

# SUDAN AND TERRORISM

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON AFRICