasize to the Government of Sudan, which I am sure has representatives sit-

ting somewhere behind me, the deep commitment that all of us share in respect for internationally recognized human rights. I look forward to working with all the members of this committee to improve the very bleak human rights situation in the Sudan.

Since I have been asked to keep my comments brief, I would request that my written testimony be made part of the record and I will condense what I have to say right now.

Before addressing specifics having to do with the Sudan, I would like to emphasize that this administration is committed to engaging the United States in a global effort to prevent religious persecution in the Sudan and elsewhere. President Clinton and Secretary Albright have emphasized that religious freedom is a universally recognized, inalienable, and fundamental human right which is inherent to the dignity of every human being.

There are three particular initiatives that we in the State Department have taken in the last year or two to promote this commitment. First, just recently, last year, the President and Secretary Albright created the Advisory Committee on Religious Freedom Abroad. This is composed of distinguished religious, academic, and advocacy leaders of the major religions here in the United States.

The committee has held a large number of meetings and hearings on both religious persecution and reconciliation and is preparing policy recommendations to the President and to the Secretary of State.

Second, Secretary Albright has instructed all diplomatic posts to give greater attention to religious freedom both in reporting and in advocacy. As I am sure both of you are aware, my bureau, the Bureau of Democracy, Human Rights and Labor, every year puts out this document (indicating), which is the annual human rights report, which details religious persecution and respect for fundamental freedoms in all countries and territories of the world. Recently, the Secretary has asked us to particularly highlight the religious freedom aspects and to expand upon them.

Third, this year we issued an unprecedented report titled "U.S. Policies in Support of Religious Freedom: Focus on Christians." This report details efforts by the U.S. Government on behalf of victims of religious persecution around the world and has a particular focus on Christians.

I would like to request that the Sudan section of this report be made a part of the official record of this hearing.

Senator ASHCROFT. Without objection, so ordered.

Mr. SMITH. Thank you.

[The information referred to follows:]

Excerpt From UNITED STATES POLICIES IN SUPPORT OF RELIGIOUS FREEDOM: FOCUS ON CHRISTIANS

Sudan

Current situation: Although the military regime in Sudan has stated that all religions should be respected, in practice the Sudanese Government treats Islam as the de facto state religion. Forced conversion to Islam of Christians, animists, and other non-Muslims takes place as part of government policy. The 14-year-old civil war between the mainly Islamic north and the largely animist and Christian south has claimed more than a million lives. In war zones, government efforts to restrict religious freedom are particularly heavy-handed—churches are closed or permission to build them is denied, clergy are harassed, and members of indigenous faiths are persecuted. There are reports that many Christians are victims of slave raids and

forced conversion, and that some Christian children have been forced into reeducation camps where they are given Arab names and raised as Muslims.

U.S. Government actions: The United States has been at the forefront of efforts to highlight and seek rectification of continuing systematic human rights abuses, including religious persecution. At the 1997 UNHRC, the United States led efforts to adopt a resolution strongly condemning Sudan's human rights record, including religious persecution and forced conversion of Christians and animists. In 1996 the U.S. Government led efforts to pass tough resolutions at the UNHRC and the UNGA to condemn Sudan for human rights abuses and to urge redress.

At the UNHRC, the U.S. delegation helped secure from the Sudanese Government an invitation to visit the country for the U.N. Special Rapporteur for Human Rights in Sudan, whom the Government had barred from visiting for two years. In his February 1996 report, the Rapporteur concluded that people of all faiths "are equally exposed to violations and abuses" stemming from the civil war. The Rapporteur's report cited the "severe religious persecution of Christians" in government-controlled major towns, especially Kadugli and Dilling. To stem these abuses the U.S. Government continues to play a leading role in efforts to obtain a negotiated settlement of the civil war.

In 1996 the U.S. Ambassador expressed U.S. concerns about religious freedom, including reports of the persecution of Christians, to Sudanese officials, including the Minister of Justice and the Rapporteur of Sudan's Advisory Council on Human Rights. The Ambassador also traveled to Juba, a city in southern Sudan and a garrison town of the Government. He met with a large group of southern clergy—Muslims, Anglican bishops, and Catholics, and with Governor Agnes Lokudu, a practicing Christian Dinka woman and government official who has strong influence in the region. The U.S. Government has received reports attesting to persecution of Christians, as well as reports from Lokudu asserting that Christians are not persecuted in areas under her jurisdiction.

The United States suspended its resident diplomatic presence in Sudan in February 1996. Infrequent visits to Sudan by the Ambassador and the absence of a reporting staff limit the ability of the U.S. Government to identify emergent human rights situations.

Mr. SMITH. I believe that these initiatives illustrate the great importance that this administration attaches to the issue of religious freedom worldwide. I would like now specifically to address Sudan.

Mr. Chairman, as you recently said, I travelled to Sudan in July. I was wearing two hats, one hat in my capacity as Deputy Assistant Secretary in the Bureau of Democracy, Human Rights, and Labor, and another hat as a representative of the Secretary's Advisory Committee on Religious Freedom Abroad.

The key objective of my trip was to express United States concern about religious persecution and other ongoing human rights abuses perpetrated by the Government of Sudan. I was joined in my trip by our U.S. Ambassador, whose name is Timothy Carney. He is one of the best ambassadors we have, Mr. Chairman. If you or Senator Feingold find the opportunity ever to travel to Sudan yourselves to investigate some of these problems, I think you will be very well served by Timothy Carney.

We met with the President of Sudan, President Bashir, the Speaker of the National Assembly, Dr. Al Turabi, the Foreign Minister, the Chief Justice of the Supreme Court, and all of the major religious leaders. We also met with human rights advocates and we went down to the south where we met with the leaders of the Sudanese People's Liberation Movement. We travelled both to Khartoum and to towns that had recently been retaken by the south, such as Rumbek.

We found, much as you and Senator Feingold have indicated, a human rights situation in Sudan that can best be described as deplorable. Both the government and the insurgents have committed serious human rights abuses during the 14-year-old civil war be-

tween the mainly Islamic north and largely Christian and animist south. Civilians have paid the greatest price in this war. Rape has been used as a tool of war, land mines have been used indiscriminately around towns, and children have been abducted and used as soldiers by both sides.

The war has claimed more than 1.5 million lives.

We sent a strong message to the Khartoum Government to terminate its involvement in terrorism, seek a peaceful resolution to the civil war, and cease its human rights abuses, particularly discrimination of religion.

Religious liberty necessitates free speech, freedom of assembly, and freedom of association. These conditions simply do not exist in the Sudan.

The Government of Sudan restricts freedom of assembly, association, religion, privacy, and movement. Although Sudanese law recognizes Sudan as a multi-religious country, in practice the government treats Islam as the State religion. The Sudanese Government has instituted its own version of Islamic Shari'ah law and has a policy of impeding any non-Islamic religious expression. I emphasize "its own version," much as I noticed you did in your testimony, Mr. Chairman, because when I was there, I met with a large number of Muslims who felt that they too were persecuted on the basis of their religious beliefs. They indicated that the government was very extreme and did not, in fact, represent Islam.

The forced Islamization of Christians, animists, and other non-Muslims is standard government policy in the Sudan. In government-controlled areas of the south, we have documented credible evidence of a policy of Islamization of public institutions. Some non-Muslims have lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates find government jobs. Non-Muslim businessmen complain of harassment and discrimination by the government, and there are reports that Muslims receive preferential treatment for limited government services, including access to medical care.

Perhaps the most dramatic example of religious intolerance and persecution is the 1991 apostasy laws, which state that conversion by Muslims to non-Islamic religions is punishable by death.

Paul Marshall's book, *Their Blood Cries Out,* and publications by Christian Solidarity International and several other NGO's describe in sad detail some of the horrible persecutions endured by Christians in Sudan.

Churches have been closed, Christian children have been forced into reeducation camps where they are given Arab names and raised as Muslims. Many Christians have been victims of slave raids and forced conversions.

In all of our meetings with Sudanese Government officials, I stressed the deep concern throughout the U.S. Government regarding these abysmal human rights violations. I also emphasized that what we were discussing were universal norms. These are not U.S. values that we are seeking to impose on the people of Sudan. These are norms that the international community has embraced and articulated in the Universal Declaration of Human Rights.

Because religious persecution and other human rights abuses in the Sudan are closely related to the civil war, our government has

played a leading role in efforts to obtain a negotiated settlement. During my mission, I pressed Khartoum to seek a diplomatic resolution through the peace process. Ambassador Carney continued to do so in the weeks following my trip.

I am very pleased to report that just this Monday, the Sudanese Government and the SPLM issued a joint communique in which they pledged to participate in peace talks in Nairobi in late October. This is a tremendous breakthrough.

The administration has also taken several steps to achieve our other policy goals with respect to Sudan. In 1993, we placed Sudan on the terrorist list and imposed a series of unilateral sanctions consistent with that designation. The administration is also actively considering the imposition of additional unilateral economic sanctions against Sudan.

We are willing to consider a reasonable and workable expansion of sanctions to reflect lack of progress by the Sudanese Government in the areas of terrorism and in human rights.

I would note that we have also worked multilaterally in this arena. The U.S. has led international efforts to isolate Sudan for its egregious human rights practices. At the U.N. Human Rights Commission, we have introduced and gained consensus agreement on a condemnatory resolution on Sudan's human rights record every year since 1993. This past session, the U.S. co-sponsored a consensus resolution strongly condemning religious persecution and particularly forced conversions. In fact, I was the co-head of delegation this year and was personally involved with that resolution.

Last year, we succeeded in pressuring the Sudanese Government to readmit the U.N. Human Rights Rapporteur for Sudan, Gaspar Biro. Mr. Biro has cited severe religious persecution in government controlled areas in his reports. He has also cited the forced religious indoctrination of children and denial of food and facilities to refugees who refuse to convert to Islam.

In his February 1997 report, Mr. Biro concluded, and I quote, "The situation regarding the freedom of religion and conscience has further deteriorated."

In recent years, the United States has also introduced two successful resolutions at the United Nations General Assembly calling for an end to human rights violations, including religious persecution and slavery. We plan to continue our efforts to draw international attention to these human rights violations.

Mr. Chairman, in closing, I want to reiterate that this administration is firmly committed to combating religious persecution in the Sudan. We do not claim to have all the answers as to how to most effectively insure respect for religious freedom. But we are working on all bilateral and multilateral fronts to promote this and other fundamental freedoms.

We look forward to working very closely with you and other members of the subcommittee to combat religious persecution and to strengthen respect for religious freedom in the Sudan.

Thank you.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HON. GARE SMITH, DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. Chairman and Subcommittee Members, thank you for the opportunity to participate in this important hearing on the very troubling issue of religious persecution in Sudan. Your leadership is critical to casting a spotlight on the serious human rights abuses in Sudan. This hearing is an excellent opportunity to emphasize to the Government of Sudan our deep commitment to respect for internationally recognized human rights. I look forward to working closely with you and this committee to improve the bleak human rights situation in Sudan.

Before turning to specifics of Sudan, I would like to emphasize that this Administration is committed to engaging the United States in a global effort to prevent religious persecution. Secretary Albright has stated that: "Our commitment to religious liberty is even more than the expression of American ideals: it is a fundamental source of our strength in the world. We simply could not lead without it. We would be naive to think that we could advance our interests without it."

Religious freedom is a universally recognized, inalienable and fundamental human right inherent in the dignity of every human being. President Clinton and Secretary Albright have made clear that advancing religious freedom is a foreign policy priority of the United States. Very briefly, here are three of the initiatives we are taking globally to implement this commitment.

Last year, the President and Secretary Albright created the *Advisory Committee on Religious Freedom Abroad,* which is composed of distinguished religious, academic, and advocacy leaders. The Committee has held extensive hearings on both religious persecution and reconciliation and is preparing policy recommendations to the President and Secretary.

Second, Secretary Albright, in a series of worldwide cables, has instructed all United States diplomatic posts to give greater attention to religious freedom, both in their reporting and in their advocacy. In practical terms, this means that the Secretary of State is telling State Department employees and foreign governments alike that religious liberty is a key component of our human rights policy. The State Department reports publicly on religious persecution in our annual *Country Reports on Human Rights Practices*, which provides information on 194 countries and territories, with specific sections on religious liberty, which have been expanded by this Administration to include greater detail on religious persecution.

Third, this year we issued an unprecedented report on *U.S. Policies in Support of Religious Freedom: Focus on Christians.* This report details recent United States action taken on behalf of victims of religious persecution around the world, with a focus on Christians. I would like to request that the Sudan section of this report be made a part of the official record of this hearing.

Now, to Sudan. Mr. Chairman, I recently traveled to the Sudan on behalf of the *Bureau for Democracy, Human Rights and Labor,* and the Secretary of State's *Advisory Committee on Religious Freedom Abroad,* to express United States concern about religious persecution and other ongoing human rights abuses perpetrated and/or sanctioned by the Government of Sudan. Given the poor state of current relations, I was the most senior State Department official to visit Sudan in three years.

Sudan is presently the only country in Sub-Saharan Africa that poses a direct threat to United States national security interests. The current Sudanese regime provides support for terrorist organizations and activities, works to destabilize neighboring states friendly to the United States, violates the human rights of its people, continues a deadly civil war, and maintains an authoritarian system of government.

United States policy is to pressure and isolate the Sudanese regime and to seek to contain the threat it poses to United States interests. We hope such pressure may compel the regime to modify its behavior.

The human rights situation in Sudan remains extremely poor. Both the government and insurgents have committed serious human rights abuses during the 14-year-old civil war between the mainly Islamic north and the largely Christian and animist south. This war has claimed more than a million and a half lives. We continue to press the Sudanese government to terminate its involvement in terrorism, to seek an end to the civil war, and to cease systematic human rights abuses, including the practice of religious persecution.

In terms of human rights issues in general, we have detailed in the *Country Reports* that government forces, led by the National Islamic Front (NIF), have been responsible for extrajudicial killings, disappearances, forced labor, slavery, and the forced conscription of children. Government security forces have regularly harassed, arbitrarily arrested and detained, tortured, and beaten opponents or suspected opponents of the government with impunity. Prison conditions are harsh, the judiciary

is largely subservient to the government, the authorities do not ensure due process, and the military summarily tries and punishes citizens.

Concurrently, the civil war has had tragic consequences for the Sudanese people, including the use of rape as a tool of war by both sides of the conflict, the indiscriminate use of landmines, and child abductions. The overall human rights picture is bleak, and problems for religious minorities persist.

Mr. Chairman, religious liberty necessitates free speech, and freedom of assembly and association, conditions that do not exist in Sudan. The Government of Sudan restricts freedom of assembly, association, religion, privacy, and movement. Although Sudanese law recognizes Sudan as a multireligious country, in practice, the government treats Islam as the state religion. The Sudanese government has instituted its own version of Islamic Shari'a law and has a policy of impeding any non-Islamic religious expression. Forced Islamization of Christians, animists, and other non-Muslims takes place as part of government policy. In government-controlled areas of the south, we have documented credible evidence of a policy of Islamization of public institutions. Some non-Muslims have lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates find government jobs. Some non-Muslim businessmen complain of petty harassment and discrimination in the awarding of government contracts and trade licenses. There are also reports that Muslims receive preferential treatment for the limited services provided by the government, including access to medical care. But perhaps the most dramatic example of religious intolerance and persecution is the 1991 apostasy law that states that conversion by Muslims to nonIslamic religions is punishable by death.

Paul Marshall's book, *Their Blood Cries Out*, and publications by Christian Solidarity International, the Institute on Religion and Democracy, and other nongovernmental organizations describe in sad detail some of the horrible persecutions endured by Christians in Sudan. Churches have been closed, Christian children have been forced into reeducation camps where they are given Arab names and raised as Muslims, and many Christians are victims of slave raids and forced conversions.

At this point in my testimony, I would like to note for the record that religious persecution in the Sudan is not limited to persecution of Christians. Animists, and even Muslims who are not considered to be in line with the government's vision of Islamic orthodoxy, are subject to persecution.

We have an excellent U.S. Ambassador to Sudan, Timothy Carney, who is stationed in Kenya and makes regular visits to Khartoum. He continues to emphasize our serious concerns regarding the Sudanese government's lack of respect for universal human rights, including religious freedom. I would note that his task is made even more difficult by the Sudanese government's continued support for international terrorism and the consequent downturn in relations between our two governments.

As I mentioned earlier in my testimony, I conducted a human rights mission to the Sudan in July. Ambassador Carney joined me for much of that trip. We met with President Omar al Bashir, Speaker of the National Assembly Dr. Hassan al Turabi, Foreign Minister Ali Osman Mohammed Taha, Chief Justice of the Supreme Court Obeid Haj Ali, Minister of External Relations Ali Osman Taha, and the Commissioner of the Slavery and Disappearances Commission.

In all meetings with Sudanese officials, I stressed that there is broad and deep concern throughout the U.S. Government—in the Executive Branch and in Congress—about the abysmal state of human rights in Sudan. I informed them that the President and Secretary of State have established an Advisory Committee on Religious Freedom, and that the State Department had just published a report on the persecution of Christians at the request of Congress. I emphasized that at issue are universal human rights values, not an effort by the United States to impose its own values.

My discussions focused on credible reports of religious persecution, slavery, forced conversions and female genital mutilation. I pressed hard for an end to government-sponsored and government-sanctioned human rights abuses and religious persecution. Specifically, I urged the government to adopt initiatives to permit and support: human rights observers in areas of conflict; family reunification; rule-of-law (including the suspension of laws on preventive detention); prosecution and conviction of security and military officials violating human rights; an end to the use of landmines; and extended investigations by the Commission on Slavery and Disappearances into areas controlled by rebel forces.

Regrettably, virtually all of the government officials with whom I met offered a standard response regarding the question of slavery, i.e., that it is purely a form of capture for ransom and results from traditional tribal warfare. No one disputed my specific charges regarding religious discrimination in Sudan.

On this mission, in addition to Sudanese government officials, I met representatives of all major religious denominations, women's organizations, and human rights attorneys. I also met with members of the opposition Sudan People's Liberation Movement (SPLM) in southern Sudan and visited a city recently brought under the control of rebel forces, where I gained firsthand knowledge from local residents of their experiences under NIF rule.

In an effort to relieve the suffering of victims of the ongoing conflict, the United States provides humanitarian relief primarily through non-governmental organizations working under the auspices of the United Nations *Operation Lifeline Sudan.* The principal beneficiaries of this assistance are war-affected civilians in southern Sudan.

Mr. Chairman, because religious persecution and other human rights abuses in Sudan are closely related to the civil war, the United States plays a leading role in efforts to obtain a negotiated settlement. During my mission I pressed Sudanese government officials to seek a peaceful resolution through the peace process known as the *Intergovernmental Authority on Development,* or IGAD. I am pleased that Ambassador Carney has continued that course and persuaded IGAD members to re-energize the peace process. On Monday, September 22, the Sudanese government and the SPLM issued a joint communique in which they pledged to participate in peace talks scheduled to begin in Nairobi on October 28, 1997.

The Administration has taken several steps to achieve our policy goals with respect to Sudan. In 1993, the Administration placed Sudan on the terrorist list and imposed a series of unilateral sanctions consistent with that designation. The Administration is actively considering the imposition of additional unilateral economic sanctions against Sudan, consistent with overall U.S. policy as well as with significant concerns expressed by many Members of Congress. We are willing to consider a reasonable and workable expansion of sanctions to reflect the lack of Sudanese government action on issues of concern such as state-sponsored terrorism, aggressive actions against neighbors, failure to come to terms with the opposition in the civil war, and an abysmal human rights record, including violations of religious freedom.

The U.S. has led international efforts to isolate Sudan for its egregious human rights abuses. At the UN Human Rights Commission (UNHRC), the U.S. government has introduced and gained consensus agreement on condemnatory resolutions on Sudan's human rights record annually since 1993. This past session, the U.S. co-sponsored a consensus resolution strongly condemning religious persecution and forced conversions.

Last year, the U.S. succeeded in pressuring the Sudanese government to re-admit the UN Special Human Rights Rapporteur in Sudan, Gaspar Biro. Biro had been barred from visiting Sudan for two years. Since Biro began his work in April 1993, he has published five public reports. In November 1996, he reported that people of all faiths "are equally exposed to violations and abuses" stemming from the civil war, and he cited severe religious persecution in government-controlled areas, including the forced religious indoctrination of children, and the denial of food and facilities to refugees who refuse to convert to Islam. In his February 1997 report, Biro concluded that "the situation regarding the freedom of religion and conscience has further deteriorated." Biro went to Sudan again this year prior to the UNHRC session in March, but departed after only a few days due to security reasons.

In recent years, the United States has also introduced two successful resolutions at the United Nations General Assembly calling for the end to human rights violations, including religious persecution and slavery, by both the Government of Sudan and southern opposition groups. The Administration plans to continue efforts to draw international attention to Sudanese human rights violations.

Mr. Chairman, in closing let me reiterate that the Administration is firmly committed to combating religious persecution in Sudan. We don't claim to have all the answers as to how to most effectively ensure respect for religious freedom. But we are working on all bilateral and multilateral fronts to promote this and other fundamental freedoms.

We look forward to working closely with you, and other Members of this Subcommittee, to combat religious persecution and strengthen respect for religious freedom in the Sudan.

Senator ASHCROFT. Thank you very much. I appreciate the fact that you would come and appear before us, Mr. Secretary. I would be pleased if you could respond to several questions of mine.

You have before you a volume, which is a substantial volume, about religious freedom and persecution around the world and dif-

ferent human rights violations. How would you compare the situation in Sudan to what is happening in other countries in terms of persecution?

Mr. SMITH. It's difficult to compare apples and oranges. A country may be good in one area and have problems in another. But I wouldn't hesitate to state that Sudan has some of the most egregious human rights violations in the world. Certainly the violation of freedom of religion is paramount among these.

Senator ASHCROFT. You mentioned that you believed there would be present in the hearing today representatives of the Sudanese Government. Is that your belief?

Mr. SMITH. I'd be very surprised if they weren't here or at least listening to us on television.

Senator ASHCROFT. Is it your view, then, that holding hearings like this is helpful in raising the level of consciousness and developing an awareness of what is happening there?

Mr. SMITH. I think it is fundamental to doing so, and the administration very much appreciates your leadership in this area.

Senator ASHCROFT. You indicated that you very directly raised these issues with the Sudanese Government in person. We're raising them in absentia here. What was the response of Sudanese officials to the kinds of items which I take it you have mentioned—slavery, rape, landmines, abductions.

We send children to camp in the United States, but not the kind of camps for children in Sudan. My view is that reeducation "camps" are an all too easy euphemism for kidnapping and brainwashing. Maybe not. But what kind of response did the Sudanese officials give you?

Mr. SMITH. I would certainly tend to agree with you in your assessment of that, Mr. Chairman.

It is interesting in that the response I got was rather varied. Every member of the Sudanese Government I met with emphatically denied that there was any slavery whatsoever in the Sudan—period. I could not get past that.

On the other hand, I was able to be very specific with respect to religious persecution and no one was able to deny that.

I cited, for example, that I had met with members of the Catholic Church. The Catholic Church has petitioned for 25 years to build another church in the greater Khartoum area—of course, the relevant portion of that period being since 1989, when this government came to power. Every single year the government has refused to let the Catholic church build a new church while, in the meantime, mosques are being built—clearly a form of religious discrimination. And the government acknowledged that.

On a less cosmic scale, individuals who are put in jail in the Sudan can be released early for memorizing verses from the Koran—but not if they memorize verses from the Torah, or if they memorize verses from the Bible—again a clear form of discrimination. And again, when I brought that forward on a specific basis, the government acknowledged that that was, in fact, discrimination.

They tended to downpedal it and say it wasn't very important, but they acknowledged specific instances.

I am glad you mentioned landmines because, while I was there, the government emphasized that they were hoping to go forward with the peace process. I told them, frankly, that they had very little credibility with the United States and the international community, because whenever they had previously claimed to have interest in the peace process they always ended up stepping back from the table. I suggested that they take some confidence building measures, such as a unilateral ban on the use of landmines. President Bashir expressed a particular interest in that. He did not commit the government, but he did express a strong interest in ending the use of landmines.

Those are just some of the responses I got to the issues I raised.

Senator ASHCROFT. Yesterday, the most recent chairman of the Congressional Black Caucus, Don Payne, sent a letter to the President. He said,

> I was extremely disappointed to learn about the State Department's decision to restaff our embassy in Sudan. Why are we rewarding the National Islamic Front Government by reopening the embassy without any tangible evidence of reform? The NIF Government continues its war policy in southern Sudan, condones slavery, targets innocent civilians, and supports terrorism.

This does ask a question that I think a lot of people would have and I would like to give you an opportunity to respond to that question.

Mr. SMITH. Thank you.

Certainly I share the Congressman's concern that we do not want to reward the Khartoum Government for positive actions that it has not taken. And, in fact, the way in which we intend to staff the embassy would ensure that we don't reward them.

For one thing, we are making very, very clear, as we are again in this hearing, that staffing that embassy is not a signal of an improvement in our relationship.

We are not sending Ambassador Carney back. As I mentioned, he is a superb Ambassador, but he is not going back specifically because we don't want to add the credibility of his presence to our relationship at this point.

But we have very good reasons for sending personnel back. First and foremost is the peace process. As I mentioned, it was just literally Monday, a few days ago, that both sides, in a joint communique, indicated that they wanted to go forward. It is perfectly consistent with our government policy to support that peace process, to do everything we can to promote it, and we need people on the ground to do that.

Secondarily, it is very hard to document the human rights violations we have been discussing if we don't have anyone on the ground. To be specific in our reports, we need to have personnel on the ground.

There is a third reason. We have over 2,000 American citizens in the Sudan right now. We also have a number of very courageous NGO's, some of which will be testifying after me. And in order to be responsive to their needs, particularly in cases of emergency, we need to have people on the ground.

Senator ASHCROFT. From your own information, would you say that the video which we saw was fairly representative of the situation in Sudan?

Mr. SMITH. To the best of my knowledge, that was fairly representative. Yes, sir.

Senator ASHCROFT. Thank you.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

Mr. Smith, as we already have indicated today, religious persecution is only one of the many abuses of human rights that have been noted in the Sudan. How can you sort of assess the relative importance of the lack of religious freedoms as opposed to the absence of other civil liberties? Is this sort of at the top of the list? How would you try to compare them?

Mr. SMITH. Senator Feingold, I am very glad that you raised that because this is an issue that has come up in the international community a good deal—the ranking of universal human rights.

Certainly in terms of our commitment to religious freedom, it could not be any higher on the agenda of this administration. But we tread on very, very dangerous ground if we seek to say which is more important, genocide, the separation of families, or freedom of religion. It is a little bit like my asking you which of your children you love the most. You love them all very much, perhaps in different ways, but equally. We feel that in order to keep fundamental norms respected worldwide, it is very important to simply say that they are all universal, they are all very important, and we regard them all highly.

Senator FEINGOLD. I guess what I was asking was not which of the values is more important but which area of abuse is the most severe. Surely it is possible that one kind of human rights violation would be more prevalent than another.

Mr. SMITH. Right.

Senator FEINGOLD. I am wondering if the religious freedom element would be at the very top of the list or sort of comparable to the other aspects of human rights violations.

Mr. SMITH. I would say that it permeates all aspects of society there. I mean, it is closely tied to the war. It is closely tied, as I mentioned, to the economic situation. You cannot have a job in the government in most likelihood if you are not a Muslim. It is tied to the economy. It is tied certainly to the schooling, to the reeducation camps. So it is really pervasive.

I don't know whether there are more cases of rape than there are violations of religious freedom or landmines. And these are hard to compare. They are all egregious violations of fundamental norms.

Senator FEINGOLD. Religious persecution is obviously a driving principle, though, of the regime.

Mr. SMITH. Absolutely. Absolutely, Senator.

Senator FEINGOLD. Officially, the Government of Sudan has stated that all religion should be respected and that freedom of worship is ensured. In the 1996 State Department report, however, the Sudan Government is described as having severely restricted freedom of religion, treating Islam as the State religion, and using Islamic law to inspire the country's laws.

Could you elaborate a little on that? Which domestic laws are most affected by Islamic law?

Mr. SMITH. Well, I think the one that I cited earlier is perhaps the most chilling—the apostasy law. If you are a Muslim person in

the Sudan and you decide that you want to become a Christian or you want to become a Buddhist or you want to become a member of the Jewish faith, you can be put to death for doing that. That is a rather chilling law.

Other legal punishments include stoning and the chopping off of hands. These are really horrific. This is also a key element of the war because the people in the south don't want to have this form of Shari'ah law imposed on them and they have no representation in the government.

Senator FEINGOLD. We have talked a little bit about the fact, and you referred to the fact that Muslim groups also experience discrimination in Sudan.

Could you say a little bit more about examples of discrimination against Muslims and how prevalent that is?

Mr. SMITH. Yes, sir.

I want to emphasize very strongly in my testimony that our government, this administration, is not anti-Muslim, anti-Islam. Islam is one of the great religions of the world. The Secretary's Religious Advisory Committee has several Muslim members who have made wonderful contributions.

The form of Islam that the NIF Government perpetuates is very unusual. It is very extreme and severe.

I met with a number of Sunni Muslim leaders in Khartoum who said that they were prohibited from worshipping freely. They complained that they were harassed when they sought to expand their forms of religious worship, that it was harder for them to obtain permission to have their mosques built, and that they were discriminated against in the employment sector inasmuch as they were prohibited from being government employees if they didn't subscribe to the NIF's form of Islam.

Senator FEINGOLD. Do the death penalty provisions having to do with conversion apply to converting from one type of Islam to another?

Mr. SMITH. Not to my knowledge, Senator.

Senator FEINGOLD. Do Sudanese citizens face obstacles—and I think you have already alluded to this, but I would like more on the record—with regard to job placement, education, or business opportunities as a result of religious beliefs?

Mr. SMITH. Absolutely.

There are a few non-Muslims in the government to whom all of the other government members will point and say, "We have a Christian. Look, right over there, he's in that office. Go talk to him." Or, "We have some churches down the street. Walk around Khartoum and you will see it is a multiethnic society and we respect freedom of religion."

It is easy for them to point out examples because they make sure that there are a couple around. But when you look at the way the law is interpreted, the way policies are interpreted, there is no question that there is a pattern of gross discrimination.

Senator FEINGOLD. Some say that Sudan's Islamic policies are less restrictive than other countries, such as Saudi Arabia and Egypt. They argue, for example, that women are not forced to cover their faces or bodies.

Do you agree with that assessment? Do Sudanese women face restrictions on travel and employment? If you would, say a little bit about the status of women in Sudan.

Mr. SMITH. Sure. I am glad you brought that up.

Anyone who walks the streets of Khartoum will see that not all women have their faces covered with veils. Some do. That may be a matter of choice.

But there certainly are factors limiting women's fundamental rights. For example, women in the Sudan are not allowed to travel internationally without a male companion.

Incidents of domestic violence against women are very high in the Sudan. I met with some women advocates who were seeking to end the use of female genital mutilation in the Sudan. By most estimates, 90 to 95 percent of the women in the Sudan have undergone female genital mutilation. That is just an incredibly high percentage of the female population.

The Government of Sudan, interestingly enough, promised these women activists that it would seek to end female genital mutilation by the year 2000. I don't know why it did that because it has made no effort to follow through on this commitment. It is not against the law to perform female genital mutilation and, although the government controls all elements of the media—the newspapers, the television, the radio—it has never launched a campaign to end it. So I would say that that inertia really reflects how seriously the government intends to undertake this effort.

Senator FEINGOLD. Thank you.

You represented the U.S. at the Human Rights Commission meeting earlier this year, I believe, as you indicated.

Mr. SMITH. Yes, sir.

Senator FEINGOLD. Say a little bit about your experience there in getting that Sudan resolution passed. In particular, what are the views of our allies with respect to the human rights situation in Sudan?

Mr. SMITH. I am pleased to say that our allies take the situation in Sudan very seriously. I was able to work very closely with our allies not only in Europe, with our traditional Western allies, but with representatives of nations all over the world, including Asia and Africa.

I would emphasize that this resolution passed unanimously. We had no countries disagreeing with our assessment and our concerns regarding fundamental human rights.

That is the way it has been every single year we have brought that resolution. So it is clear that the international community has deep concerns about these issues.

Senator FEINGOLD. Finally, Mr. Chairman, I just have one more series of questions and comments. And, again, I apologize that I have to leave after this and want to thank all the witnesses.

I just want to return to a subject that the chairman mentioned, and that is an item that I mentioned in my initial comments, which is the reopening of the embassy in Khartoum.

The first comment I want to make is I think we would appreciate getting a little more notice of this happening. I am concerned about the letter from Congressman Payne, for whom I have a very high regard, with regard to this subject. I am not rejecting out of hand

the justification that you have given, that it is important to have some people there to know what is going on. But I am going to closely monitor it and, in particular, I want to repeat that that move—and you have indicated this as well—cannot and should not be interpreted as any sign that we will tolerate the conduct of the regime in Khartoum and that our purpose in having some folks there, if it is to continue, is to monitor what is going on.

I would indicate—and I believe the chairman would agree with this—that any attempt to send the Ambassador there at this time would not be regarded in the same way and it would be very difficult to claim that that was merely for purposes of monitoring what is happening in Sudan.

So I am listening to your justification for that. I cannot say it is wrong at this point. But I am going to actively do my own monitoring with regard to that question because the conduct of this regime is just so incredibly extreme that we have to take a very clear approach to it.

I thank the chairman and I thank the witnesses.

Would you like to respond?

Mr. SMITH. Yes. I just want to say that I appreciate your comments very much, Senator. I share your concerns very much.

I would note, just parenthetically, that our embassy, in fact, has never been closed in the Sudan. We have never severed our diplomatic relations. We have taken our U.S. personnel out for security reasons, but our relations have continued. The embassy has remained open. We will make sure in the future to discuss any new policy developments regarding this issue with you, in advance, Senator.

Senator FEINGOLD. Thank you.

Thank you, Mr. Chairman.

Senator ASHCROFT. Thank you, Senator Feingold.

Mr. Smith, you may be aware that I introduced legislation which has been included in the State Department Reauthorization Bill to prohibit financial transactions between U.S. citizens and the Sudanese Government.

The administration has opposed this provision in spite of the fact that I believe it is critical to cut the flow of U.S. dollars, at least from U.S. citizens, to this rogue regime.

I wonder why we should maintain economic dealings with a government involved in international terrorism abroad and domestic terrorism against its own people. The President's nominee to be Assistant Secretary of State for Africa, Susan Rice, reinforced the administration's opposition to my bill, stating that the President already has "in place sufficient tools to impose sanctions against States whose behavior the U.S. would like to change."

If that is the case—and certainly their authorization of the Occidental Oil deal with Sudan last year did not indicate a clear willingness on the part of this administration to restrain commercial dealings with Sudan—if we could dare take the administration at its word, that it has in place sufficient tools, does the administration have any intention of further sanctioning the Sudanese Government? And, as Deputy Assistant Secretary of State for Human Rights, would you recommend additional sanctions of any kind on Sudan?

Mr. SMITH. Thank you, Mr. Chairman. I think I will answer those questions in reverse.

First, as Deputy Assistant Secretary of State for Human Rights, I would recommend further sanctions and I think this administration is eager to look at appropriate further sanctions and to work with the Congress in articulating them.

Second, I think your idea of limiting financial transactions is an excellent one. I think that concept has been embraced by the administration, and I think we would be willing to work closely with you to put that into place in a workable way.

There are a couple of different reasons why the administration has opposed the provision as it stands right now. First, we believe we have in place sufficient tools to impose sanctions against States whose behavior we would like to change, by and large. Second, this provision restricts the ability of the Secretary of State to pursue negotiations in the U.S. interest, as currently stated.

We are particularly concerned that the legislation endangers our ability to act as a broker in the Middle East peace process. The Ashcroft provision would effectively impose an economic embargo on Syria, for example, in a way that we think would be unhelpful in pursuing the peace process.

That being said, I think there are ways that we can, and should, limit financial transactions. There need to be sufficient exceptions put in place—for example, to keep our embassy running. We need to be able to buy postage stamps for international mail, we need to be able to conduct banking transactions, and we would want to be able to have some exceptions to keep the embassy running and so that NGO's could effectively continue to operate there.

But the concept, again, I think is an excellent one.

Senator ASHCROFT. I am pleased to have your assurance in that respect. I was distressed when last year the administration was given flexibility and the administration decided to announce a policy large enough to drive a truck-load of explosives or slaves to be sold on the market through. I am very eager to confer with the administration to include waiver potential that would allow continuation of the peace process and NGO relief activity. The administration drafted a policy in response to the recent anti-terrorism legislation which would allow direct financing of the bombing of the plane that was knocked out of the sky at Lockerbie, for example. We cannot continue to have that kind of either sloppy draftsmanship, reckless indifference as to the wellbeing of individuals in the international community, or outright subversion of Congressional intent.

So I thank you very much for your attention to this matter. I am eager to draft and provide a basis for reasonable waivers and would be very eager to collaborate on that, to move this issue forward.

I thank you very much for your appearance here.

I would indicate to you that if you would like to submit any additional material for the record, I will hold the record open until the close of business today for so doing. I would like to say that, as part of the committee record, I would submit the letter of Representative Donald Payne from the Tenth District of New Jersey, who has written to the President of the United States expressing

his disappointment about the State Department's decision to restaff the embassy.

[The information referred to follows:]

HON. DONALD M. PAYNE,
House of Representatives,
Washington DC, September 24, 1997.

The Honorable WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC 20500.

DEAR MR. PRESIDENT, I was extremely disappointed to learn about the State Department's decision to re-staff our embassy in Sudan. Why are we rewarding the National Islamic Front (NIF) government by reopening the embassy without any tangible evidence of reform? The NIF government continues its war policy in southern Sudan, condones slavery, targets innocent civilians and supports terrorism.

Mr. President, I was led to believe that the Administration will increase pressure on the NIF government for the reasons mentioned above. The Administration was correct when it pledged to support the "Frontline" states and took the leadership at the United Nations last year. The decision to send back our diplomats not only will place our people in harms way, but also contradicts the Administration's stated policy objectives. Most important, the government in Khartoum will interpret this move as a sign of approval at a time when we should be clear about our objectives in the Sudan.

The people of Sudan have suffered under the brutal dictatorship of the NIF regime for more than seven years. We should state clearly to this government that enough is enough? The NIF government remains an obstacle to peace and a threat to regional stability. The government has yet to comply with U.N. Security Council resolutions demands to handover three terrorists accused in the attempted assassination of President Mubarak.

This decision will have serious consequences on our overall Sudan policy. The timing is wrong. The policy will inevitably be counterproductive. Ironically, the only beneficiary will be the Government of Sudan. It is important that we send a strong message to the government that their behavior is unacceptable. I strongly urge you not to reward this brutal government by reopening the embassy—the people of Sudan deserve better. This policy is indefensible and cannot be justified without significant progress on the human rights front and commitment to peace. I strongly urge you to do the right thing and reconsider your decision.

Sincerely,

DONALD M. PAYNE,
Member of Congress.

Senator ASHCROFT. I thank you, Secretary Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Senator ASHCROFT. Now I would call the second panel to come to the witness table.

May I invite the placement of these photographs to this table here (indicating) or to another setting so that the audience might have a chance to see them.

I thank the staff for their assistance with these items.

It is my pleasure now to call the second panel of witnesses. The Baroness Cox, Deputy Speaker for the House of Lords in England, is a world renowned advocate for religious freedom and other civil liberties. It is an honor to have you with us, Baroness Cox, and I would welcome your testimony at this time.

STATEMENT OF THE BARONESS COX, DEPUTY SPEAKER, THE HOUSE OF LORDS, LONDON, ENGLAND, AND PRESIDENT, CHRISTIAN SOLIDARITY INTERNATIONAL, UNITED KINGDOM

Baroness COX. Thank you very much, Mr. Chairman. I am grateful for the opportunity to give evidence today of gross violations of

human rights by the Government of Sudan, with particular reference to religious persecution.

This evidence is based on first-hand experience of 15 visits to Sudan, including 4 this year, with Christian Solidarity International, or CSI, a human rights organization working for victims of oppression regardless of their creed or color and particularly trying to reach those who are cutoff from other organizations.

We have been in many different areas in Sudan—in the south, the Nuba Mountains, the Southern Blue Nile, Eastern Upper Nile, and eastern Sudan. I will conclude before I finish with some recommendations for consideration by all concerned with human rights and with particular reference to religious liberty.

Mr. Chairman, the evidence I present is spelled out in fuller form in a written version. I would be grateful if it could be made available for the record. But because time is of a limit, I will only speak from extracts from that.

Senator ASHCROFT. Thank you. We would be pleased to include the entirety of your presentation as reflected in the written record in the record of the committee.

Baroness COX. Thank you very much, Mr. Chairman.

Mr. Chairman, as the video and as the previous testimony have shown, the situation in Sudan is very complex. Although the primary victims of religious persecution have been African Christians of the south and the Nuba Mountains, many other groups, including Muslims and animists, are also suffering persecution.

This is because the NIF totalitarian military regime has declared a *jihad*, not only against Christians but against others who oppose it, including Muslims and animists, who are fighting for freedom from repression, for survival of their culture, and for fundamental human rights, including religious liberty.

Therefore, many Arab Muslims from the north, the majority of whom belong to opposition parties represented in the previously democratically elected government, have suffered arbitrary arrest, imprisonment, torture, and extrajudicial killings.

For example, on April 3 of this year, the NIF disrupted the 29th memorial festival of Al-Sayid Ali Al-Merghani, blocking access to the celebration and using tear gas. Many people were subsequently imprisoned, including the *imam* of the mosque.

So the tragic war must not be seen simplistically in terms of a war between Christians and Muslims. It is a war between that fundamentalist, totalitarian Islamic regime against its own citizens—a war which has caused over 1.5 million deaths and led to the displacement, we reckon, of over 5 million people from their homes and their lands, inflicting incalculable suffering through brutal violations of human rights, including the persecution of Christians, which reflects a fundamental feature of the regime's policy of enforced Islamization.

That policy is implemented by diverse interrelated strategies which can be summarized under four headings: first, military offensives against civilians; second, the displacement of people from their homes and homelands; third, the abduction and enslavement of tens of thousands of black Africans and enforced Islamization of those who are not already Muslim; and, fourth, the abduction and

forced conscription of thousands of boys and young men into the government army.

I could just say a few brief words on each of those.

First: Military offensives against civilians. The government has been undertaking this ferocious war against its own people in southern Sudan, the Nuba Mountains, Southern Blue Nile and eastern Sudan. It has received massive financial assistance from other fundamentalist terrorist regimes which support its terrorism. And these, I am sorry to have to report, a serious report, include recent reports of donations from Iran to purchase weapons, including tanks, MIG fighter aircraft, and chemical weapons.

The government denies it bombs civilians, but I have spent hours in foxholes during aerial bombardment of innocent civilians. Only last month, in eastern Sudan, with the Beja Muslim people, an Antonov flew directly overhead, discharging its deadly cargo on civilians nearby. Such aerial bombardment inflicts not only death and injury, it terrorizes civilians, drives them from their homelands into the bush, the desert or the mountains, where they have to scavenge for food. Often they are cutoff from water supplies, they suffer from cold at night with no shirt, clothes, blankets, or mosquito nets.

I just give one example of the response to such military assaults by those who have been forced to take up arms against them.

In Kapoeta, the SPLA commander, Commander Cirillo, is a practicing Catholic. He does not want to fight this war. But he describes the regime's war against the south as a war to Islamize Sudan. I quote his words, "Before battle, the Mujahadeen and other Islamic fundamentalist zealots customarily shout and chant: 'We will force you to become Muslims whether you want to or not.' The Muslim fundamentalists cannot defeat us. We are firm as Christians, and we will die for our faith."

But he made an important distinction. "Our struggle is not against Islam, as such, or against Muslims, but it is against a fundamentalist regime that wants to destroy our African heritage and our faith. It is discouraging to see the Islamic fundamentalist government in Khartoum receive material and moral support from other Islamic countries, while we receive no support from the Christian world. But we will continue our struggle for freedom, even if we are forsaken by Christendom. We will die for our faith and we will die Christians. But please help the wounded—we have nothing."

In June of this year we were in the Nuba Mountains. We testify that the government continues to destroy villages as part of its publicly declared *jihad* against the Nuba people, both Christian, Muslim and animist.

Civilians were attacked by low flying helicopter gunships, hunting and mowing down women and children. There was systematic destruction of homes, churches, crops, and livestock by government troops and government backed Popular Defense, or PDF, forces.

We conducted a meeting with community leaders, including Muslims, from the various counties in the Nuba Mountains. They gave details of recent attacks by these forces. Time only permits one example.

Ibrahim Saeit from Murban County described how villages had been attacked on the first of March of this year, including Regife. Two elderly men were burnt in their huts; 3 other men were captured and taken; 370 homes burnt; 371 cows stolen, pigs and poultry killed, all crops burned. Now there are over 4,000 displaced people from Regife living in the bush, suffering from severe hunger, and they suffer from cold in the rainy season.

The enemy used two helicopter gunships, killing one woman in Kirka and wounding four other civilians. Three churches were destroyed in this raid—one Roman Catholic, one Episcopalian, and one belonging to the Sudanese Church of Christ.

I turn quickly to the second category of persecution, related to this, which is the displacement of people from their homelands in attempts to drive them to government-controlled areas where they must renounce their Christian faith in order to receive aid.

Many thousands of people have been driven from their homes. We have witnessed them dying of starvation and disease around us in regions throughout those areas of Sudan we visited. Many others have to go to government-controlled garrisoned towns or peace camps, where they are compelled to exchange Christian names and allegiance to Christianity for Muslim names and practices in order to receive food and medicine.

We received evidence of this policy from many people. I just give one example from Loronyo in Eastern Equatoria. The local commander told us: "Loronyo had a population of about 6,000 before May 1, 1995. On that day, the government air force began a campaign of indiscriminate bombing in and around Loronyo. Forty-eight bombs were dropped on the outskirts of the village. Later there were more direct bombardments. Women and children were killed. The aim of the government is to force the Lutuku people to go to Torit, to seek food and medicine, because they have cutoff all humanitarian aid to this area. Most people resist and stay, trying to survive scavenging. But others are forced to go to survive.

When they arrive in Torit, they are forced to accept Muslim names and practice Muslim rituals at a mosque in order to receive food. In Torit, southern Christian women are routinely raped and forced to marry Arab Muslims, even if they are already married. Southern Christian boys are taken away from their parents and placed in Torit's Koranic schools, where they are indoctrinated into Islamicist ideology of the NIF regime. In some cases, they are sent north in order to fight and are never again seen by their families.

I move very quickly to the third dimension, slavery—the abduction and enslavement of tens of thousands of black Africans and their enforced Islamization.

CSI first discovered slavery when we visited northern Bahr-El-Ghazal, the town of Nyamlell, in May, 1995. On March 25 of that year, PDF forces had attacked Nyamlell, killing 82 civilians, enslaving 282 women and children, burning dwellings, looting cattle and grain.

We have returned six times, visited other locations in northern Bahr-El-Ghazal to obtain further evidence of slavery. We have interviewed ex-slaves, slave traders, PDF officers, and the families of people who are still enslaved. We have accumulated an abun-

dance of evidence to prove beyond doubt that chattel slavery thrives and is actively encouraged by the regime.

We have adopted a two-pronged strategy to try to achieve the abolition of slavery. First, on the human and small-scale level, is slave redemption. On our first visit to Nyamlell, we discovered the possibility of redeeming slaves, reuniting them with their families. This arose because of a local peace agreement between Arabs from the north and the Dinka Africans who live in the south. In order to obtain grazing and trading rights, the Arab traders are allowed to graze and trade in return for the return of slaves to the local people. And since October, 1995, CSI has helped the local authorities to free over 300 slaves.

But, more fundamentally, we have adopted a policy of reconciliation between the Arabs and the Dinkas. We arranged for a visit by the well known and well respected Muslim religious leader, Mubarak El Fadil El Mahdi, who is also General Secretary of the NDA, to visit the area. He met the local Arabs, and in joint meetings with Arabs and Dinkas, he persuaded the Arabs that this war is not a *jihad* and they are being manipulated by the regime in Khartoum; that it is not in their interest to fight, and to kill, and to enslave their African brothers and sisters; and to go back and tell their brothers in the north to stop undertaking these slave raids.

Consequently, I am happy to say there have been far fewer slave raids since Mubarak El Mahdi's visit.

I finish and leave the topic of slavery with just one case study because it illustrates the reality of the tragedy and the abomination of slavery.

Mr. Apin Akot is from the village of Sokobat, near Nyamlell. His village was raided in February, 1995. His photograph is there in front of us. During that raid, he was out looking after the cattle with their smallest child. His wife and two daughters were taken and enslaved in the north.

With great courage, Mr. Apin Akot sold his cattle, took the money he raised from the sale of his cattle, went north to look for his wife and two daughters. He risked his life in doing so. He found the Arab owner. He managed to negotiate the sale of his wife and younger daughter, age 5. But the older daughter, age 9, was nearly old enough to be a concubine. He did not have enough money to negotiate the release of his older daughter. He had to return, leaving that 9-year-old behind.

We were able to give him the money. With great courage he returned and he was able to buy back his 9-year-old—now 10-year-old—daughter just before she would have been circumcised and forcibly married to an Arab owner.

That family is now reunited. Mr. Apin Akot says that every day he wakes with joy, he feels a new man, because the family are together again.

But we reckon there are tens of thousands of Africans still enslaved in the north.

The final and few very brief words are in the final category of the violations of human rights, the abduction and forced conscription of boys and young men into the government army, where

many are subjected to enforced Islamization, compelled to fight in the war against their own people.

We have met many young men who have escaped from the army who describe how they have been forced to adopt Islamic names and practices or suffer discrimination if they fail to comply. These conscripts are usually put in the front line, where they are among the first to die in military offensives. It is estimated that many thousands of boys and young men, including Muslims and particularly those from the Beja tribe, with whom I have just been, have suffered this fate.

I conclude, Mr. Chairman, with one or two very brief recommendations for consideration, if I might have the temerity to suggest it, by the U.S. Government and the international political community.

First, we in CSI welcome U.N. Security Council Resolutions 1044 and 1054 and we call upon the Security Council to impose, if necessary, sanctions of increasing severity, including arms and oil embargoes. We are pleased to hear of your own attempts to try to limit financial transactions.

Second, CSI calls on the international community to insist on access for human rights monitors to all areas of Sudan under the direction of the U.N. Special Rapporteur for Human Rights in Sudan. These monitors could investigate all violations of human rights, including the persecution of Christians and those of other faiths.

We call on the international community to insist on access by humanitarian aid organizations to all parts of Sudan, to ensure that aid is not used directly or indirectly to exploit hunger and disease by forcing Christians to accept aid and to become Muslims as part of that condition.

Finally, we call on the international community to establish regular dialog with the NDA, the opposition groups, as they develop policies to make peace and justice for all the people of Sudan, according to the IGAD Declaration of Principles.

Thank you very much, Mr. Chairman.

[The prepared statement of The Baroness Cox follows:]

PREPARED STATEMENT OF BARONESS COX

Mr Chairman, Honourable Senators, I am grateful for the opportunity to give evidence today of gross violations of Human Rights by the Government of Sudan, with particular reference to religious persecution. This evidence is based on first-hand experience of 15 visits including 4 this year, to many different areas in Sudan; the Nuba Mountains, Southern Blue Nile and Eastern Upper Nile; and Eastern Sudan between Kassala and the Red Sea.

I will conclude with some recommendations for consideration by all concerned with Human Rights, with particular reference to religious liberty in general and Christian persecution in particular.

Before I give this oral evidence, (fuller, written evidence is available for reference), I should briefly introduce the Organisation which has made this work possible:

1. Christian Solidarity International (CSI) is an interdenominational Human Rights Organisation, focussing especially on religious liberty, helping victims of repression, regardless of creed, colour, nationality or gender.

CSI endeavours to be a voice for those who have no voice. We thus try to reach those who are cut off from other aid organisations. Many organisations, including working under the auspices of United Nations organisations such as UNHCR and UNICEF, or the Red Cross, can only visit people in need of help if they have an invitation from a sovereign government. But repressive regimes victimising minorities within their own borders may not give this permission. Therefore, these minori-

ties are bereft of both aid and advocacy. We believe it is part of our Christian mandate to reach such people, who are among the most isolated, outcast and deprived in the world. Our objectives on each visit are:

- to obtain evidence of violations of Human Rights and to present that evidence to the international community;
- to assess humanitarian need and to provide such assistance as our resources allow;
- to show solidarity with victims of repression and persecution.

Mr Chairman, the situation in Sudan is very complex. Although the primary victims of religious persecution have been the African Christians of the South and the Nuba Mountains, many other groups, including Muslims and animists are also suffering persecution.

This is because the National Islamic Front (NIF) totailitarian military regime, which seized power by force in 1989, has declared a jihad, not only against Sudanese Christians, but against all who oppose it, including Muslims and animists, who are fighting for freedom from repression, for survival of their culture, and for fundamental human rights, including religious liberty.

Many Arab Muslims from the North, the majority of whom belong to Opposition parties represented in the previous democratically elected government, have suffered arbitrary arrest, imprisonment, torture and extrajudicial killings.

On April 3 the NIF disrupted the 29th memorial festival of Al-Sayid Ali Al-Merghani, blocking access to the celebration and using tear gas. Many people were subsequently imprisoned.

A coalition between the major Islamic parties of the North and the major black African opposition movement, the Sudan People's Liberation Movement/Army (SPLM/A), has led to the National Democratic Alliance (NDA).

The tragic war in Sudan must therefore not be seen simplistically as a war between Christians and Muslims. It is a war between a fundamentalist Islamic regime, with a totalitarian ideology, and its own citizens; it has caused over 1.5 million deaths and led to the displacement of over 5 million people from their homes and their lands. It has inflicted incalculable suffering through brutal violations of Human Rights, including the persecution of Christians, which reflects a central feature of the NIF regime's policy of enforced Islamisation.

This policy of persecution of Christians is implemented by diverse strategies, which can be summarised under 4 headings:

1. Military offensives against civilians, including aerial bombardment by Antonov bombers and helicopter gunships; assaults by ground troops in which people are killed or abducted, crops and property, including churches, burnt; livestock stolen or slaughtered and water supplies destroyed.

2. The displacement of over 5 million people from their homelands, who have been forced to live by scavenging or to go to Government-controlled garrison towns or 'Peace Camps' where they are compelled to exchange Christian names and allegiance for Muslim names and practices, in order to receive essential food and medicine.

3. The abduction and enslavement of tens of thousands of black Africans, and their enforced Islamisation.

4. The abduction and forced conscription of thousands of boys and young men into the Government army, where many are subjected to enforced Islamisation and compelled to fight in the war against their own people. They are usually put in the front line, where they are among the first to die in military offensives.

Mr Chairman, I will offer testimony on each of these aspects of the persecution of Christians in Sudan today.

1. Military offensives against civilians

The Government has been undertaking a ferocious war against its own people in Southern Sudan, the Nuba Mountains, Southern Blue Nile and Eastern Sudan. It has received massive financial assistance from other fundamentalist Islamic regimes which support terrorism. There have been recent reports of donations from Iran to purchase weapons, including tanks, MIG fighter aircraft and chemical weapons.

The Government denies that it bombs civilians, but I have spent hours in foxholes during aerial bombardment of innocent civilians, which inflicts death and injury; it also terrorises civilians and drives them from their homelands into the bush, desert or mountains, where they have to scavenge for food; often they have no access to water supplies; and they suffer from cold with no shelter, clothes, blankets or mosquito nets.

One response to these military offensives has been the establishment of armed resistance, fighting for survival and, as many see the situation, to resist the spread of fundamentalist Islam beyond Sudan into other parts of Africa.

For example, on the way to the front-line near Kapoeta, in January 1994 we had to take refuge in a foxhole from an Antonov bomber which on the previous day had killed 8 civilians and wounded three others. The SPLA commander, Cdr. Cirillo, is a practising Catholic who does not want to fight a war. He describes the NIF's war against the South as a war to Islamise Sudan.

Before battle the Mujahadeen and other Islamic fundamentalist zealots customarily shout and chant: "We will force you to become Muslims whether you want to or not."

The Muslim fundamentalists cannot defeat us. We are firm as Christians, and we will die for our faith. Our struggle is not against Islam or against Muslims, but is against a fundamentalist regime that wants to destroy our African heritage and faith. It is discouraging to see the Islamic fundamentalist government in Khartoum receive material and moral support from other Islamic countries, while we receive no support from the Christian world. But we will continue our struggle for freedom even if we are forsaken by Christendom. We will die for our faith and we will die Christians. But please help my wounded—we have nothing.

Earlier this year, we were in the Nuba Mountains, and we testify that the Government continues to destroy villages as a part of its publicly declared jihad against the Nuba people. Also, a group from the Christian organisations Frontline Fellowship and Voice of the Martyrs gave details of very recent attacks on villages, including bombardment by Antonov bombers and low-flying helicopter gunships, and by ground forces. They had been attacked by low-flying helicopter gunships and described how the gunships hunted and mowed down women and children. We also obtained evidence of systematic destruction of homes, churches, crops and livestock by Government troops and Government-backed Popular Defence Forces (PDF). Crucifixion of Christians has also been reported by reliable sources.

But the Christians of the Nuba Mountains remain firm in their faith, despite persecution. We met leaders of Nuba Mountain Christian communities. An Episcopalian pastor, Reverend Barnaba, the head of the Nuba Mountains Council of Churches, said that Christian communities were very happy with our visit which showed Christian solidarity with the churches there.

You have been sent by God's power. The churches in the Nuba Mountains are carrying the cross of Christ in these days. They are enduring many problems on account of the war being waged against them. They want you, who have been sent by God, to be a voice for them and to try to bring them some help in their dark days.

They are now surrounded by enemies in every direction.

The NIF regime has escalated its policies of burning churches and church property, homes and everything which belongs to the people. To make matters worse, they occupy the places where people go to fetch water so that they cannot drink. They are simply doing this in order to torture people and to force them to go to the Government held areas for shelter, food and water. Despite all this, the people of the Nuba Mountains will remain strong and will not go to the enemy side. They will remain Christian and will work hard to survive this period of darkness and suffering. The Bible tells us that if anyone suffers we should all suffer, and if anyone rejoices we should rejoice with them. We thank God that we are not alone despite our suffering. God has sent us our brothers and sisters.

We also conducted a meeting with community leaders from the various Counties in the Nuba Mountains. They gave details of recent attacks by Government and PDF forces. Time only permits one example:

Ibrahim Saeit from Murban County. Villages which were attacked included Regife village, on 1 March, when two elderly men were burnt in their huts; three other men were captured (Hassan Jabura, Osman Jabrah, and Abdullah Adam); 370 homes were burnt, 371 cows stolen, pigs and poultry killed and all the crops burnt. Now there are over 4,000 displaced people from Regife living in the bush suffering from severe hunger; they will also suffer from cold during the rainy season.

The enemy used two helicopter gunships killing one woman in Kirka and wounding four other civilians; three churches were also destroyed in the raid, one Roman Catholic, one Anglican and one belonging to the Sudanese Church of Christ.

This leads to the second category of persecution:

2. The displacement of people from their homelands in attempts to drive them to Government-controlled areas where they must renounce their Christian faith in order to receive aid.

Many thousands of people have been driven from their homes. We have witnessed them dying of starvation and disease in regions ranging from Bahr-El-Ghazal in the west to Eastern Equatoria, Southern Blue Nile and Eastern Upper Nile. Many others try to survive by fleeing to Government-controlled garrison towns or 'Peace

Camps' where they are compelled to exchange Christian names and allegiance for Muslim names and practices, in order to receive supplies essential, such as food and medicine.

We have received evidence of this policy from many people in all these areas over the past 4 years. These examples come from Loronyo in Eastern Equatoria in June 1995.

The local Commander (Cdr. Gathoth Gathkuoth) told us:

Loronyo had a population of about 6,000 before May 1, 1995. On that day, the Government airforce began a campaign of indiscriminate bombing in and around Loronyo. On May 1–2, 48 bombs were dropped on the outskirts of the village. On May 13, a Government Antonov returned and made a direct hit on the village, killing five women, two men and three children . . . On the following day, another bomb was dropped on the village. The well-constructed and beautifully maintained village is now a ghost town. The local people have fled into the bush for fear of more air raids . . .

(During times of peace, the industrious people of Loronyo are able to lead a good life. The soil is fertile, the climate is favourable and there is an abundance of game. . . .)

The current problems of Loronyo first became grave in 1992 when nearby Torit was occupied by the Government army . . . The Government has combined its bombing raids with a complete ban on the delivery of humanitarian aid to the Loronyo. The last food delivery to Loronyo arrived last year. The aim of the Government is to force the Lutuku people to go to Torit in search of food and medicine. Most of the people have so far resisted this temptation. They survive in the bush by eating wild roots and leaves. But some have gone to Torit, where they are forced to accept a Muslim name and practice Muslim rituals at the mosque in order to receive food, some of which comes from western donors via the UN Operation Life-line Sudan. Some also comes from the radical Islamicist aid organisation, Dawa Islamyia. In Torit, southern Christian women are routinely raped and forced to marry Arab Muslims, even if already married. Southern Christian boys are often taken away from their parents and placed in Torit's Koranic schools where they are indoctrinated with the Islamicist ideology of the NIF government. In some cases the boys are sent North as Islamic fundamentalist zealots, never to be seen again by their families. The Christian churches in Torit are severely restricted and are not allowed to distribute humanitarian aid themselves. The weapon of hunger is a much greater threat to the people of southern Sudan than the Government's arsenal. "The people of Torit are Christians and believe in Jesus Christ as the saviour. The NIF Government is now crucifying Christ here in Sudan."

I offer one illustrative case, typical of countless others:

On May 19, 1994, two-year-old Thomas Obuka was alone in his hut when a Government Antonov dropped a 600 lb on Loronyo. Debris from the massive explosion hit the hut and set it alight. Thomas received severe burns on his arms, stomach and legs before his mother rushed to his rescue. The boy is in constant pain. If he survives, he will be badly disfigured for life. The Government prevented the ICRC from evacuating and treating Thomas and other wounded people from Loronyo. Tragedy is not new to Thomas' mother, Matilda, who lost a leg in a mine explosion. While trying to comfort her blistered son, Matilda told us:

I was in Torit together with my husband and two sons in 1992 when it was occupied by Government troops. I was then separated from my husband and forced to live as a wife of an Arab soldier. I was also forced by this soldier to become a Muslim and I was given the name Fatima. One of my sons, Okasah, was taken away from me by Dawa Islamiya. He was placed in a Koranic school and given the name Ahmed. One night my real husband and I tried to escape from Torit. We ran through a mine field. My husband stepped on a mine and was blown up. I stepped on a mine too. That is how I lost my leg. Since leaving Torit, I have never seen 0kasah. He would be eight-years-old now, if he is still alive.

3. The abduction and enslavement of tens of thousands of black Africans, and their enforced Islamisation.

CSI had received unconfirmed reports of slavery on early visits to Sudan. But when we visited Nyamlell in May 1995 we discovered slavery as a flourishing and widespread institution. On March 25 1995 the PDF forces attacked Nyamlell, killing 82 civilians; enslaving 282 women and children; burning dwellings and looting cattle and grain.

CSI has returned 6 times and visited other locations in northern Bahr-El-Ghazal to obtain further evidence of slavery. We have interviewed slaves, slave traders, PDF officers and the families of people who are still enslaved. We have accumulated

an abundance of evidence to prove beyond doubt that chattel slavery thrives in these parts of Sudan and that the NIF regime actively encourages it. (See reports of CSI visits to Sudan: May/June 95; August 95; October 95; April/May 96; June 96 and October/November 96; March 1997). We estimate that there are tens of thousands of slaves in Sudan today.

CSI has developed a two-pronged strategy to try to achieve the abolition of slavery in Sudan.

(i) *Slave redemption:* On our first visit to Nyamlell we discovered the possibility of redeeming slaves and reuniting them with their families. This arose from a local peace agreement between Dinka chiefs and some Arab Rezegat clans in southern Darfur. In return for cattle grazing and trading rights, Arab traders facilitate the return of slaves to their families for a price of 5 cows per slave (this price has subsequently dropped to 2–3 head of cattle).

Since October 1995, CSI has given the local civil authorities enough resources to free over 300 slaves.

(ii) *Arab-Dinka reconciliation:* CSI has worked to extend the local agreement of 1990 by arranging a visit by the Muslim religious leader Mubarak El Fadil El Mahdi, who is also General Secretary of the NDA and other prominent Arab leaders, together with the prominent Dinka leader, Bona Malwal. We arranged for them to meet the Rezegat and Misseriah leaders and to address gatherings of Arabs and Dinkas.

These meetings enabled the Arab leaders to persuade their people that this war is not a jihad and that it is in their interests to live in peace with the Dinkas. The Dinka leaders assured their Arab brothers that they would always be welcome in their midst.

Consequently this dry season there have been far fewer slave raids in this area.

During our recent stay in Nyamlell, we had four happy meetings with families whose children had been redeemed from slavery and who are now reunited. (Viewers of the 'Dateline' programme on Slavery in Sudan, transmitted last December, or readers of press coverage in 'The Baltimore Sun' may remember some of the cases.) I give 2 examples:

(i) Mr. Apin Apin Akot, was looking after his herd of cattle, with his smallest child, when the raiders came to his village of Sokobat, in February 1995. His wife and 2 daughters, aged 5 and 9, were captured and taken as slaves to the north. Apin Akot sold all his cattle and, risking capture, torture and death, went to look for them. The owner agreed to sell back his wife and younger daughter, but would not release the 9-year-old: as she was old enough soon to be a concubine, she was more 'valuable' and the money available was not be sufficient. So Apin Akot had to return to Nyamlell without her.

He had no more money or cattle to raise the money to save her. CSI gave him the necessary sum and on this visit we were very happy to see the entire family reunited. He told us:

Today I'm so happy and I cannot forget the help you gave me. I went to northern Sudan to bring back my older daughter and now we are back I'm so happy I forget all the difficulties. As soon as I received the money from CSI, I left to go to the place where I knew she was (Darafat, near Meiram in Kordofan) . . .

His daughter Akec Apin told her story:

When I was captured, my hands were tied with strong rope. All the bad jobs were given to me—grinding dura in house and carrying water from the well at night. I was just given leftovers on the plates for food. If I was slow fetching the water, my master beat me with a big stick (showing us scars on her face and legs—photos available). *All the family beat me.*

She was told by her owner that this year she would be married to his son. She was forced to join in Muslim prayers and wear Muslim women's head-dress. Mr Apin Akot asks us to report this message to those who gave money to help him:

You created me again, like God, giving me new life. When you gave me the money and I got my daughter back, I felt as if I had been born again.

(ii) Abuk Marow Keer, a young mother who had lost her sight through river blindness. Her two children, Abuk Deng aged 7 and Deng Deng aged 5, were abducted during the slave raid on Nyamlell on March 25 1995. She was also captured with her mother and raped during the beginning of the journey to the North. However, probably due to her blindness, she was discarded by the raiders with her mother. They returned to Nyamlell without her two children.

On previous visits we met these unhappy women. On the previous occasion we gave them money to redeem her children. It was a great joy on this visit to see them reunited. Abuk Marow Keer told us:

I am very happy indeed to get my children back. I am so happy, I could dance but I do not have the eyes to see. You paid for bringing my children back. Your money made it possible.

Her brother had gone to a place north of Daien and found her boy with an Arab master who released him for the money CSI had given him. She also obtained information of the whereabouts of her daughter Abuk, who was being kept in a village called Gomlias by a slave master called Abu Gassim. Abuk would have been circumcised this year and then used as a concubine.

In March, we also visited Manyiel, a market town about 3 hours' walk away, where Arab traders often bring children from the North, to sell them back to their families. We were welcomed by the local SPLA Commander who said he was surprised how fast Christianity was growing:

Faith seems to be strengthening because of suffering. Even if we are killed and our children are taken from us, we will continuing fighting for the right to live in our land and in the long-run we will achieve our objectives.

We also met Christian Leaders in Manyiel. A Roman Catholic Catechist, William Aryuon, gave this message to the Western Church:

We are very happy that the Christian Church in the West and in the world at large can see us in our sad situation and continues to visit us and to tell our story. If people like you visit us, this encourages us and strengthens our faith. We have many problems, including disease, lack of essential supplies for our church, and education is a fundamental problem. We need books, including English text books. We are suffering from nakedness, but that is a secondary priority. However, we do need blankets and mosquito nets for the rainy season. We are grateful that you have come here to show Christian solidarity, to share our difficulties, to redeem our children, to bring medicines, and to encourage Christianity in this place.

There had never been a church here before this war. But always in crises people look for solutions. Our problem has been the fundamentalist Muslim regime which has tried to force us to convert to Islam. We therefore responded by building a church and now people come to the church. Also now you have visited us, what we were doing and saying has become meaningful to people. They now understand Christian solidarity and the meaning of the international Christian community.

In June this year, we returned to Barh-El-Ghazal and were disappointed to find that there had been 2 more slave raids, on April 24 and May 16, in Marial Bai, an area about 2 hours' walk from Manyiel. Local people claimed about 2,000 PDF militia came; in the first raid 3 villagers were killed; in the second, 24 local people were killed and 3 more subsequently died of injuries; 67 slaves were taken.

They also burnt churches, schools, homes and crops and took as much livestock with them as they could.

One villager, Alek Bak, described the fateful day:

We heard the enemy coming. We all ran in different directions. My husband and 2 of my children escaped. But the enemy took away my 13-year-old son Piol and my 9-year-old daughter Abuk. They stole or burnt everything we owned. My home has been burnt down. All our food, clothes, books and tools are gone as well as 45 cows. I have had no news of my children. I don't know how we will survive . . .

4. The abduction and forced conscription of boys and young men into the Government army

Many are subjected to enforced Islamisation and compelled to fight in the war against their own people. We have met many young men who have escaped from the army, who have described how they were forced to adopt Islamic names and practices, or suffered discrimination if they failed to comply. These conscripts are usually put in the front line, where they are among the first to die in military offensives. It is estimated that many thousands of boys and young men have suffered this fate.

Conclusion

The Government continues to try to transform by force the ethnically and religiously diverse country into an Islamic state, against the wishes of the vast majority of its population, both North and South. This policy involves systematic persecution of Christians and is tantamount to attempted genocide of black African communities. The Government is also persecuting Muslims and animists who oppose its policies.

Recommendations

1. For consideration by the U.S. Government and the international political community:

(i) CSI welcomes the UN Security Council Resolutions 1044 and 1054 and calls upon the Security Council to impose, if necessary, sanctions of increasing severity, including arms and oil embargoes.

(ii) CSI also calls on the international community to:

- Insist on access for human rights monitors to all areas of Sudan, under the direction of the UN Special Rapporteur for Human Rights in Sudan. These monitors could investigate all violations of Human Rights, including the persecution of Christians and those of other faiths;
- Insist on access by humanitarian aid organisations to all parts of Sudan to ensure that aid is not used to support directly or indirectly the policies of exploitation of hunger and disease, by forcing Christians to accept aid as a condition of becoming Muslims.
- Establish regular dialogue with the NDA as it develops policies to promote peace and justice for all the people of Sudan, according to the IGAD Declaration of Principles.

(iii) We welcome legislation which will draw attention to the importance of religious liberty and to violations of this fundamental freedom; which will also encourage governments to protect religious liberty for all people.

2. For Christian Churches:

- The first priority identified by Christians suffering persecution in Sudan is always prayer. We urge Christian churches everywhere to pray regularly for the persecuted church in Sudan and throughout the world.
- Prayer without deeds is dead, as love without action is dead. Therefore, we urge Christians to respond to the persecuted churches' requests for aid, including Bibles, food, medicine, clothing and educational resources.
- There is also a need to show solidarity with those suffering persecution. Wherever possible, it is important to visit those who are afflicted. Those who do visit, will return enriched and inspired by the faith, courage, dignity and witness to Christian love shown by the persecuted church. As the exiled Roman Catholic Bishop of El Obeid said during a visit to Southern Sudan: "I came, I saw, I heard, I touched and I am enriched."

I leave the last word with a message from the Christian community in Southern Blue Nile, where the people are suffering from a scorched earth policy, which has displaced 50 thousand people who are living—and dying—scavenging for roots and nuts.

When we visited them in January, Elea Ullam, a Roman Catholic Lay Leader, gave us a message which speaks for all the persecuted Christians of Sudan today.

Please tell people in other countries: we Christians will never give up our faith, no matter what we must suffer. What we expect from the Church in the West is prayers for Christian unity and solidarity with us.

Mr Chairman, thank you.

Senator ASHCROFT. I thank you, Baroness Cox.

Reverend Marc Nikkel is an Episcopal mission worker in the Sudanese Diocese of Bor. He has travelled a long way to be with us this morning and I am pleased to have an opportunity to welcome his testimony. I would ask that he include in his testimony a statement of how he could pass security with those devices which are with him on the table.

That is just an aside, Reverend Nikkel. I am pleased to welcome your testimony.

STATEMENT OF THE REVEREND MARC NIKKEL, EPISCOPAL MISSION WORKER, EPISCOPAL CHURCH OF SUDAN, DIOCESE OF BOR, NAIROBI, KENYA

Reverend NIKKEL. Thank you, Mr. Chairman. We were brought up with a security guard so that they could be shown to your people here and under my care here as well.

I am very grateful for your invitation to be with you. I first went to Sudan in 1981. I have lived in Sudan for 9 years and am deeply grateful for the growing awareness of the human rights abuses, the

religious oppression in Sudan in the last couple of years during this administration. So I thank you for this opportunity.

I would like to address something of the nature of the church in Sudan that I have lived with for these last years, what has been proclaimed in some areas the fastest growing church in Africa, the fastest growing church in the Anglican Communion, and it might be parallel to other denominations as well, a vital, deeply rooted church that is part of people's identities. I think it is so easy for us from our Western perspective to conceive as something that has been introduced from outside that remains a foreign implant. That is not so in Sudan.

It is difficult to bring statistics to the growth that has taken place in these years given the isolation of various communities, the pervasiveness of this growth in very obscure places, where lay leadership has emerged without expectation. But in these years it is something very worthy of note.

In part, it is obviously conversion because of the oppressiveness of the present regime in Khartoum, its coercion, the subjection of people who are not of the particular ilk of the NIF, as we have heard. But it is also a deeply subjective experience of the Christian narrative of the Gospel as traditional structures have been broken down in these years, as societies—we have heard, what, 4 or 5 million—have been displaced within the borders of Sudan, with massive loss of life. Traditional social structures as well as religious structures have been torn to shreds in these years.

The divinities anchored to geographical areas have often been uprooted. It is in this period of upheaval that Christianity has become such a powerful emblem, not only for solidarity between diverse peoples, those who are educated, aware of the broader context, but people within rural areas for whom this has been survival. It has provided within the church new structures for social organization, for a relationship to divinity that is over all.

So when we are talking about religion, it is not perhaps the sort of segmented thing that we in the West often think of, but something that is pervasive. It is integral to the society, the survival of Sudanese societies in many contexts during this period.

Perhaps if, during the Missionary Era, there was one thing that was done very right, it was the use of vernacular language so that faith has been expressed in the vernacular, songs composed in the midst of this upheaval. All missionaries were expelled in 1964 and with that, people with little training went to the bush with what knowledge they had, what vernacular scriptures they had, interpreted and reinterpreted their struggle for survival, their suffering in these terms.

So what I want to say is, when we speak of religious persecution in Sudan, it may be something very different from what many of us would assume—a context where culture, ethnicity, language and spiritual allegiance are of a piece, deeply rooted together. And so, if we see that, we speak in terms of the acts of the NIF. We have heard so vividly about eradicating not only religion, but it is the ethnic identity that is the objective here. It is as true of Christians as of people of traditional culture, traditional religion as well.

I think of Bor area, where I spent a great deal of time and the great raids that took place in 1991. Yes, those were factional, those

were inter-ethnic, those were inter-tribal. But they were funded, they were encouraged, cultivated, armed from the north. I think of the great devastation that has taken place in northern Bahr-El-Ghazal as well.

There is the annihilation of cattle for traditional cultures, which are the heart of the sacrificial system, the spiritual system, the economy, the cohesion of community, the sense of well-being. Striking at that heart of society is an attempt to eradicate a cultural identity.

So there is a cohesiveness here that I would hope we can comprehend in the Sudanese context.

I have given several anecdotes and several examples of oppression in the testimony that I have submitted. I won't go with those now. But I would like to refer to crosses and maybe also to the image of jihad. Some people have asked me is the war in the south a counter-jihad on the part of Christians. No, it is not that—not in any way. People are defending their land. They are defending their right to their freedom of choice.

These crosses (indicating) have remarkable stories and in some ways they are an evolution, a transformation of the spears that were central to ritual traditionally. If you go to some areas, you will find hundreds, even thousands of crosses being held by Christians. This one is particularly poignant. For all of these, the brass is the refuse of war, of bullets. Obviously there is a bullet shell there (indicating), and an RPG tail spinner on the head of this cross (indicating), a rocket propelled grenade tail spinner.

Some months ago, I asked the fellow who had commissioned this what it meant for him. I would like this community here to hear the witness of one man, spoken in his own language, in the Jieng language, which I translate into English.

Jesus came into the world as a man of righteousness. But he was persecuted, and suffered, and put to death on a cross. He brought the good news, but was crucified with the spikes that nailed him down. In the same way, the Gospel has come into our land in southern Sudan, and we suffer for his word, that which we have accepted. Our children are raided and made into slaves because of it. We are put to death because of it. Our cattle have all been raided because of it. We suffer starvation and are scattered across the earth because of it. All those who receive the Gospel will suffer and so do we.

In this day the RPG—the rocket propelled grenade—is used as a tool of killing against our peoples as certainly as spikes were used to crucify Jesus on the cross. Still we carry within us the hope that we will ultimately have victory through the cross of Christ. It is a cross that will judge between us and the aggressors that will seek to kill us. I want people of the West to see the cross brought to them from Sudan because it is the cross they once brought to us. I want them to see that we are people like them, and this is the suffering it has brought us. See this cross. We have given up our old divinities and virtually everything we possess and we have taken up the cross. Pray for us that we will remain crucified upon the cross, that we will remain faithful. We are forever stuck to the cross.

That is indigenous theology out of the grassroots in southern Sudan. There are many other vernacular witnesses we could add to that. But I hope you hear in my words something of the integration of all of life over and against a government set on eradicating peoples, their cultures, their language, and their faith.

Thank you.

[The prepared statement of Reverend Nikkel follows:]

PREPARED STATEMENT OF REVEREND MARC R. NIKKEL

Personal background. I am grateful for this opportunity to speak before you, on behalf of Sudanese peoples who've become part of my life during the past sixteen years. I bring greetings from many of our Bishops, priests and women's workers, residing within the war zone, as well as in displacement and refugee camps.

I first went to Sudan in 1981 as an appointee of the Episcopal Church, USA, to serve as a teacher in the seminary of the Episcopal Church of the Sudan at Mundri. My work there was terminated when, in 1987, I was one of three Americans abducted by the Sudanese Peoples' Liberation Army (SPLA) and held for two months. This experience, trekking eastward among thousands displaced by war, served to deepen and solidify my commitment to the peoples of Sudan. After completing a doctorate in the history of Christianity among the Jieng (Dinka), I returned to Sudan to work as advisor for theological education under the Episcopal Diocese of Bor. Our present work involves extended periods in Upper Nile Province, one of the regions most devastated by war, as well as in displacement and refugee camps along the Sudan-Kenyan border.

Character of the Church in Sudan

Unprecedented church growth. The past fourteen years have seen not only massive losses of life and enormous population movements in Sudan, but the growth of Christian churches unprecedented in modern history, indeed, since the rise of the Nubian Church in the first millennium. During the past decade the Sudanese Church has been described as the fastest growing Church in Africa, and the Episcopal Church of the Sudan (ECS) specifically, as the fastest growing Church in the Anglican Communion, a trend paralleled in other denominations. While this refers particularly to the diverse language groups of southern Sudan, large northward migrations have made Christian communities increasingly prominent in the northern context, nor have the Nuba Mountains been untouched by the Churches' growth.

Undeniably, the impulse to embrace Christianity is, in part, a show of defiance against the government of the National Islamic Front (NIF), a regime which has proven itself ruthless in its use of social engineering, ethnic cleansing, forced Islamization, and genocide, in its attempts to impose a distinctive, politicized form of pseudo-Islam. Certainly, one motivation for conversion is political defiance among otherwise disenfranchised peoples.

It is also, however, a profoundly subjective response to the Christian message amidst the unprecedented social, cultural and religious destabilization traditional societies have undergone during the past decade. The processes, sequence, and momentum through which Sudanese peoples have imbibed Christianity vary greatly. For the majority it has involved a fundamental reassessment of communal heritage and identity in theological, spiritual, and moral terms. In many regions tradition is not being discarded but, through indigenous impulses, being transformed and synthesized to facilitate survival in a radically altered world. With the erosion of the social and moral structures in many indigenous societies the Church is assuming an increasingly prominent role in moral leadership both within civil society and in local government.

An indigenous and vernacular faith. Spokesmen for the NIF describe Christianity as an oppressive, counterfeit religion cultivated by Western imperialists for the subjugation of African peoples. On the contrary, Christianity has become integral to the identity of many Sudanese, and during the present era often plays a part in their cultural, linguistic, and ethnic survival. Repeatedly, during the forty years since independence, the churches have served as places of cultural cohesion, affirmation, and preservation. One of the most important factors in the expansion and indigenization of Christianity in Sudan has been the fact that Catholic and Protestant missions cultivated *vernacular* languages. While Christianity helped to unify the diverse peoples of the South, written vernacular language encouraged independent thought, indigenous initiative, and authority at the grass roots.

With the expulsion of missionaries from southern Sudan in 1964 small, fragile Christian communities were largely severed from external support. Yet, vernacular Christianity became in many regions a tool of the Church's self-preservation and propagation. Amidst great suffering, often hidden from combat in rural areas and in exile, the vernacular church proliferated, a process, which continues with still greater intensity today. The moral and social values of the Church, its scriptures and liturgies, its modes of healing and reconciliation, have met with and been transformed by indigenous thought. Contrary to expectation, the churches have served, in Sudan's postcolonial era, more to protect and hallow African ethnic identities than to suppress them. Though under assault with the destruction of churches and the withholding of services to non-Muslims, vernacular Christianity plays a pro-

found role in reinforcing identity, and providing solidarity for the disenfranchised in today's war zones and displacement camps.

Given this evolution Christianity is intimately linked with the cultures, languages and ethnicities of those who embrace it. Not only is this integration basic to Sudanese Christian identity, it is also assumed by NIF government authorities. The jihad, or 'holy war' declared by the government is not simply directed against Christians, but against Muslims and people of traditional African religion, any who do not bow to the politicized pseudo-Islam it propagates. Women and children who have been abducted and used as forced labor and as concubines include traditionalists as well as Christians, all members of subjugated ethnic groups. The boys who have been forcibly placed in Islamic *khalwas* to undergo Islamization and militarization are from traditional as well as Christian roots. Religious suppression is but one facet of the broad spectrum of human rights abuses presently being perpetrated in Sudan.

Religious Persecution and Forced Islamization

The examples of religious persecution which follow are taken from the narratives of friends who experienced or observed these events. They are from both northern and southern Sudan, and all have occurred within the past year.

Suppression of vernacular language. In contrast to the affirmation of ethnic identities discussed above, a succession of Khartoum based regimes have sought to enforce the study of Arabic language as a component of Islamization. In its programs of social engineering and ethnic cleansing no regime has suppressed vernacular languages more virulently than the NIF. A recent narrative tells of a literate Christian in Northern Sudan who had obtained a primer in his own vernacular language. When he returned to his home area the primer was found on his person by security police and he was killed. The primer was perceived as a tool for cultivating vernacular language, indigenous culture and Christianity in defiance of the Government's determination to eradicate them. The propagation of vernacular language can be a capital offense in contemporary Sudan.

Persecution focused on Church Leaders. Pastors who reside in show places like Khartoum may sometimes be given a degree of immunity, but those who are hidden from international view in government controlled areas often undergo sustained intimidation. Indeed, some church leaders in Khartoum are warned against visiting churches in their home areas on threat of death lest they offer support and nurture to vulnerable people.

Pastor James (not his real name) is a respected Protestant minister in a Southern garrison town, noteworthy for the multi-ethnic congregation he led, and the good relations he maintained with other churches. On the 10th of July, 1997, his home was visited by NIF security police and violently ransacked. At midnight armed men appeared again, taking him into the night, one of about thirty people abducted by authorities near the same time. Pastor Alex was held for twenty days, and beaten and tortured continually. During no time in this period was he interrogated and no charge was ever raised against him. During detention his hands were tightly bound such that he was unable to use them for two months following his release. Several of his teeth were knocked out, his ribs broken, and kidneys damaged. There appears to be no reason for his detention and torture apart from his role as an observable church leader, respected as a man of reconciliation and solidarity in the Southern community.

Execution of Muslims who convert to Christianity. As in other Muslim countries, it is illegal to convert from Islam to another religion. Nonetheless, there has been a small but consistent movement of Muslims toward Christian faith. This occurs primarily among Nuba who have been alienated by NIF policies in suppression of their people, but also includes Muslims of other backgrounds. There are numerous accounts of converts who have been killed or 'disappeared' under government action. One young northerner became a Christian, and was reported to the authorities by his own family. He was apprehended by government security, beaten, and shot. Thinking him dead, his body was dumped down a large conduit that empties into the Nile River. There it floated becoming entangled in fishing nets. Surprisingly he was not eaten by crocodiles, but was found the following morning by fishermen and taken to hospital. He now works as a Christian evangelist in villages of the north, his family unaware of his whereabouts or activities.

The destruction of church buildings. A succession of Sudanese governments have withheld land or building permits for the construction of churches. Nonetheless, people in shantytowns and displacement camps repeatedly struggle to erect *rakubas,* simple shelters made of mats to serve as churches, community gathering places, and schools. Occasionally more substantial buildings have been constructed. Repeatedly they have been destroyed, often bulldozed without warning. Since May, 1997, at

least seven churches have been destroyed, two in Jebel Aulia displacement camp, two in the Khartoum suburb of Kadalona, and three in Nuba Mountains, one of these being an ECS cathedral recently built of permanent materials. Within the ECS compound in Omdurman police recently took control by force of arms of an area used as a children's center on land that has been church property since colonial times.

Statement of James Lual concerning the RPG Cross

Following are the words of an evangelist from Upper Nile Province. His words, translated from Jieng language, reflect the attitudes of many southern Sudanese Christians.

> *Jesus came into the world as a man of righteousness, but he was persecuted and suffered and put to death on a cross. He brought the good news but was crucified with the spikes that nailed him down. In the same way, the gospel has come to our land in southern Sudan, and we suffer for his Word, that which we've accepted. Our children are raided and made into slaves because of it. We are put to death because of it. Our cattle have all been raided because of it. We suffer starvation and are scattered across the earth because of it. All those who receive the gospel will suffer . . . and so do we. In this day the RPG (rocket propelled grenade) is used as a tool of killing against our people as certainly as spikes were used to crucify Jesus on the cross. Still, we carry within us the hope that we will ultimately have victory through the cross of Christ. It is the cross that will judge, between us and the aggressors who seek to kill us. I want people of the West to see the cross brought to them from Sudan because it is the cross they once brought to us. I want them to see that we are people like them and this is the suffering it has brought us. See this cross. We have given up our old divinities, and virtually everything we possess, and we have taken up the cross alone. Pray for us that we will remain crucified upon the cross, that we will remain faithful. We are forever stuck to the cross.*

In closing, I would request the solidarity of the government of the United States with the peoples of Sudan, not only Christians, but people of every faith tradition who are the object of religious coercion, ethnic cleansing or genocide. Indigenous religious leaders need to be assured of our compassion and will to positive action. Recognized leaders whose authority has been negated or denied in their own homeland need to be given avenues of approach and the fight to initiate requests for constructive measures on behalf of their people.

Senator ASHCROFT. Thank you, Reverend Nikkel.

I am pleased now to have the opportunity to introduce Ms. Jemera Rone—and I hope I have pronounced that properly—who is the counsel at Human Rights Watch and a noteworthy Sudan scholar in her own right.

I want to thank you for appearing and look forward to your testimony. At the conclusion of your remarks, we should have a few moments for an exchange.

STATEMENT OF JEMERA RONE, COUNSEL, HUMAN RIGHTS WATCH, WASHINGTON, D.C.

Ms. RONE. Thank you very much for inviting me here today. I am Jemera Rone from Human Rights Watch. Thank you also for conducting this hearing on Sudan and religious persecution and human rights abuses. For very long, Sudan has been simply out of the public's eye and hearings like this do so much to bring it to the public consciousness.

I would like to submit my written testimony and also append to it a chapter from a report that I wrote last year, the chapter dealing with religious freedom in Sudan. It is much longer than my testimony and far too long to read this morning.

Senator ASHCROFT. The committee is pleased to receive it and will make it a part of the written record along with the submissions of other witnesses.

Ms. RONE. I would like to speak first about religious oppression and violation of civil and political rights, sort of a little different from what the other witnesses have been speaking about, which are the very gross, physical abuses that occur in the course of the war—the killings, the slavery—which they have covered so eloquently.

I, myself, had an experience in Sudan when I attempted to meet with the Roman Catholic Archbishop Juba, that illustrated for me what type of oppression people live under but that is not yet physical abuse.

The Sudan security absolutely refused to allow me to speak to the Archbishop in private. They had him under their eye every move he made. They did not want him to talk to foreign visitors, especially not human rights people, because they were afraid of what he would tell them.

I very much wanted to hear what he had to say. But he, of course, could not speak freely in front of these two security agents who came into his office when we were both there. They knew we were going to be there and they refused to leave, even though we both asked them very politely to leave.

I then protested and said I had never been in any country investigating human rights on any mission where government officials would not let me meet privately with a religious official.

They were totally unmoved and, as a result of my protest, I was put under virtual house arrest and my visit to Juba was cutoff. I was put on the next plane out.

This is the daily bread that the religious community—I should say of the Christian religious community—in Sudan has to face in the government controlled areas of Sudan, southern Sudan and also in the north. It is particularly bad in the garrisoned towns, such as Juba, which is the largest town in the south and it is under government control.

These are a type of oppression and violation of civil liberties that are targeted directly at people that the government thinks oppose them on religious grounds, political grounds, ethnic grounds, whatever. The gross abuses that are occurring in the war are often of an indiscriminate nature, I would say. There are raids, open season, on anyone who lives in a particular area that the government happens to think is affiliated with the rebel group, the Sudan People's Liberation Army.

They are giving carte blanche to their soldiers and the militia to go in and devastate the civilian population that they think is supporting the rebels. As their reward, their war booty, they are allowed to take prisoners, that is, slaves, women and children, loot the grain, take the cattle, take anything of value.

This is the way that the government allows soldiers and militia to be paid for their work for the government. It is an incentive for them to go on these raids.

Of course they take women and children as slaves because those are the most vulnerable and it is very hard for them to escape. The grown men, if they find them, they kill them. The women and children are usually more easily intimidated and then taken far away with them to the north.

I had the opportunity through an underground that exists in the north to speak to some of these children who had been taken as slaves and who had managed to escape through the help of the underground or through their own devices. Sometimes when these boys are old enough—that is, 10, 11, or 12—they run away and they get away from their masters. But many of them are not able to do that.

Their stories are very pathetic. They often do not remember the raid in which they were captured because it was so traumatic and sometimes family members were killed, and so forth.

But this is one of the more gross abuses in the war about which we have already talked.

I want to emphasize how much I appreciate the description you had of the conflict in Sudan. It is very complex and, obviously, you touched on many, on all of the facets of the war.

If you listen to the government rhetoric, I find it is quite misleading about what I think is actually going on in Sudan. The government attempts to cloak itself in the flag of Islam for purposes of garnering support inside the country among the Muslim majority and for the purpose of garnering support in the Arab and Islamic world and from wealthy individuals who will help them finance the war effort.

Their rhetoric, their Islamic rhetoric, is extreme. They exhort—government officials, the head of State, the President exhort large crowds, addressing them as Muslims, encouraging them to go on a holy war and promising them that if they die, they will be martyred and will go to heaven and have the rewards promised in the Koran.

These are government officials. This is a very polarized discourse, of course.

The war is not as simple as all that, however, because there are Christians and Muslims on both sides of the conflict. There are believers in traditional African religion on both sides of the conflict. Part of this is because the government has a very pernicious policy of divide and rule and has had some success with this policy.

This is a policy more directed at different ethnic groups, at polarizing people according to their tribal origins, rather than their religion.

In particular, Sudan is an extremely complex country in terms of ethnic and religious composition. There is no one ethnic group that is in the majority. Arabs are about 40 percent of the population, that is, people who identify themselves as Arabs. They will belong to many different tribes.

The largest single people or tribe, as we would say, is the Dinka. They are about 3 million—is a guess—out of about 26 million or 27 million people, only about 12 percent of the population belonging to one tribe.

They are a southern people. The Dinka are in the leadership of the rebel Sudan People's Liberation Army, and, therefore, the government has conducted a campaign of trying to vilify the Dinka, unfortunately, and riling up everyone, Muslims as well as southerners, against what they call Dinka domination.

They do this as a part of their training in the People's Defense Force Camps, which are government militias that are extremely po-

liticized in their education. They give a little bit of military training, but most of their training is about the holy war and of a political nature designed to encourage people to volunteer to go to the south on this holy crusade against the Dinka as much as for a holy war.

I have heard about this type of training from people who are required to go to these camps. They require government civil servants to go. They also require Dinka government civil servants to go. They have heard this talk against their own people. It is very difficult for them and some of them protest. They lose their jobs, get thrown out of the civil service, and are considered enemies of the government.

In addition to this really pernicious government policy of trying to divide people on ethnic grounds, there are other reasons for southerners, non-Muslims, and Christians to be fighting actually on the side of the government and against the rebel SPLA. Some of those have to do with internal fights, political power struggles. Some of them have to do with human rights abuses which the SPLA has committed because in some cases they have not really respected the human rights of the people in whose territory they are fighting. They have recruited child soldiers and there has been a backlash on that.

But there is also a lot of power struggle going on as in any movement.

In fact, the second largest people or tribe in the south is the Nuer. They are mostly fighting on the government side right now.

What we fear might happen in this conflict is that the government will step back and let the southerners fight against each other and remove the religious element, at least ostensibly, from the conflict. Some government officials have actually said to me well, if we were not there, it would be another Rwanda, just these tribes fighting each other.

That is why I think it is important to keep the broad context of the war in mind, that the government is capable of just this kind of manipulation.

This actually happened in the killings that Marc Nikkel was referring to in 1991. It was southerner against southerner. Also in 1993 there was a very bad rash of struggles from southerner to southerner, fomented by the government, of course. But it was very real and very hard on the civilian population, nevertheless.

I want also to underline what others have said, that the fact is there are Muslims who also fight in the SPLA. So the SPLA itself is fighting not for a religious State. They are fighting for a united, secular Sudan. That is what they have been saying since the beginning of their formation.

The Muslims who are fighting with them originally were from the Nuba Mountains in the center, where half the people are Muslim and the other half are Christian. Now they have been joined by independent Muslim forces, independent of the SPLA, Muslims who formed their own forces, the Beja, as Baroness Cox has mentioned, and also the Sudan Alliance Forces, who are not only Muslim but are also Arab.

So you have a north-north conflict now as well, to boot, which severely undercuts the ability of the government to wrap itself in the flag of Islam. But they try, nevertheless.

I want to followup on one of Marc Nikkel's comments about conversion. The south, in my experience, is not a majority Christian area; it is a majority of traditional African religions. People are reaching for Christianity there and also in the north, where they are very badly treated as second class citizens, as a bulwark against the onslaught of this Islamic northern thrust into their communities and into their lives.

The British traditionally administered family law in three separate courts. One was for Muslims, one was for Christians, and one was for people with traditional African religions, that is, customary law, which is quite different from the Muslim or the Christian law. Particularly, customary law permits polygamy, which is a practice in the south, which is perfectly acceptable under that law but yet is contrary to Christian doctrine and also, once you get past four wives, it is also contrary to Muslim doctrine.

I say this to underline the complexity of the south and the diversity of its peoples.

The militant Islamists have always tried to say that Christianity is a foreign influence and that people who are Christians are not really Sudanese, and, therefore, that there is a large conspiracy against Sudan by the western Christian world, designed to destroy an Arab Islamic State. That is the basis on which they make their appeal to other countries in the Arab and Muslim world.

My caution or hesitation about focusing on religious persecution to the exclusion of all else is that this gives them more ammunition for the fire. It is not true that Christians in Sudan are foreigners. They have been treated by this government as foreigners, but they are as Sudanese as anyone else. The clergy is almost entirely Sudanese.

But yet, this is something that the government I am sure will try to make more ammunition of, to rally forces inside Sudan and abroad. I was glad to hear in the remarks of everyone here today that they view this conflict as much more than just a religious conflict and that there is here broad recognition of the ethnic, linguistic, cultural, regional, and other elements in the war.

[The prepared statement of Ms. Rone follows:]

PREPARED STATEMENT OF JEMERA RONE

Introduction

I am Jemera Rone, counsel and Sudan researcher at Human Rights Watch. I thank you for conducting this hearing on religious persecution and human rights in Sudan, and for inviting me to testify.

Human Rights Watch supports sanctions in principle as a means of bringing about human rights compliance, and we consider a government as thoroughly abusive as that of Sudan to be a prime candidate for sanctions. We fear that sanctions imposed solely because of religious persecution might backfire, however, from two directions: the government of Sudan and a US administration intent on defeating the purpose of the legislation.

Based on the Sudan government's track record, we can envision that it might try to take advantage of religious persecution sanctions in two ways:

(a) to pit Sudanese Muslims against non-Muslims, by claiming that foreigners seek to give non-Muslims a privileged status inside Sudan (despite the fact that the bill includes religious discrimination against Muslims); and

(b) to garner sympathy for Sudan in the Arab and Islamic world and elsewhere as a state which is victimized by the powerful, western Christian world, solely because it is a religious Islamic state—religious persecution in the reverse, if you will.

The current government of Sudan uses every opportunity to present itself as an underdog that deserves the political, financial and military support of Arab and Islamic countries.

Imposing sanctions solely on the basis of religious persecution would inadvertently give any US administration intent on avoiding sanctions on Sudan—or elsewhere—the opportunity to claim that the human rights abuses are not religious abuses. For instance, Sudan is already subject to multiple sanctions related to the government's support for terrorist groups and having a civilian government ousted by a military coup in 1989. One of the few remaining sanctions that can be applied is a ban on US investors doing business in Sudan, the so-called Occidental loophole (arising from Department of Commerce regulations under the anti-terrorism legislation). However, applying sanctions on account of religious persecution alone, instead of on account of the wholesale violation of human rights, still provides wiggle room for an executive branch eager to promote business interests. Many of the grossest abuses are related to the war and not to the religious affiliation of the victim. The way to better assure protection of religious rights is to impose sanctions on account of all abuses, including religious persecution.

Rights Abuses and the Civil War in Sudan

Sudan is Africa's largest country—2.5 million square kilometers—approximately one-third the size of the continental US; the Nile flows through it from south to north. It is a poor country of vast distances. The Sahara desert runs through the north, and equatorial rain forests and marshes dominate the south.

This government is dominated by the Islamic militant party, the National Islamic Front (NIF), that took power eight years ago in a military coup, ousting an elected civilian government. It inherited a civil war, or more correctly, came to power to prevent an imminent negotiated solution to the civil war that would have restored regional and religious rights.

This civil war, which has now lasted fourteen years, is not a simple matter of north against south, Arab Muslims against Christian and animist Africans. [Anthropologists tell us that animists believe that men, animals, plants, stones and so forth are inhabited by souls, and southern Sudanese peoples practice "traditional African beliefs" honoring their ancestors.]

The war is not monocausal. Religion is one—but only one—of the factors competing to define national identity. It is also about ethnic origin and culture, language, and race, about clashes of political systems, allocation of resources in a desperately poor country, and about the centralized elite versus the marginalized peoples in this hugely diverse polity.

The civilian victims of war-time abuses by the Islamist government are not targeted solely because they are Christians; indeed, the most devastated civilians are probably not Christians at all, but practitioners of traditional African beliefs, who are by a large margin the numerical majority in the south.

There are so many reasons for the armed conflict between the government and the rebels. One Christian southerner told me that if all non-Muslims converted to Islam tomorrow the war would still go on, and with it the gross violations of human rights. As discussed below, there are Muslims on the rebel side, and Christians on both sides of the conflict.

The war started in 1983 when a prior government (of which the NIF was a member) reneged on its agreement to give the south autonomy, and moved away from pluralism to the creation of an intolerant Islamic state. This government exploits the inherited war to justify and facilitate its efforts to convert everyone to its political Islamic agenda. Government rallies are held and the head of state addresses the participants as Muslims and encourages them to continue with the Holy War, assuring them that if they die in the war they will be religious martyrs and will receive a reward in heaven as promised in the Koran. The NIF government claims to its followers inside Sudan and to the Third World, especially to Arabs and Muslims, that it is waging a holy war in defense of a vast Christian and western conspiracy to split and destroy the Arab Islamic nation. The war is not that simple, however, even for the NIF. Nothing in Sudan is so straightforward.

To start with, Sudan's estimated 26.7 million population is very diverse in religious, ethnic, linguistic and cultural terms. According to the 1956 census (the only one which included ethnic origin), Sudan housed nineteen major ethnic groups and 597 subgroups, who run the racial and ethnic gamut. [Despite this diversity one

thing that most have in common is that some eighty to ninety percent of all Sudanese live below the world poverty line.]

Those who identified themselves as Arabs formed the largest ethnic group, at 40 percent of the population. Sudanese Arabs do not usually regard themselves as one people, however, but are composed of many different tribes found along the Nile valley and elsewhere in Sudan, with visible differences in physique, dress and, among more traditional people, facial scarification. They tend to be lighter-skinned than non-Arab Sudanese, although many Sudanese Arabs are taken for African Americans when they are in the US.

Sudan's ethnic pluralism is illustrated by the fact that the Dinka are the largest single people or ethnic group in the country although they form only about 12 percent of the total population. No one inside Sudan mistakes the Dinka for Arabs; they are very tall, slim, black-skinned Africans originating in southern Sudan, where they are part of a rich mix of different African peoples of distinct physiques, customs, and languages. The Dinka are just one of the peoples who have greatly suffered—in loss of lives, property, and cultural cohesion—in the civil war.

There are three main religious groupings in Sudan: Islam, traditional African religions, and Christianity, in that order. Islam is the state religion but only about 60 percent of the population are Muslims (all Sunni Muslims). Some 4 percent are Christians (or about 15 percent of the southern population), although that number is growing. The balance, or about 36 percent, are those who believe in traditional African religions. These groups do not live in geographically separate parts of the country; there are certainly thousands of Muslims in the south and there are millions of Christians and traditional African religionists in the north.

The south, if independent, would not be considered a Christian country by culture, where Christian practices are part of the fabric of everyday life. Important customary practices that have long been an intrinsic part of southern cultures, such as polygamy, continue even though they are contrary to Christian doctrine.

The numbers of Christians are growing. As Father Marc Nikkel so powerfully describes, southern Sudanese have been struggling to survive and live through a period of enormous war-caused trauma and social dislocation. Many are discarding the old ways which have not protected them from the military, cultural, religious, and linguistic onslaught of the northern Islamists. Southerners are seeking an explanation, solace and defense in Christianity—and its global ties—as perhaps never before. This motivation for conversion also applies to southerners, Nubas and others, who have migrated there to the north to escape the war. These marginalized peoples who are neither Muslims nor Christians are subjected to second-class citizenship and discrimination on account of their perceived "backwardness;" some northerners, in ignorance of their cultures, regard believers in traditional African religions as being a blank slate and having no culture. They believe that they are doing "pagans" a favor if they convert them to Islam, even forcefully. To better resist this imposition, many African believers convert to Christianity.

Politics and war in Sudan reflect the country's complex population. Members of these three main religious groups are found on both sides of the conflict, and not in small numbers,[1] despite the fact that the self-designated Islamic state is conducting the war as a jihad or holy war. Let me outline some of the ethnic/religious alliances in the war, and why limiting sanctions to religious persecution would backfire in this context.

There are southerners and non-Muslims fighting with the government in part because the government has a successful and pernicious policy of setting southerners against each other and fomenting intra-southern ethnic hatred in the south and elsewhere. In violation of human rights requiring the state to protect minorities, the government deliberately stirs up hatred and fear of "Dinka domination"—although the Dinkas roughly number only three million of a total 26.7 million. A Dinka educated in US universities, John Garang, has been the head of the principal rebel group, the Sudan People's Liberation Army (SPLA), since its formation in 1983. The government takes advantage of every opening to deepen ethnic rivalries and buy off individual commanders and their followers.

Government manipulation and hate politics are not the only reasons non-Muslim southerners are to be found fighting on the side of the Islamic government. Many southerners and Christians now aligned with the government were SPLA members who broke away from that rebel force in the early 1990s, due in part to SPLA human rights abuses and in part to internal power struggles. Indeed, the second-

[1] One reason there are non-Muslims fighting with the government is that the government has the power of conscription and uses it to draft southern Christians and traditional African believers into its army in the north and in garrison towns in the south. It uses these non-Muslims as cannon fodder for the jihad. In this is it aided by the country's dire poverty.

largest southern people, the Nuer, mostly participate in a breakaway wing of the SPLA led by Riak Machar and since 1991 have fought almost entirely against the SPLA. They are now formally allied with the government, and signed a peace agreement in April 1997 in which the government agrees to permit a referendum in the south on self-determination. The Nuer have a history of alternately fighting against and marrying their Dinka cousins that stretches back at least to the time anthropologists began studying them. Many Nuer converted to Christianity through the work of Presbyterian missionaries. But there are Nuers in the SPLA.

The government's divide and rule policy is applied to every ethnic group, including the Dinka. There are several prominent Dinka military commanders who left the SPLA and are now on the government side. Most notorious among them is Commander Kerbino Kuanyin Bol, who made world headlines in late 1996 by holding a medical relief plane and its crew hostage, absurdly demanding millions of dollars in ransom. Kerubino was a Sudan army officer before helping form the SPLA in 1983 and once again has a high rank in the Sudan army. The government grants him total impunity for his scorched earth campaign against his own Dinka people in the southern region of Bahr El Ghazal. It is also true that his resentment of the SPLA is a personal one: for allegedly plotting a coup against Garang, he was held in arbitrary detention for five years by the SPLA, until he managed to escape.

Thus the government has southerners and non-Muslims fighting on its side; the pro-government southern forces are not insignificant, and the communities they come from are not small or irrelevant. Their participation cannot be dismissed as simply the result of corrupt practices, as I have indicated. But their grievances against the SPLA are being ill-used by the government, which it seems is now attempting to save northern lives by pitting southerner against southerner. One worst-case scenario, which would entail a large loss of southern Christian and other lives, would be for the government to "give" the capital city of the south, the garrison town of Juba, to the Nuer Riek Machar's forces to defend—although in its ethnic origins Juba was neither a Nuer nor a Dinka town—and allow the southerners to bleed each other to death in what the NIF government can self-servingly point to as "ancient tribal hatreds," or a Rwanda scenario.

There is, in short, a south-south conflict in which most are non-Muslims. Religion is not a factor in their struggle, although the Islamists in Khartoum benefit from their rivalry.

Abuses committed by the government in the course of the war include extensive failure to take combatants prisoners (with the exception of foreigners allegedly fighting on the side of the rebels); indiscriminate bombardment and shelling of civilian areas in the south, the central Nuba Mountains, and now the east, and targeting landing strips where displaced civilians gathered to receive relief food from U.N. and other agencies; other denial of access by humanitarian agencies to needy civilians; beating, torturing and killing civilian detainees in garrison towns, including but not limited to the disappearance of two hundred persons in Juba in 1992, among them US AID employees; and conducting scorched earth campaigns of indiscriminate firing at villages and civilians, destroying or looting valuable assets such as cattle and grain and thus exposing the population to displacement, disease, impoverishment, and death.

The African population of the Nuba Mountains, which is half Muslim and half Christian, has been subjected to enormous war-time abuses. The Nuba Mountains are not in the south but in the dead center of Sudan. The Nubas are subjected to government army scorched earth campaigns where villages, churches and mosques in areas where the SPLA had a presence are destroyed. The civilian population is driven into mis-named "peace camps" where the non-Muslims are forced to choose between conversion to Islam or starvation, and all are subjected to family-destroying practices such as repeated victimization of women by rape and involuntary separation of children for education in Koranic schools. Muslim Nubas are not exempt from internment in "peace camps" or any of these other abuses.

Slavery, as now practiced in Sudan, is a form of war booty. The government turns a blind eye to the practice of soldiers and militia capturing women and children in raids on unprotected southern and Nuba villages as a way to reward its poorly-paid soldiers and militia with "free" domestic labor.

Abuses committed by the rebel forces, the Sudan People's Liberation Army (SPLA), include holding fellow rebels prisoner in prolonged arbitrary detention, confiscating food (including emergency relief food) from civilians, looting crops, summary executions, and disappearances. The SPLA has recruited thousands of underage boys. Indiscriminate fighting between and among rebel factions has led to numerous civilian casualties and enormous displacement of the southern population. Neither the SPLA nor other rebel factions have ever accounted for their behavior.

The abuses have turned not a few communities against the SPLA. "And these are the people who want to rule us?" they ask.

The SPLA, formerly a professedly Marxist rebel group, like so many others in Africa, has not chosen to define its struggle as a religious war, a war of Christians against Muslims. Indeed, the platform of the SPLA demands freedom of religion for all Sudanese and seeks a "united, secular" Sudan. The SPLA includes Muslims and traditional African believers; it includes nonsoutherners.

For many years the Muslim SPLA members were mostly from the Nuba Mountains, whose SPLA forces are led by Yussif Kawa, a Muslim and former school teacher whose family includes both Christians and Muslims. In the last two years the rebel cause has been joined by more Muslim forces from other parts of Sudan, greatly increasing the numbers of Muslims fighting against the purported Islamic state. These fighting forces are composed of non-Arab Muslims, such as the eastern Beja fighters of the Beja Congress, and of Arab Muslims in the Sudan Alliance Forces (SAF), including many from traditionally privileged elites in Khartoum who seek an alternative to the NIF police state.

In 1995 most of the opposition came together in an umbrella group, the National Democratic Alliance (NDA), joined by the two historically largest political parties which are based on traditional conservative Sunni Muslim sects; both sects and parties follow hereditary leaders. Thus Sadiq al Mahdi of the Ansar sect is head of the Umma Party (he is the great-grandson of the Mahdi who ejected the British and Egyptians from Sudan in the late nineteenth century); Osman al Mirghani, of the Khatmiyya sect, is head of the Democratic Unionist Party (DUP).

These two political parties each consistently out polled the National Islamic Front (NW) when there were free elections. Ironically, the NIF was never able to come to power via elections even in the Muslim north. It had to remove the elected Muslim leadership—Sadiq al Mahdi of the Ansar sect was then Prime Minister—by military coup in 1989. The NIF acted when it did to prevent non-dogmatic Muslim leaders from settling the war with the south by instituting reforms that would have made the state more respectful of religious rights, more religiously neutral and less Islamic, as southerners and secularists demanded.

One of the most significant political developments in recent times, which seriously undercuts the NIF government's claim to speak for the Muslim majority of Sudan, is this alliance of Muslim political and military groups with the SPLA, highlighted by the flight into exile of the former prime minister Sadiq al Mahdi in late 1996 as well as by the opening of a new military front in the eastern Sudan by the SAF, the Beja Congress, and others.

In exile Sadiq al Mahdi toured the Arab world, explaining in person and as a leader of a Muslim sect as well as a political party leader, the disservice that the NIF government is doing not only to Sudan but also to moderate Muslims everywhere, and how the rights of even Muslims are not protected in this self-professedly Islamic state.

Many of the government's abuses outside the war zones are familiar: they are the violations of political and civil rights used by repressive regimes to maintain their grip on power. These abuses include:

- arbitrary arrests under oppressive national security legislation giving security agents complete discretion to target political activists;
- torture in unacknowledged detention centers known as "ghost houses," leading at times to death or permanent injury;
- a passive judicial system—from which many secularists were purged immediately after the 1989 military/Islamist coup that overthrew the elected civilian government—that tolerates and/or sanctions complete impunity for security and military agents who torture or kill prisoners;
- trials of civilians in military courts; confiscation of homes and belongings of the political exiles, without any judicial process and without any concern for the women and children living in those homes;
- controls over the printed media that in effect permit only Islamists to engage in debate;
- denial of freedom of association by a ban on all political parties, and by permitting other civic associations, such as trade unions and professional associations of doctors, lawyers and others, to open only if they were reorganized under NIF control;
- denial of free assembly, enforced by police brutality; restrictions on freedom of movement inside the country and outside;
- denial of fair treatment of the urban poor, by forcibly evicting them from their humble homes and destroying their possessions, without notice and without compensation.

Other abuses are related to the NIF's political Islamic agenda, including:

(a) restrictions on the movement and dress of women designed to force them into second-class citizenship; and

(b) imposition of a legal code based on a mean-spirited interpretation of Islam that results in different treatment of women and non-Muslims, and the disproportionate jailing of the urban poor, particularly southern women heads of household accused of brewing alcohol.

The NIF aspiration to create an Islamic state with "one language, Arabic, one religion, Islam," conflicts with the demands of Sudanese that their right to practice the religion of their choice (and to preserve languages and cultures), and to be treated equally by the government be respected. The dispute over the use of the Arabic language points to another nonreligious element in the war. Arabic is the official language, spoken by at least 60 percent of the Sudanese population. There are over 115 tribal languages, of which over twenty-six are spoken by more than 100,000 people. Not all Sudanese Muslims are Arabs; some are of nomadic desert or other origin who preserve their own non-Arab culture and language, even though they also may speak Arabic. They have been marginalized historically and many are among those fighting against the Islamic central government today.

Muslims who do not endorse the NIF's version of Islam and attempt to criticize the government on religious grounds are not immune from religious discrimination and persecution at the hands of the government. The death penalty for apostasy (renouncing Islam) has been enshrined in the penal code; this punishment was applied by the government—then composed of the NIF and the dictator Ja'far Nimeiri—in 1985, with the judicially-sanctioned execution of Mahmoud Mohamed Taha, a religious Muslim leader and founder of the Republican Brothers movement.

This threat underlies current government tactics to repress non-NIF Muslims, such as replacing imams and confiscation of mosques and other religious property, and harassment and jailing of Islamic leaders. The government took control of the holiest shrine of the Ansar order (the base of the Umma Party), the Omdurman religious complex of the tomb of Mohamed Ahmed al Mahdi, on May 22, 1993, and has not returned it to date. It appointed an imam to lead the prayers there, and said the move was dictated by the need to preserve the national character of the shrine. Before he went into exile in late 1996, Ansar leader and former Umma Party leader Sadiq al Mahdi was detained several times, often following homilies critical of the government, delivered as prayer leader of the Ansar at the occasion of Al Eid religious festivities. Elderly Ansar patriarchs who submitted a memorandum of protest at the 1995 arrest were themselves detained in turn. Another frequent detainee is Mohamed al Mahdi, the main imam of an Ansar mosque, a well-respected religious leader. One of his favorite themes is religious justice and tolerance, against which he regularly measures government practices. The security apparatus has detained him for up to several months at a time for critical opinions expressed in sermons.

The government undertook, in mid-1993, a systematic campaign of intimidation and harassment designed to lead to the replacement of imams in mosques that Ansar al Sunna, a religious group that advocates the strict interpretation of Islam, controlled. Communities in Khartoum neighborhoods defied weeks of intimidation as truck-loads of riot police parked in front of their Ansar al Surma mosques during Friday prayers to intimidate them into accepting government-appointed imams. Security agents made a night visit to the house of the imam of the main Ansar al Surma mosque, threatening him with arrest if he did not leave his position; they kidnaped and beat up his mu'azzin, who calls the faithful to prayer. The government managed to remove the imam from his position but his followers in the neighborhood boycotted prayers called by the new govermnent-installed imam, and the government ultimately abandoned its campaign. These and other abuses directed at Muslims and non-Muslims by the government have been documented by the UN Special Rapporteur of the Commission on Human Rights on Religious Intolerance, Mr. Abdelfattah Amor, dated November 11, 1996. The Special Rapporteur, I should note, is a Muslim.

You have already heard testimony today about religious discrimination against Christians, including that suffered by Christians living in the north and in government-controlled areas of the south. These include restrictions on movement and expression, particularly of the Christian clergy, unequal status and requirements imposed on churches, refusal to grant permits for the construction of new churches, and destruction of "illegally" build churches (together with home and schools) particularly in Khartoum.

Christian leaders thought critical of the government are severely hampered in their every move. For instance, Sudan security refused me permission to interview, in private, the Roman Catholic archbishop of Juba, the southern capitol, in government hands. Two Sudan security officers came to the archbishop's office when they discovered we were to meet, and refused to leave, despite polite requests by the

archbishop and me. Naturally the archbishop could not speak freely in their presence about the suffering of his flock. For protesting this interference, I was placed under virtual house arrest and my visit to Juba was cut short as I was escorted to the plane.

Serious religious rights violations also occur in conjunction with the government's efforts to proselytize in prisons, the armed forces, the civil service, the universities, and other sectors of society. The Popular Defense Force (PDF), a government militia, is the principle vehicle for carrying out this agenda. Participation in forty-five days or two months of its religious-military training program, intended to create holy warriors to fight in a holy war in the south, is mandatory for civil servants and others, including university students—before all universities were all closed in early 1997 to free up students for the war. The mandatory PDF training, infused as it is with Islamic religious fervor, creates an atmosphere of coercion on all participants to convert to Islam in violation of freedom of religion, or if they are already Muslim, to join in the government's particular interpretation of Islam. PDF recruits are subjected to a severe regime of exercise, sleep and food deprivation, and hours of religious studies in an effort to fire up their zeal to kill. One religious Muslim student I interviewed was so offended by this distortion of his religion that he refused to pray in the PDF camp.

The rights of children are violated by the government's program for street children: it takes children off the streets without finding out if they have a family and where they are, and puts them in schools where they are given a religious Islamic education, regardless of the wishes or religion of their families. Many times southern non-Muslim children on their way to market have been involuntarily separated from their families and given an Arabic name and Islamic religious instruction. Often underage children are drafted into the army and the Popular Defense Forces.

Militant Islamists try to foment religious divisions by characterizing Christianity as a "foreign" doctrine, introduced by the British colonialists to divide the country. This stirring up of animosity against Christians, which violates their right to freedom of religious belief, draws on the fact that in modern times Sudanese Christians have been mostly of southern origin. Southerners were converted by foreign (mostly European and American) missionaries beginning in the nineteenth century, when some segments of western public opinion crusaded against the continuing enslavement of African southerners. After the British and their Egyptian allies overthrew the Sudanese Mahdist (Islamic) government in 1898 and governed Sudan for the next six decades, the south was put off limits to Muslim proselytizing and opened up again to Christian missionaries. Despite this missionary work, traditional African believers still form the majority religious grouping in the south, not Christians.

Muslims allege that they were persecuted in the south by Christians and foreigners. There are Muslims in the south, some descended from Arab traders and some who are indigenous non-Arab peoples who have converted to Islam.

Imposition of sanctions on Sudan solely on religious persecution grounds might incorrectly give the impression that religion is the only or the main source of abuse, and it might pose a danger to the Christian communities and leaders in government areas of Sudan, including Juba. It would give the government the opportunity to again claim that Sudanese Christians are not really Sudanese—despite the fact that the Christian clergy is almost entirely Sudanese—and that Christians are aligned with powerful foreign countries that seek to protect the interests of their own correligionists, to guarantee them privileges not enjoyed by the general population, and to use them to destroy a country that has a Muslim majority.

Fashioning sanctions so that they also apply on grounds of religious persecution of Muslims and other non-Christians will not cure the perception problem. Sudanese Muslims may believe that these sanctions are intended to benefit the Christian minority; the government must be credited with the ability to follow the debate inside the US. It may use religious persecution sanctions to shift the blame for its economic, political and military problems to the Christian communities. There is also the danger that the NIF government might try to whip up resentment and hatred of Christian communities in the north and permit NIF militias to physically attack them with impunity, as these militias have been permitted to attack student demonstrators. If the sanctions are imposed because of gross human rights abuse of all Sudanese, the NIF will be less able to play on the supposed Christian menace from within.

In Sudan's historical and current context, where religious persecution is part of the wholesale violation of human rights, religious rights can best be protected by not by singling them out for special treatment but by imposing sanctions on account of all gross abuses of human rights.

Senator ASHCROFT. I thank you for your comments.

Baroness Cox, you mentioned in your testimony the military activity of the government. Can you elaborate on the objectives of the government's military campaign against the south and how they seek to achieve those objectives?

Did I hear you say that you were at one time among a group of citizens that was under attack? Would you clarify your testimony in that regard?

Baroness COX. Thank you very much, Mr. Chairman.

I am very pleased to develop a little bit the policies, or my critique of the policies the government is adopting in its military offensives against its own people. The evidence, as I have said, is taken at first hand experience.

The government does deny that it ever undertakes military offensives or that it bombs civilian targets. The photographs which are on display here have all been taken by myself or by my colleagues on location, and I think every one of them is a testimony to the veracity of our critique of the military offensives against the civilians, its own civilians, by the regime in Khartoum.

The picture on the left shows two little Nuba Mountain boys in what remains of their home, what remains of their village, after ground attacks by PDF and government forces in the Nuba Mountains. The picture to the left of that I am afraid is a very shocking picture. But it is the reality which confronts us when we are in Sudan. It is of a man who has suffered, been shot at point blank range in the face by a PDF militia when he was trying to stop them during a raid on his village in Bahr-El-Ghazal from killing other villagers and from taking young people into slavery. He was actually then trying to stop a boy being abducted as a slave in front of him. He was shot at point blank range in the face and the whole of his bottom jaw was shot away.

To the right there is a photograph which I took just last year following a military raid on a village, another village in Bahr-El-Ghazal. That lady is standing in the remains of all that is left of her hut, her *tuqual.* Her whole compound has been burned, all her livestock taken, and she was left with absolutely nothing. She said, "I will die, I have nothing left." Her two children had just been taken as slaves, two daughters, age 13 and 15. She said, "I have no one to help me build, rebuild. I don't even have cooking pots. I don't have a water utensil. I shall die."

But she finished with characteristic Sudanese graciousness and lack of self pity: "But thank you for coming and thank you for caring."

Very briefly, the other photograph on the bottom display is of a little lad that I took just last month. He is in what remains of the church. The village was overrun by military forces in Bahr-El-Ghazal. Everything was burned. The primary school was burned, the church was burned, and the people had been left in a state of complete destitution.

The military offensives take two forms: aerial bombardment—and yes, many hours I have spent in foxholes with Antonov bombers overhead, dropping their deadly cargo on civilian targets. Most recently it was last month for the Beja people in eastern Sudan. The Beja are a Muslim people. But we have experienced this in other parts of southern Sudan. Similarly, ground forces attack and

have been adopting either scorched earth policies or forcible displacement of people from their land. We witnessed that earlier this year in Southern Blue Nile, in Eastern Upper Nile, and with the Beja, where, again, people have been driven off their land by ground forces. And in Bahr-El-Ghazal they tend to be combined with the slave raids which we have already described.

Senator ASHCROFT. Reverend Nikkel, Lady Cox has made some recommendations in terms of the potential for U.S. policy. Do you have any suggestions in terms of what you would recommend in terms of our policy toward the Sudanese Government or the people of Sudan?

Ms. Rone, I would be pleased to ask you the same question.

Reverend NIKKEL. I am concerned that leaders on the ground inside have a voice on any action, on actions taken from the side. I suppose, as I work with church leaders, particularly, but other local leaders, there is the sense of having your authority taken away within the context in which you live. And if there are strong measures on behalf certainly of religious faith, religious communities, it is important that those communities within, inside, have some opportunity to negotiate, knowing what repercussions they may have upon them down the road, that action not be taken from this side without some consultation on the ground inside Sudan.

Senator ASHCROFT. Ms. Rone.

Ms. RONE. Thank you.

We actually have a long series of recommendations that I can submit to you. But I do want to underline the focus on the U.N. human rights monitors.

This is a program that the U.N. Commission for Human Rights approved 2 years ago, and through all kinds of maneuvers by the Government of Sudan and bureaucratic difficulties and intransigence the U.N. has never funded these human rights monitors.

It is really a shame because they could be doing a very good job there on the spot, 24 hours a day, taking testimonies of people and bringing to light through the official U.N. channels the abuses that are going on there.

The U.N. Special Rapporteur on Human Rights only goes there once or twice a year for brief visits. This would be a much more effective way to raise international consciousness of it.

I would also like to echo the emphasis on doing what we can to assure access for aid to be taken to every place where there are people in need. The government, especially, is guilty of putting large areas off limits to aid organizations on military grounds, rather than having anything to do with humanitarian need. They are really trying to strangle and circumscribe the U.N. humanitarian aid effort as much as they can. It is a daily war of death by a thousand cuts for U.N. operations.

I think we should do whatever we can to support and expand their humanitarian efforts.

Senator ASHCROFT. I want to thank all of you for participating in the hearing today. The tragedies that have been described, the numbers associated with political and humanitarian crises in Africa often are staggering. Disasters and wars in other parts of the world often pale by comparison.

Statistics for casualties, refugees, and displaced persons in Sudan are, indeed, some of the most troubling ones that we might find in any setting. And yet, this is more than statistical.

I thank you for bringing the photographs and for what I would have to characterize as poetry, the statement that you included from the holder of the cross, Reverend Nikkel. It brings a sort of tangibility and a personality to what statistics do not reveal.

These displaced individuals, these casualties, these tragedies are some of the most troubling ones that I have ever encountered. Religious hatred is an evil that is always present in civil conflict in Sudan with the resulting loss of life and destruction of property. But it is particularly difficult in this setting because it is compounded by other flows and forces in that nation which make this a very complex situation.

I believe there is hope for Sudan, however, and I think U.S. policies must help the Sudanese people leave behind a bitter past of tyrannical rule and social upheaval. We will struggle to find ways to make sure that the United States does not, in any way, reinforce or otherwise aggravate a situation which is very, very troublesome. We should find a way, whenever possible, to have policy which would encourage an amelioration of these very serious grievances.

I wish to both Lady Cox and Reverend Nikkel a safe journey. Thank you for coming so far to participate.

Ms. Rone, I thank you for your appearance here today.

Without further business, the committee meeting is adjourned.

[Whereupon, at 11:53 a.m., the subcommittee adjourned.]

APPENDIX

Behind The Red Line: Political Repression in Sudan

PREPARED BY: HUMAN RIGHTS WATCH/AFRICA

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Freedom of Religion

Religion is very high on the public agenda of the National Islamic Front-dominated government. Sudan's Constitutional Decree No. 7 (Principles, Regulations and Constitutional Developments for 1993), October 16, 1993, states in Article 1:

> Islam is the guiding religion for the overwhelming majority of the Sudanese people. It is self-generating in order to avert stagnation and constitutes a uniting force that transcends confessionalism. It is a binding code that directs the laws, regulations and policies of the State. However, revealed religions such as Christianity, or traditional religious beliefs may be freely adopted by anyone with no coercion in regard to beliefs and no restriction on religious observances. These principles are observed by the State and its laws.

Only an estimated 60 to 70 percent of the Sudanese population is Muslim, however.[146] As for the other religions, the Catholic church summarized the problem:

> Aware that the State of Sudan sponsors and promotes Islam as the religion of the country, we Christians, as citizens of Sudan, demand an equal position for Christianity and expect to be treated in the same way as the Muslims. The present policy of identifying the country and the State with one religion only, Islam, shall not promote the spirit of dialogue, understanding, and peaceful co-existence among the citizens of the country.[147]

Freedom of religion for non-Muslims has been interfered with or denied in many ways, and non-Muslims have been discriminated against on account of religion. Church leaders speak of a continual struggle for survival against omnipresent government interference and harassment. We do not know what formal status, if any, the government accords traditional African religions; although their practitioners outnumber Christians, especially in the south, they are less organized. Those who practice other religions often have been made to feel marginal or inferior by spokespersons for the National Islamic Front which controls the government.[148]

Being a Muslim does not guarantee freedom of religion, however. Some religious groups critical of the government and the National Islamic Front—as being insufficiently religious—have been subjected to harassment and their leaders detained. The two sects on which the two largest political parties were based have been subjected to government attempts at control and even confiscation of their property.

For Muslims, religious freedom is belied by the fact that apostasy, the repudiation by a Muslim of his faith in Islam, is punishable by death under section 126 of the 1991 Criminal Act. Recent converts may be excepted from this extreme penalty but the provision remains open to abuse. The death penalty may be imposed for what the court deems to amount to repudiation of belief in Islam, regardless of the actual beliefs of the accused. It is also open to political manipulation, as illustrated by the

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[146] Christians account for 4 percent of the national total (15 percent of the southern population), and traditional religions the rest. "Sudan: Country Profile 1994–95," The Economist Intelligence Unit.

[147] Sudan Catholic Bishops' Conference, "The Miscellaneous Amendment Organization of Voluntary Work Act 1994: Position of the Catholic Church," Khartoum, February 2, 1995, p. 2.

[148] One North American Muslim writer quoted NIF Politburo member Ahmad 'Abdal-Rahman in *Al Nur* (Cairo), June 17, 1987, p. 4: "Most of its [the South's] inhabitants are heathens who worship stones, trees, crocodiles, the sun, etc. ... All this presents a civilized challenge to all of us as Arabs. ..." Simone, *In Whose Image,* p. 165.

case of Mahmoud Mohamed Taha, a religious Muslim leader and founder of the Republican Brothers movement, executed in 1985 for apostasy.[149]

The deepest conflict is between the government and the Christian churches, however. The U.N. special rapporteur on Intolerance and of Discrimination based on Religion or Belief said in his December 1995 report that there had been positive measures in Sudan as a result of the meeting between Pope John Paul II and President Omar al Bashir of Sudan, in particular the "repeal of the law relating to missionary societies, allocations of land to Christians for construction of churches, and visa issue process made easier."[150]

It is true that the government took a step forward in its relations with the churches when it repealed the Missionary Society Act of 1962 in late 1994. It then took two steps backward when the president issued a decree that would have placed churches—but not mosques—in the same category as foreign relief organizations, required each congregation to register separately and secure approval from a minister to continue worshiping, and subjected them to numerous controls on their daily affairs which violate freedom of religion under Article 18 of the ICCPR. The churches rose in protest against its unfairness, and the decree was not enforced, but its issuance revealed the adverse and discriminatory treatment that non-Muslim religions receive from the Sudanese government despite lip service paid to the notion of respect for others' religions.

Government relations with Christian churches in government garrison southern towns have been conducted through the prism of the war. The government is constantly alert to possible rebel SPLA sympathizers and infiltrators, and church leaders figure high on its list of suspects.

The war permeates relations between the government and Christian churches because the government has characterized the civil war with southern-based rebel forces (mostly non-Muslim) as a jihad or Holy War on the part of the government and its religious adherents.[151] Christians cannot be blamed for thinking that this rhetoric is aimed at them, whether they side with the SPLA or actively oppose it.[152]

The army provides religious training (in Islam) to conscripts and Popular Defense Forces militia in addition to military training.[153] Christians—and practitioners of traditional African religions—are naturally out of place. There is no respect for the right to maintain one's own non-Muslim religion in this environment, and the pressure to conform by adapting to Islamic religious practices is great. Sudanese men must submit to army training if they are of the age of national military service, and both men and women must undergo forty-five day PDF training if they are government civil servants or have some other relationship with the government. Such PDF training is in addition to national service obligations for men, and is required for entry into university and professional licensing for both sexes.[154]

In this climate, where government rallies are held and the head of state addresses the participants as Muslims and encourages them to continue with the Holy

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[149] Human Rights Watch/Africa, "In the Name of God," pp. 35–36.

[150] Report submitted by Mr. Abdelfattah Amor, special rapporteur. in accordance with Commission on Human Rights resolution 1995/23, "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief," United Nations, E/CN.4/1996/95, December 15, 1995, p. 12, para. 55.

[151] The governor of River Nile State, Staff Brig. (Ret.) Abd al Rahman Sir al Khatim told a rally that "jihad in Sudan was a message and a duty with which we defend the faith and the homeland. He said it was a message to all the sceptics who did not wish Sudan well, conveying the courage of the sons of the north. He said the mujahidin contributed by the state to the theatres of operations had their hearts full with the Qur'an . . . ." "Sudan: Military and Food Convoy from River Nile State Arrives in Khartoum," Republic of Sudan Radio, Omdurman, in Arabic, 1300 gmt, December 4, 1995, excerpts by BBC Monitoring Service: Middle East, December 6, 1995.

[152] On the fortieth anniversary of the independence of Sudan, according to government radio, President al Bashir "reaffirmed that Sudan was entering a renaissance, which is an embodiment of real independence, so that Sudan could perform its Arab, Islamic and international roles. . . . [He] referred to the spirit of jihad which has engulfed the entire people of Sudan. He said this spirit was continuing to deepen and expand day after day and that sectors of the society were currently competing with each other in the fields of jihad in defense of the faith and the homeland." "Sudan: President Bashir Says All Citizens 'Engulfed' by Spirit of Jihad."

[153] A visitor to Khartoum in 1996 observed a Popular Defense Forces training camp in Markhiat outside of Khartoum, where "new recruits sang enthusiastically of jihad—holy war—and the victorious spread of shari'a rule." The trainees "sang of Allah and the battles to be fought in his name." David Orr, "Civil War Turns against Khartoum," *The Independent* (London), February 12, 1996.

[154] Time spent in PDF training and service is deductible from national service requirements.

War,[155] there are frequent allegations of religious discrimination and of denials of freedom of religion, including freedom to manifest one's own religion.

Even absent the war, however, the NIF aspiration to create an Islamic state with "one language, Arabic, one religion, Islam," conflicts with the demands of Sudanese that their rights to practice different religions (and to preserve languages and cultures) and to be treated equally by the government be respected. It appears that there are many in government who sincerely believe that conversion to Islam of everyone—including those who already have a religion—"is for their own good."[156] Forced conversion, however, whether to a Christian sect or to Islam, violates fundamental human rights principles.

The government has pointed to the fact that the Christian population is growing.[157] This is accurate. The Catholic church says that on Easter night of 1995 for instance, there were over 6,000 adults baptized in the Catholic Church in Khartoum. Freedom of religion and religious practices cannot be measured in numbers of conversions, however, since it is impossible to say what the numbers would be if the government ceased its abusive practices.[158]

National Islamist Front ideology, according to one of its main proponents, is expressed in the preamble to its constitution:

> to group together 'all the children of Sudan, men and women, regardless of their historical allegiances, their class situation or their regions' into one comprehensive organization working for a Muslim Sudan.[159]

One historian described the NIF's ideology regarding treatment of non-Muslims within an Islamic state: "Starting from the customary insistence that Islamic law protects religious liberty and would encourage religious practice in general, and an acceptance that non-Muslim communities can be left free to regulate their own family laws," the NIF proposes a territorial application of shari'a, considering the prevalence of certain religions or cultures in the area at variance with the religion dominant in the country at large. Thus not only Christians and practitioners of traditional African religions in southern Sudan were to be exempt from shari'a, but Muslims living in the south were to be similarly exempt.[160]

Theoretically, under its Sudan Charter of January 1987, the NIF accepts that a non-Muslim can be eligible for any office within the state, including head of state, although "religiousness in general may be taken into consideration as a factor of the candidate's integrity."[161] However, the same historian notes,

> Flexibility of approach seems to have existed in inverse relation to actual involvement in implementing an Islamist programme. ... The Muslim Brotherhood [precursor of the NIF], despite its apparently flexible ideas, was effectively in alliance with Nimeiri while he was pursuing policies which were harsh, vindictive and fundamentalist. Even in the subsequent parliamentary regime, and despite the liberal ideas propounded in election programmes, NIF policies made possible the retention of the laws which

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[155] President al Bashir addressed a mass rally held to mark the National Martyrs' Day in Kosti, according to government radio, stressing that Sudan would not deviate from its cultural course regardless of the conspiracies being hatched against it by the enemies of Islam and the homeland. ... He said the Mahdist revolution [of 1881–98 against the corrupt Turko-Egyptian rule] would persevere for as long as the Sudanese people stuck to the principles upheld by the Mahdist revolution, which had called for the victory of the religion of truth. He called on the youth to enlist in the battalions of the jihad to defend the faith and the homeland. "Sudan: President Addresses Martyrs' Day Rally, Says Sudan Will Protect Homeland," Republic of Sudan Radio, Omdurman, in Arabic, 1300 gmt, November 28, 1995, excerpt quoted by BBC Monitoring Service: Middle East, November 28, 1995; see "Sudan: President Says Jihad Against 'Traitors and Enemies' to Continue," Republic of Sudan Radio, Omdurman, in Arabic, 0430 gmt, November 23, 1995, excerpts quoted by BBC Monitoring Service: Middle East, November 25, 1995.

[156] This sentiment was expressed to the Archbishop of Canterbury, Michael Evans, "Carey begs Sudan to stop persecuting Christian minority," *The Times* (London), October 9, 1995.

[157] "The Response of the Government of Sudan," November 21, 1993, p. 23, para. 85.

[158] The conversions are of people who previously practiced traditional African religions. Conversions from the Muslim community are extremely rare because they are punishable by death. One southern intellectual notes that Christianity combined with traditional identity among Southerners to consolidate and strengthen a modern southern identity of resistance against Islamization and Arabization. Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington, D.C.: The Brookings Institute, 1995), pp. 205–29. Whether there would be the same number of converts to Christianity absent Islamization forces is impossible to know.

[159] Abdelwahab El-Affendi, *Turabi's Revolution: Islam and Power in Sudan* (London: Grey Seal, 1991), p. 143.

[160] Tim Niblock, "Islamic movements," pp. 262–64. See Chapter V, Law and the North-South Divide.

[161] Niblock, "Islamic movements," pp. 262–64.

> Nimeiri had introduced and insisted that the courts should implement them. . . .
>
> The apparent paradox of a movement whose approach is liberal and flexible in the abstract, but capable of supporting narrow and fundamentalist policies in practice, can only be understood with reference to the dynamics inherent in religious based political movements. The religious basis ceases to be a framework within which ideas can be developed and debated, but becomes a badge of identity—a slogan around which specific sectors of the population can be mobilized, against other movements and parties. . . . Correspondingly, to opponents the religious dimension becomes symbolic of the attempt by one part of the population to oppress another. Internal and external pressures impinge to ensure that the religious framework does not remain open and adaptive.[162]

This may explain why the theory sounds better than the practice, and how elements of religious tolerance may appear in statutes but be lacking in day to day affairs. For instance, the government, defending itself against charges of forced Islamization, notes that "according to Qur'anic teachings there is no compulsion in religion, so the references [in the Special Rapporteur's report] to enforced Islamization and the killing of those who refuse to convert to Islam are against the fundamental principles enshrined in the Qur'an."[163]

What is at issue in any human rights report are government practices. The reply that "according to Qur'anic teachings there is no compulsion in religion" does not dispose of the issue; it cannot be assumed that all government practices are in complete harmony with Qur'anic teachings, since a government is only a human institution and not capable of perfection.

It is useful, however, that there is an official government statement that enforced Islamization is against fundamental Islamic principles. It would be most helpful if that statement were conveyed in a prominent way to government agencies that have been accused of using government resources and power to convert people to Islam, and to agencies with which the government contracts, including Islamic relief organizations such as *Dawa Islamiyya* (Islamic Call).[164]

Human Rights Watch has already published a report pointing out, with specific testimonies, the ways in which particular government agencies have attempted to Islamize children and adults with whom they come in contact, as in homes for street children and in the training of army recruits and the Popular Defense Forces militia.[165] When these practices are terminated, then the government will no longer be accused of forced Islamization.

There is a small space for the appearance of tolerance, usually occupied by a government-appointed Christian such as State Minister for Foreign Affairs Bishop Gabriel Rorech, who holds a visible but token position and routinely is presented to visitors as proof of the lack of religious discrimination in Sudan.[166] The space may also be occupied by prominent foreign visitors such as the Archbishop of Canterbury Dr. George Carey, who visited Khartoum and Juba in October 1995, and exercised the right to speak publicly and freely about the difficult situation of Christians in Sudan.[167] He was quite outspoken, in what one newspaper referred to as "some of the bluntest speeches by an Archbishop of Canterbury in recent memory."[168] In the southern town of Juba the archbishop referred to the "'torture, rape, destruction of property, slavery and death' being endured by Sudanese Christians as a result of the government's Islamicisation programme. 'I challenge those who are responsible

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[162] Ibid., p. 266.

[163] "The Response of the Government of the Sudan," November 21, 1995, p. 23, para. 84.

[164] The NIF established Islamic Dawa (Call) in the early 1980s to promote the cause of Islam in Africa. The NIF also established the Islamic African Relief Agency (IARA) to do humanitarian work in Africa. Both have their headquarters in Sudan and programs in at least fifteen countries in Africa, and a growing presence in Asia and Europe. Human Rights Watch/Africa interview, New York, March 1996. These organizations were intended to compete with parallel Christian organizations, the reasoning being that missionaries had used education and humanitarian aid to subvert African Muslims and it was necessary to provide Africans with an alternative. Francis Deng, *War of Visions,* p. 175.

[165] Human Rights Watch/Africa, *Children of Sudan.*

[166] Bishop Rorech, of the Episcopal Church of Sudan (ECS), was recently elevated to the position of archbishop. Many ECS members and clergy feel it is inappropriate for clergy to hold a government position. The bishop is outranked in the Anglican hierarchy by the Archbishop of Canterbury.

[167] Michael Evans, "Carey begs Sudan to stop persecuting Christian minority."

[168] Clifford Longley, Religious Affairs Editor, "Carey Chides Muslims for Persecuting Christians," *The Daily Telegraph* (London), October 9, 1995.

for such inhuman behaviour to stop. It is no part of any creed to treat fellow human beings with such disrespect and cruelty,' he said."[169]

Sudanese clergy, however, may not be so outspoken. They suffer from a constant campaign of harassment, most notably in the case of Catholic Archbishop Paolino Lukudu Loro of Juba, who is not even allowed to receive international visitors in private; all such conversations must take place in front of a Sudan Security agent.

Agnes Lukudu, the governor (*wali*) of Bahr El Jebel state where Juba is located, said that the Catholic archbishop takes part in politics, and "if you cannot see him, it is for the good of the people." She said that the bishop was like a king and was not in touch with the people; he did not mix with them except at mass, so "the whole story doesn't filter up." She preferred that Human Rights Watch speak to a priest. When we offered to do so if we could meet a priest privately, the offer was ignored. "If we allow antigovernment people to meet with outsiders, they will say the Cabinet is dominated by Muslims," she said, then listed those in the Bahr El Jebel cabinet, herself included, who were Christians. She maintained that "it does not follow that if the area is predominantly Christian, the leadership should be held by Christians."

Many have realized that "the Church led us in Africa; we're trying to say to the Church, tell the truth," she said, ending the conversation by noting, "We [the current government] are here to help the people to come out of the darkness,"[170] a phrase frequently used by proselytizing Islamists when referring to their dealings with southern practitioners of traditional African religions and Christians.

The Catholic church in Juba is under extreme pressure from the government, even more than is visited on churches in Khartoum. Because of the archbishop's statements in homilies and pastoral letters about human rights, among other things, Sudan Security in Juba has been at loggerheads with Archbishop Paolino Lukudu Loro since 1990. He does not bend. In mid-1992, the SPLA attacked Juba twice and almost managed to reach the center of the city. Following the attacks, hundreds were rounded up by security and military intelligence and subsequently disappeared; some were tried for treason and executed but most remained unaccounted for. During that time many educated people close to the archbishop disappeared.[171]

The government's record is heavily weighted on the side of religious intolerance. Take, for example, the fury with which the government greeted the recommendation of Special Rapporteur Gaspar Biro to the government to abolish legislation contradicting provisions of international law to which Sudan is a party, referring to the hudud penalties.[172] Claiming that the special rapporteur had attacked Islam, and seeking to speak for all the faithful, the government until recently barred him from the country and engaged in ad hominem attacks on his age, educational background, experience, and other personal qualities.[173] While we believe that this is a pretext and an attempt to shield itself from criticism of human rights abuses, which Islam and all major religions condemn, the government's statements about the special rapporteur nevertheless imply religious intolerance in their reference to his commitment to observing a major Christian celebration.[174] This attack on the special rapporteur's religious practices was followed by a further statement by the government including a veiled threat against him, in the name of religion: "we don't want to speculate about his fate if he is to continue offending the feelings of Muslims world wide by maintaining that call [for abolition of the hudud penalties], as he did in his current interim report.[175]

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[169] Ibid.

[170] Human Rights Watch/Africa interview, Agnes Lukudu, governor of Bahr El Jebel state, Juba, Sudan, June 6, 1995.

[171] Human Rights Watch/Africa interview, Khartoum, June 9, 1995.

[172] "The Situation of Human Rights in the Sudan," February 1, 1994, p. 42, para. 133 (a)

[173] See "The Response of the Government of the Sudan," November 21, 1995, p. 3, paras. 11 and 12.

[174] "The Special Rapporteur is in no position at all to report about the rights of the child in the Sudan for the obvious reason already given that he (while in Khartoum) has turned down an official invitation to attend a seminar on the rights of the child held in Khartoum during 18–20 December 1993 ... He turned down the invitation as he decided to leave Khartoum on 17 December 1993 one day before the opening of the seminar, in order to meet his [C]hristmas plans." Ibid., p. 26, para. 94.

[175] Statement by Dr. Ahmed M.O. Elmufti in Response to the Statement Made by Mr. Gaspar Biro, Special Rapporteur of the Commission on Human Rights, New York, November 27, 1995, p. 3.

Ordinary non-Muslim Sudanese may be treated considerably more harshly. Two years after barring him, the government announced that the special rapporteur would be permitted to return to Sudan.[176]

The Applicable Law

Freedom of thought, conscience and religion is protected in Article 18 of the ICCPR which provides:

> (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

The African Charter also protects freedom of religion.[177]

Freedom of thought, conscience and religion is so fundamental that Article 18 of the ICCPR is nonderogable, which means it may not be suspended even in time of emergency. "Religion or belief" was not limited to a theistic belief but includes equally nontheistic or even atheistic beliefs.[178]

Freedom of religion also means freedom to change one's religion, under Article 18 (2) of the ICCPR. Attempts made during the drafting of the covenant to delete freedom to change religion were defeated. The right to retain one's religion, that is, to reject zealous proselytizers and missionaries, was also confirmed in this paragraph. The clause also protects against coercion to support a religion other than one's own, "for instance by payment of church taxes or contributions." [179]

Limitations on the right to manifest one's religion—not on freedom of religion, however—are described in Article 18 (3).[180] Limitations on the right to manifest one's religion are permitted in case of public safety and order (to prevent public disorder), but not for national security reasons. Limitations may be imposed only to protect "fundamental freedoms" of others.

"A state whose public policy is atheism, for example, cannot invoke Article 18 (3) to suppress manifestations of religion or beliefs," according to one legal authority.[181] Nor can a state whose public policy is one religion use Article 18 (3) to justify the suppression of other religions.

In 1981 the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Article 2 provides:

> (1) No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.
>
> (2) For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

The declaration lists a number of religious freedoms. Including the right to maintain charitable or humanitarian institutions, to acquire materials related to religious rights, to issue publications, to teach, to solicit financial contributions, to train leaders, to observe holidays, and to communicate with others regarding religion, at the national and international levels.[182]

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[176] Statement by H.E. Abdel Aziz Shiddu, Minister of Justice, made before the 52nd session of the Commission on Human Rights, Geneva, April 17, 1996, p. 5.

[177] African Charter, Article 8: "Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms."

[178] Partsch, "Freedom of Conscience and Expression," p. 214.

[179] Ibid., p. 211.

[180] ICCPR, Article 18 (3): "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

[181] Partsch, "Freedom of Conscience and Expression," p. 213.

[182] Article 6 of the Declaration defines the right to freedom of thought, conscience, religion or belief to include, *inter alia,* the following:

b. To establish and maintain appropriate charitable or humanitarian institutions;

d. To write, issue and disseminate relevant publications in these areas;

f. To solicit and receive voluntary financial and other contributions from individuals and institutions;

l. To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Christians

Christian churches have been subjected to government intrusion into the organization of their religious affairs. Christian priests have been arrested on specious charges, and church leaders have been denied their right to freedom of movement. Church-state relations are at a very low ebb.

Historically successive governments both during and since colonial times interfered with and regulated the activities of religions in Sudan by dividing the country into exclusive zones of influence—with the south set aside for Christian missionaries and off limits to Islamic proselytization and public worship. Christian missionaries were forbidden any activities in the rest of the country.[183]

Since independence, there have been enormous population shifts, with millions of southerners fleeing drought, war and famine from their homes in central and southern Sudan to the cities of the north, particularly in the 1980s and 1990s. Many internal migrants—southerners—banded together and formed Christian churches throughout the north; they arrived a few years later than the several hundred thousand drought victims from western Sudan—mostly Muslims—whose path they followed into urban shantytowns. In the Three Towns (Khartoum, Khartoum North and Omdurman) slums, the dispossessed southerners built their homes as well as their own small churches/community centers of cardboard, mud and other inexpensive materials.

After the 1989 coup, the NIF came to power with an Islamist agenda, openly determined to transform Sudan from a multi religious society into an Islamic state. This pressure to Islamize (and Arabize) may have contributed to southern migrants' increasing adherence to Christianity.[184]

In October 1994, the government sponsored a Muslim-Christian Religious Dialogue Conference which a representative of the Vatican addressed.[185] As a concession to this forum, President (Lt. Gen.) Omar Hassan al Bashir announced that the Missionary Societies Act of 1962 would be repealed. This law, introduced by a previous military regime, was used to expel all foreign Christian missionaries from the country in 1964. One consequence of the law was the accelerated indigenization of the Christian churches in Sudan.[186]

After this conference, the government began meetings with various churches on an irregular basis in order to improve communications. Those in attendance for the government at meetings with the Catholic church included a representative of Sudan Security (on behalf of the ministry of interior), a representative of the ministry of social planning's office in charge of church personnel, a representative of the ministry of interior responsible for exit visas and other travel permits, and a representative of the Council for International People's Friendship.[187]

Most church leaders feel the dialogue is not going anywhere. One pointed to symbolic actions that are cost-free but deliberately neglected. For instance, the Kordofan governor and other officials were invited but failed to appear at the consecration of the bishop of El Obeid, Mons. Antonio Menegato, held on March 3, 1996.[188]

Arrest of Church Leaders

The government has claimed to have exposed particular priests or church leaders as rebel sympathizers and thus confirmed its suspicions that the churches and their followers are a "fifth column" in the Islamic state. On January 16, 1996 the government in a filmed ceremony released a Catholic priest, Fr. Mark Lotede, and a Catholic school student, Simon Peter; at the ceremony the priest, detained in Juba, "admitted" that he had been involved in sabotage plans. This ceremony took place in the presence of government officials from Sudan Security and the ministry for

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[183] Alier, *Southern Sudan,* p. 17.

[184] Christianity has been embraced or re-embraced by southern migrants to the north because of the role played by the churches in the integration of the migrants to urban life (material assistance, education, and continuing contacts with the village of origin and ethnic group), and the war and the reactions it engenders. Northern society is seen as aggressive and segregative. Roland Marchal, "La 'vernacularisation' de christianisme," *Sudan: History, identity, ideology,* pp. 189–90.

[185] The Vatican's representative, Cardinal Francis Arinze, a Nigerian who heads the department of dialogue among religions, called on the Sudanese to promote dialogue at home; the conference was attended by 500 people, of whom 150 were from outside Sudan. Alfred Taban, "Sudan Holds Inter-religious Dialogue," Reuter, Khartoum, October 8, 1994.

[186] The Missionary Societies Act was an attempt to regulate, by means of a system of licences, the activities of missionary society. Two prominent historians described it as "a crude device to allow unlimited interference with missionaries." P.M. Holt and M.W. Daly, *A History of the Sudan,* 4th ed. (New York: Longman, 1988), p. 179.

[187] Human Rights Watch/Africa telephone interview, New York, March 1996.

[188] Ibid.

social planning involved in church affairs, and the papal nuncio and other Catholic officials summoned there for that purpose.

Shortly after the priest and student were released, the Vatican accused Sudan Security of torturing the priest into confessing, and of torturing a student into testifying against the priest. The papal nuncio, Amb. Archbishop Erwin Josef Ender, wrote a scathing letter to the government after witnessing the event, and rejected all statements made there by the two men as the product of torture.[189] "I was revolted by the lying and violent spectacle," the nuncio wrote. He also protested the fact that he and the other Catholic officials were brought to the ministry under false pretenses, saying he would never have attended if he had known they were going to stage such a televised spectacle.

Fr. Mark Lotede, of the Toposa tribe originating around Kapoeta in Eastern Equatoria, southern Sudan, had worked actively since 1991 against the government policy of abducting Toposa children and interning them in a camp at Qariat-Hanan where they were exposed to forced Islamization.[190] According to Catholic church sources, some of the children were sent abroad to Libya and Saudi Arabia, some were sent to work on farms, and others were given military training and sent to the front. Fr. Lotede, a teacher at St. Mary's Minor Seminary in Juba, assisted the Toposa children who escaped from the camp and helped some register in the church schools in Juba; others tried to return to their Toposa villages outside Kapoeta.[191]

The government detained and interrogated Fr. Lotede several times about his work with the Toposa children. He was detained on December 27, 1995 in Juba. Simon Peter, a Toposa youth who had recently graduated from the Comboni secondary school in Khartoum where he had lived since 1989, was detained at the Juba airport on December 26, 1995. Both were released at the televised ceremony on January 16, 1996.[192]

Fr. Romeo Todo, a Catholic priest from the Didinga tribe of Eastern Equatoria and teacher at the Comboni College in Khartoum, was arrested on January 5, 1996 at the college in Khartoum and released January 14. He is chaplain to the Young Christian Students in the Archdiocese of Khartoum. He was reportedly questioned with regard to the activities of those just detained in Juba. The church attempted to mediate and secure the release of the two priests, daily inquiring in many fora about their whereabouts, but failed to learn anything until the ceremony.[193] The government had an agreement with the Catholic church that no clergy would be arrested without first referring the case to the archbishop, but it did not follow the agreement, and the church did not learn of the allegations against the two priests until their release.

On January 16, the nuncio and Archbishop Gabriel Zubeir Wako of Khartoum were summoned by the ministry of social planning to come to its office to witness the freeing of Fr. Mark Lotede; the nuncio was specifically assured that there would be no television cameras present. Upon arrival, they saw that a television camera was filming all the events. In addition, the detained clerics were not turned over to the nuncio immediately, but the Catholic prelates, accompanied by the secretary general of the Sudan Council of Churches, Mons. John Dingi, were required to witness the clearly rehearsed "confessions" of the student Simon Peter and Fr. Lotede, while M. Abdin, from Sudan Security in Juba, sat in the corner to monitor events. Dr. Mustafa O. Isma'il, of the government-sponsored Council for International People's Friendship, also attended.

At the ceremony, the government charged that Fr. Lotede was planning to blow up security installations in the town of Juba, where he was based, and had set up an organization, including several politicians, to send students to SPLA-controlled Narus to the southeast of Juba.[194]

In the letter to the diplomatic corps in Khartoum, the nuncio stated that the student Simon Peter and Fr. Mark Lotede had been physically and psychologically tortured and their lives threatened by security to force them to make false statements, and that they denied to him that they had ever done what they confessed to. The nuncio firmly asserted that all the confessions made there were "completely false"

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[189] Letter, Archbishop Erwin Josef Enter, ambassador from the Vatican, to S. Mohamed Osman al Khalifa, minister of social planning, Khartoum, January 25, 1996. This letter with a cover letter of the same date was circulated to the diplomatic corps in Khartoum.

[190] This practice is discussed in Human Rights Watch/Africa, *Children of Sudan,* pp. 14–15.

[191] Confidential communication to Human Rights Watch/Africa, March 1996.

[192] Ibid.

[193] "Vatican: Sudan Holds Three Catholic Clerics, Vatican Says," Reuter, Vatican City, January 11, 1996.

[194] Jeffrey Donovan, "Vatican accuses Sudan of torturing priest," Reuter, Vatican City, February 3, 1996.

and did not correspond to the facts, that the whole story and its details were "pure inventions."[195]

According to information available to Human Rights Watch, Fr. Mark Lotede was tortured for three hours on the day of his arrest by Sudan Security in Juba and accused of being the "obstacle to and enemy of Islamization among the Toposa people."[196] His physical torture came to an end after a senior Sudan Security officer intervened and stopped it. According to Fr. Lotede's statement to church authorities, intense interrogation and psychological torture continued for eight days: he was told that the Toposa youth in detention would continue to be tortured and would eventually be executed if he did not accept as true the allegations against him. He could hear the cries of these youth under torture almost every night from his cell. Once he gave in to this enormous pressure, to save their lives, he was taken to a judge to plead guilty, but he was not given any opportunity to plead innocent or explain himself. He was threatened with death if he did not follow the script: the security officer who had tortured him put a pistol to Fr. Lotede's head to press this point home.

According to the accounts given to the church, Simon Peter and three other Toposa youth were detained together by Sudan Security in Juba. The four were accused of being rebels and tortured, and one was subjected to electric shocks. They were told their family members would be killed (some of the family members were even identified by name) if they did not admit to the allegations against them and Fr. Lotede. They were rehearsed with a script full of accusations against Fr. Lotede for nine days, and beaten when they deviated from it. The four were taken to the judge at the same time as Fr. Lotede and their false testimonies were videotaped and tape recorded. On January 13, 1996, Simon Peter and Fr. Lotede were flown to Khartoum.

Two weeks after the releases, Sudan Security began to search for the student Simon Peter, harassing his home in Khartoum and detaining a neighborhood girl for thirteen hours for questioning about him. The family temporarily left their home to avoid constant security visits at odd hours of the night. The papal nuncio wrote twice to the government on Simon's behalf, to no effect.[197]

The Attempt to Register Churches as "Voluntary Societies"

In October 1994, at a government-sponsored religious dialogue conference, President al Bashir announced that the Missionary Societies Act of 1962 would be repealed. While welcoming the nascent dialogue, leaders of the indigenous Church voiced their concern for the use of religion in the war in southern Sudan, complained about the lack of religious freedoms and called for equality between Muslims and Christians.

The repeal of the Missionary Societies Act did not lead to churches finally receiving the equality under law they sought with the followers of Islam. The president instead decreed and signed new legislation in late 1994 (Provisional Order of October 4, 1994)[198] to regulate church affairs, which would have treated churches not as spiritual institutions of heavenly origin but as foreign nongovernmental organizations which must be registered with a state official, who would have the power to terminate their existence.[199] There was such resistance to the Provisional Order that it has not been enforced. No other legislation has been proposed in its place.

The Episcopal and Catholic churches responded in writing to the Provisional Order, the Catholic church condemning it as "the most comprehensive, thorough and far-reaching attempt to control (and potentially to terminate) the life and activity of the Church."[200] The Episcopal church found the Provisional Order "repugnant and irrelevant to the evangelistic mission of the church."[201]

Unlike Article 22 of the ICCPR on free association and Article 21 on peaceable assembly, Article 18 on freedom of religion is a nonderogable right—meaning it cannot be suspended even in time of war or other extreme emergency—and its limitations clause is more circumscribed than are the limitations clauses of Article 22 or 21. Therefore limits on nonreligious organizations that might be permissible under

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[195] Letter, Archbishop Enter to S. Osman al Khalifa, January 25, 1996.

[196] Confidential communication to Human Rights Watch/Africa, March 1996.

[197] Ibid.

[198] Under the 1994 procedure for legislation in Sudan, decrees are issued by the president and must be confirmed or amended by the Transitional National Assembly within two months in order to become law.

[199] Sudan Catholic Bishops' Conference, "The Miscellaneous Amendment;" Province of Episcopal Church of Sudan, Khartoum, "Provisional Order: Miscellaneous Amendment (Organisation of Voluntary Societies) Act 1994," February 2, 1995.

[200] Sudan Catholic Bishops' Conference, "The Miscellaneous Amendment," p. 2.

[201] Province of Episcopal Church, "Provisional Order," p. 1.

Article 22 or Article 21, such as restrictions for reasons of national security, are not applicable to religious organizations under Article 18.

The Provisional Order the government wanted to apply to the churches, however, would have amended the Alien Voluntary Work in the Sudan (Organization) Act of 1988, which regulates—tightly—the affairs of foreign nonprofit organizations. The Provisional Order would add to the definition of organization covered by the Alien Voluntary Work Act "any foreign voluntary organization whose purpose is to carry out work the nature of which is ... religious."[202] In the past few years the number of international nongovernment nonprofit relief and development organizations have been subjected to increasingly tight restrictions by the ministry of social planning and others on their charitable activities in Sudan, to the point where many found government interference made their presence untenable, and terminated operations in the country.[203]

At the same time, the Provisional Order would have amended another law, the Societies Registration Act of 1957, which applied to national nongovernment organizations, and extended its coverage to religious organizations.[204] Prior to the Provisional Order, religious work was not covered by the Alien Voluntary Work Act or the Societies Registration Act.

The Catholic church rejected the definition of the Church as a purely human society and organization, and therefore considered that the Provisional Order did not apply to the Catholic church.[205] The Provisional Order would have required all churches existing before October 1994 to apply for registration to the Commissioner of Social Planning within sixty days,[206] according to the Episcopal Church of Sudan. It would have required each new congregation of existing churches to register as new and separate churches. That commissioner would have the power to accept or reject the application, forwarding it to the minister of social planning for approval of the rejection or registration on fulfilment of conditions. If the conditions were not fulfilled by the church within ninety days, it was to cease to function, and its assets disposed of in liquidation.[207]

The requirements for churches under the Provisional Order appear to be identical to what would be required for an ordinary foreign nonprofit corporation: submit an annual statement of accounts to the minister, hold annual meetings, file a membership list, elect officers as set forth in its by-laws, and so forth. This would not be limited to the relief and development programs of churches, but extended to them as entire spiritual institutions, according to the Episcopal Church.[208] The minister would have the power to cancel a registration if a church contravened the provisions of the act. He could cancel a registration if a church's total membership was less than thirty.[209] Although this order does not appear to have been enforced, churches are unsure of its status, and of theirs.

Church Construction and Demolition

The government has defended itself against charges of forced Islamization by pointing to the proliferation of churches in Khartoum State, with "more than 500 new churches by February 1993."[210] While there may have been 500 new churches (or congregations of existing churches) in Khartoum by February 1993, a number we cannot verify, their status was ambiguous at best. There were no church buildings for worship built with any official permission because their sponsors concluded that requests to build churches would be denied; no permission to build a church has been issued for decades, according to many church and other sources. Instead, many churches rent or share a pre-existing location.

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[202] Provisional Order: The Miscellaneous Amendment (Organization of Voluntary Work) Act 1994, Article 2.2, signed by President (Lt. Gen.) Omar Hassan Ahmed al Bashir, October 4, 1994.

[203] Only twenty-three international relief agencies were registered by the government in 1990, a decided diminution from the mid-1980s when eighty-two were registered. J. Millard Burr and Robert O. Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile* (Boulder, Colo.: Westview Press, 1995), p. 276. Western agencies attempting to work in Khartoum were shunned by government agencies and indigenous Islamic aid agencies, according to the authors. The situation has deteriorated greatly in this respect since 1990. Ibid.

[204] Provisional Order of October 4, 1994, Article 2.1.2.

[205] Sudan Catholic Bishops' Conference, "The Miscellaneous Amendment," p. 2.

[206] Neither the Catholic nor the Episcopal Churches has ever been required to register with any government agency before, although various charitable activities are regulated by the government. Province of Episcopal Church, "Provisional Order," p. 7.

[207] Ibid., p. 2.

[208] Ibid., pp. 3–4.

[209] Ibid.

[210] "The Response of the Government of the Sudan," November 21, 1995, p. 23, para. 85.

The government denies it has destroyed places of worship.[211] If churches are built or located in "unauthorised" areas where their parishioners are, then the churches will be demolished along with all other structures when the bulldozers arrive.[212] Many churches structures have been so demolished. Human Rights Watch visited the site of a recent demolition in one of the vast shantytowns of Omdurman on May 30, 1995, and saw one church (used also as a school and community center) of mud that had recently been bulldozed, its front door was all that remained standing. In another area of Omdurman, the shantytown parishioners were dismantling a modest church structure they had built, trying to salvage what they could, before government demolition.[213]

The situation is only slightly better in officially approved transit camps for the displaced and the peace villages for the displaced, who have been moved to these locations by the government that bulldozes their shantytown homes and churches. Whereas no permissions are forthcoming in the large "unauthorised settlement" areas, government officials will sometimes issue permits for temporary structures in the official transit camps for the displaced; these camps, however, are not designed to be permanent. Families relocated to these transit camps have no right to stay there and are subject to relocation whenever the government wants. Apparently in peace villages, where there is a right of tenure, the government may issue a permit for a multi-purpose center, which will then be used as a church and for other neighborhood activities. These are not permits for churches per se and the buildings may not have religious symbols on the outside, although inside such symbols are permitted.

Churches not only conduct religious services. They also try to provide social services for the poor. These efforts are viewed with extreme suspicion by government officials, who attempt to obstruct these activities in a variety of ways. These activities are religious practices falling within the freedom set forth in Article 18 (1) of the ICCPR, the "freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching," and spelled out in more detail in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Article 6, specifying that freedom of religion includes the right to maintain charitable or humanitarian institutions, to acquire materials related to religious rights, to teach, to train leaders, and other activities.

Churches attempt to provide services to the very poor displaced families who live in these transit camps and peace villages. Often the communities want schools for their children.

Church Schools and Teaching of Religion in Government Schools

The government's claim that "the teaching of Christianity in government schools in the north has, for the first time, been made available by the current government so as to give equal rights to the Christian minority,"[214] is not accurate. Teaching Christianity to Christians in government schools in the north has been part of the education curriculum since before independence (1956).[215]

To graduate from secondary schools, students must pass a religion examination. The Christians must take an examination about Christianity and the Muslims about Islam. Those who practice traditional African religions, however, are not examined on their religion or any other. Instead, the government has issued a simplified paper on Islam for them, and they are required to do little more than sign their names in Arabic. Christian clergy believe that these students are registered as Muslims rather than as believers in any traditional African religion.

Christian churches must provide teachers on Christianity to the government schools. These teachers must be certified by the government to teach a subject in addition to Christianity, and the language of instruction must be Arabic. For many Christians, especially those brought up in the south, Arabic is not their native language. The difficulty of mastering Arabic has meant that there has been a lack of qualified teachers for Christian instruction in the government schools. The Catholic

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[211] Ibid., p. 23, para. 86.

[212] Many Christians live in the vast slum and shantytown areas of Greater Khartoum, and have few or no rights according to draconian government urban planning schemes. (See below)

[213] A recent report by a Catholic group claimed government troops destroyed two villages in the Nuba Mountains of central Sudan and bombed and desecrated a church on March 24, 1996. "Church Says Sudan Army Uproots 1,000 Families," Reuter, Nairobi, Kenya, April 16, 1996. The Sudan government denied the allegations on April 24, 1996 in a statement issued by its embassy in Nairobi, Kenya.

[214] Ibid., p. 23, para. 84.

[215] This section is based on conversations with clergy inside and outside Sudan, several of whom have worked in educational institutions as teachers and administrators.

church started a teacher training college to meet these requirements, including Arabic-language instruction, with a four year program and 130–150 students. The first class is to graduate in April 1996, but the government still has not certified this school as a teacher training school.

Christian students are at a disadvantage in the educational system because of the shortage of teachers in Christianity. In some classes, there are few Christian students and the church makes an effort to bring them to a church on Fridays and Sundays and group them together with others scattered in other schools for instruction. Religion is not an optional subject; it is mandatory so that the Christians who do not receive adequate instruction will not graduate. This system also leaves no alternative for those who have another belief.

The government maintains that "the religious tolerance of the Government has resulted in the availability of a large number of very prestigious church-run schools in Khartoum and other towns."[216] While churches are permitted to run church schools, most are not "prestigious" schools. The prestigious church-run schools, with high academic standards, admit many Muslim children whose parents resisted a 1994 government decree requiring all private schools to use Arabic as the language of instruction.[217]

The need for basic instruction (reading, writing and mathematics) is most keen at lower levels. According to those who worked in the Dar Es Salaam transit camp for the displaced, most of the Christian children there, who are of southern origin, do not go to the government schools because of government-sponsored Islamization through the schools, despite the formal provision for classes in Christianity. They say there is strong pressure on the children to study the Qur'an and pressure on the girls to wear Islamic women's dress. Much depends on the person in charge of the school.[218] Another barrier for displaced children at government schools, according to a recent study, is language. Many of the children do not know Arabic well enough (or at all) to participate in government schools, where the ministry of education insists on the use of Arabic as the language of instruction in basic education.[219]

Christian churches have sponsored schools in the transit camps, but not enough to fill the gap. For many reasons, only 25 percent of school-aged children are enrolled in any school in the displaced transit camps, according to the same survey. In government schools, among the displaced school children, the enrollment of girls is half that of boys, and the teacher-student ration is 1:47.[220]

One church-run school was registered with the government as a temporary structure in Dar Es Salaam transit camp. Its Christian sponsors applied to the government for permission to build a permanent and larger (sixteen-room) structure. The popular committee,[221] whose approval was necessary, placed obstacles in the way of this improvement, complaining that the Christian leaders were "against Muslims" (although the school employed five Muslim teachers and ten Christians). The permission for a permanent structure was not issued, to the knowledge of Human Rights Watch. Church sources say that Dawa Islamiya, an Islamic NGO, has established many schools in these camps, and has easily secured the necessary government permits to do so.

Sometimes local officials give way in the face of protest, however, but permission to build schools is never easy nor routine for churches. In another block of Dar Es Salaam, where permission for a church school had been granted, two Muslim families reportedly complained to the popular committee which in turn told the church it could not build the school. In this case, however, Christian families complained that they had rights, too, and the popular committee withdrew its objections to the school. The ministry of education said that the church could continue with its activities with the proviso that no foreigners be allowed to do anything with the church

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[216] Ibid., p. 23, para. 84. In 1957, a year after independence, the government nationalized all missionary schools in the south while allowing private schools in the north, including Christian missionary schools, to continue. Deng, *War of Visions,* p. 138.

[217] Human Rights Watch/Africa interview, New York, March 1996.

[218] Human Rights Watch/Africa interview, Khartoum, May 21, 1995; telephone interview, New York, April 1996.

[219] Ushari Ahmad Mahmud and Muhammad Zaayid Baraka, "Basic Education for Internally Displaced Children," International Consultative Forum on Education for All, Country Case Studies: Sudan, Khartoum, November 1995, pp. 19–21.

[220] Ibid., p. 18.

[221] Dar Es Salaam has thirty-three blocks and each has its own popular committee. For a description of the role of the popular committees in house destruction and forced relocation, see Chapter VII, Internally Displaced and Squatters.

except for prayers. This was apparently aimed at a foreign-born priest working in the area.[222]

In several disputes about the right to run schools in other blocks, the government ordered the church sponsors to close schools in Dar Es Salaam transit camp twice in the months between February and May 1995, on the grounds that the schools were not used properly. One school in question admittedly was used also for religious and community services, meetings and adult education, because the government would not give permission to build a church there.

On Palm Sunday of 1995 some 1,000 people attended mass held at this school. One of the priests was summoned to the popular committee soon afterward. Two police, two security officials and eleven popular committee members met with him and ordered him to close the school. A religious discussion ensued about the duty to provide food and housing for all people (the church maintains it distributes these to all regardless of religion). The church declined to close the school.[223]

Government efforts to confiscate food churches' relief arms used for school children and to incorporate the teachers from the Christian-run schools into government schools were started in 1994 and abandoned in 1995 for lack of government funding. A brief period of official recognition of the Christian shantytown schools ensued, followed by destruction of the shantytowns and refusal of permission to build schools in some transit camps.[224]

Religion in Prisons

In an effort directed at prisoner rehabilitation through conversion to Islam, the Law for the Organization of Prisoners and Treatment of Inmates of 1992, Section 5, Article 25, provides for the early release of prison inmates who memorize the Qur'an. A religious commission convened by the administrator of prisons in consultation with the ministry of religious endowment (which oversees religious affairs) tests the prisoners and recommends those who pass for early release. No comparable legislation has been passed based on religious instruction other than in Islam, providing a powerful inducement to non-Muslim prisoners to abandon their religion. In a custodial environment, such programs place the weight of the state so firmly in favor of conversion to Islam that it is coercive, in violation of Article 18 (2) of the ICCPR that no one shall be subject to coercion which would impair his or her freedom to have a religion or belief of his or her own choice. Furthermore, this release program discriminates against those who cannot read or speak Arabic, in violation of Article 26 of the ICCPR in that it does not provide alternatives to the many prisoners, particularly women, not conversant in Arabic.

At Omdurman Prison for Women, the women's branch of *Shabab Al Wattan* (Organization of the Youth of the Homeland, an NIF mass organization) runs a program of spiritual orientation and social rehabilitation of women prisoners. Rehabilitation is provided in the formal instruction in Islam, although the vast majority of inmates are of southern and non-Muslim origin. Christian clergy ministering to prisoners however, report that they are left free to hold services and teach church doctrine in prisons.[225] In Kober Prison there is a church building.

Muslims

Not only does the government interfere with or deny the religious freedoms of non-Muslims, it also clamps down on Muslim groups it considers as too critical or ideologically out of line with its policies. Relations between the National Islamic Front, which controls the government, and various Islamic religious sects and groups have not always been smooth. Some *imams* (prayer leaders), who accede to this position through a consensus of community members, occasionally voice criticism of the government. Their religious obligation of advising their flock on worldly affairs, as well as on spiritual matters, leads some to criticize the performance of the rulers—for instance, over the high cost of living and the deterioration of public services. Other *imams* discuss issues of doctrine on which they disagree with government policies, such as the justification for jihad in south, and the question of whether this is a true or genuine Islamic government.

The response of the government to this criticism and challenge of legitimacy has been two-pronged. Where the opposition to the government is a matter of principle and doctrine, the government has unleashed its repressive forces against rebellious groups and *imams*. Groups so targeted are the Ansar, the Muslim Brothers and the conservative Ansar al Sunna. These groups have critical attitudes towards the gov-

[222] Human Rights Watch/Africa interview, Khartoum, May 21, 1995.
[223] Ibid.
[224] Ibid.
[225] Human Rights Watch/Africa interview, telephone, New York, April 25, 1996.

ernment, from outright opposition to selective independent-minded criticism, with an occasional show of support.

The Ansar religious sect led by the Mahdi family constitutes the popular base of the Umma Party, which like all other political parties has been banned since the current government seized power in 1989. A council of religious scholars and dignitaries, the Council for Ansar Affairs (*Hai'at Shi'oun al Ansar*) oversees the affairs of the sect and the community of followers, while an executive committee runs the affairs of the party. Ex-Prime Minister Sadiq al Mahdi, who heads the Umma Party, lives in Sudan and advocates an attitude of "civil opposition" by peaceful means, although his Umma Party is a member of the National Democratic Alliance, the umbrella group of (exiled) opposition political parties and armed groups.

The government took control of the holiest shrine of the Ansar order, the Omdurman religious complex of the tomb of Mohamed Ahmed al Mahdi, on May 22, 1993,[226] and has not returned it to date. It appointed an imam to lead the prayers there, and said the move was dictated by the need to preserve the national character of the shrine, which it claimed was threatened by the way the Ansar used it. The Ansar moved their communal prayers and other community activities to the smaller Wad Noubawi mosque.

Sadiq al Mahdi has been detained several times, often following homilies critical of the government, delivered as prayer leader of the Ansar at the occasion of Al Eid religious festivities. The crackdown on the Ansar in May of 1995 involved his detention and the detentions of other prominent Ansar leaders, such as Imam Abdalla Barakat and Faki Abdalla Ishag, the leader of the cluster of Qur'anic schools attached to Wad Noubawi mosque. Elderly Ansar patriarchs who submitted a memorandum of protest against the May 1995 detention of Sadiq al Mahdi were themselves detained in turn.[227] Another frequent detainee is Mohamed al Mahdi, the main imam of Wad Noubawi mosque, a well-respected religious leader. One of his favorite themes is religious justice and tolerance, against which he regularly measures government practices. The security apparatus detains him—just as regularly—for up to several months at a time for critical opinions expressed in sermons.[228] Such detentions of religious leaders for their opinions, spiritual or political, constitute a serious violation of their freedoms of religion and expression.

Ansar al Sunna is a religious group that advocates the strict interpretation of Islam, stripped of all the manifestations of what it considers popular Islam, such as sufism. Its simple version of Islam is akin to that of the Wahabi, the influential and dominant religious doctrine in Saudi Arabia. The Sudanese Ansar al Sunna has maintained a longstanding friendship with the Saudis and has been the recipient of substantial Saudi funds solicited to sponsor the spread of Islam in Sudan and neighboring African countries. Ansar al Surma channeled these resources into the construction of nearly 400 mosques in Sudan alone, and into the sustenance of other traditional charitable and educational Islamic works, such as Islamic schools and orphanages.

Ansar al Surma traditionally did not have a significant political profile in Sudan, but vehemently opposed the NIF on doctrinal grounds, a rivalry that has been regularly reflected in reciprocal verbal and written attacks in mosques and newspapers. For instance, Ansar al Surma challenges the official government policy that considers war in southern Sudan a jihad, a holy war. They argue that for it to qualify as such, the war should have as sole objective the total submission of all Southerners to Islam. They also dispute the Islamic credentials of the government, citing such government practices as the recruitment of women in the official PDF militia as evidence of a conduct contrary to Islamic teachings.[229]

Perhaps as a result of this rivalry, the government undertook, in mid-1993, a systematic campaign of intimidation and harassment designed to lead to the replacement of *imams* in mosques that Ansar al Sunna controlled. Communities in the neighborhoods of Al Thawra and Al Sahafa in Khartoum defied weeks of intimidation as truck-loads of riot police parked in front of their Ansar al Sunna mosques during successive Friday prayers to intimidate them into accepting government-appointed *imams*.[230]

During one phase of this campaign, security agents made a night visit to the house of the imam of the main Ansar al Sunna mosque, Shams El Din, in the popu-

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[226] Lawyers Committee for Human Rights, *Critique: Review of the U.S. Department of State's Country Reports on Human Rights Practices, 1993* (New York: Lawyers Committee for Human Rights, 1994), p. 347.

[227] Human Rights Watch/Africa interview, New York, March 1996.

[228] Ibid.

[229] Ibid.

[230] Lawyers Committee for Human Rights, *1993 Critique,* p. 347.

lous neighborhood of the Seventh Quarter of Al Thawra. They threatened him with arrest if he did not leave his position. He replied that it was up to the community of worshipers to choose their imam. Around the same period, they kidnaped and beat up his mu'azzin, who calls the faithful to prayer. The government managed to remove the imam from his position but his followers in the neighborhood boycotted prayers called by the new government-installed imam. The government ultimately abandoned its campaign.[231]

On Friday February 4, 1994, three armed men, one Yemeni and two Sudanese, machine-gunned worshipers while they were conducting the communal prayer at the main Ansar al Sunna Mosque in Al Thawra. The leader of this Ansar al Sunna congregation, Sheikh Abu Zeid, who usually leads the prayer, was by chance not there. Followers of Ansar al Sunna and ordinary people praying there that day suffered a terrible loss in what was widely believed to be a failed assassination attempt: sixteen were killed, including children, and nineteen others were seriously injured.[232]

The attackers escaped unharmed but were captured by security forces the next day, ostensibly while seeking to enter or take refuge in the residence of Ussama Ben Lauden, a Saudi dissident deprived of his Saudi citizenship, who is a backer of the Sudan government and resides in Khartoum.[233] The two Sudanese were killed and the Yemeni seriously injured.[234]

This tragedy remains unexplained. A very speedy trial was held for the surviving gunman and an accomplice who was alleged to have participated in the preparations but did not take part in the attacks. The court found the alleged ring leader guilty, and condemned him to death. He was executed on September 19, 1994.[235]

The Muslim Brotherhood, another small religious group that focuses on doctrinal issues, breaking away from the NIF in repudiation of what it considered the NIF's political and other worldly pursuits, also has been targeted. Two or three outspoken leaders of the group lead the Friday prayer in their main stronghold, the al Sababi mosque in Khartoum North. Security agents monitor this event on a regular basis. They have summoned Professor Al Hibir Youssif Nour Al Dai'eim, one of the leaders of the group, several times to appear in their offices for days at length, a form of harassment amounting to detention when prolonged.[236]

The second prong of the government's response to Islamic criticism is to implement a systematic program to bring all prayer leaders under one broad umbrella, an association of *imams*, and coordinate their weekly Friday sermons. Attendance of Friday mid-day prayer, a religious duty for Muslims, is the occasion for prayer leaders to deliver their homilies to an attentive and well-disposed public. Members of the public at the same time may deliver their own sermons or comment on worldly affairs to their fellow worshipers. The association is intended to coordinate the themes of the weekly sermons, so that one voice would be heard in all mosques. The government-controlled radio and television then carry this concerted message to the population through well-prepared but obviously selective coverage.[237]

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[231] Human Rights Watch/Africa interview, New York, March 1996.
[232] Report from Khartoum, March 4, 1994.
[233] See Scott Macleod, "The Paladin of Jihad," *Time Magazine* (New York), May 6, 1996.
[234] Human Rights Watch/Africa interview, New York, March 1996.
[235] See Chapter V.
[236] Human Rights Watch/Africa interview, New York, March, 1996.
[237] Ibid.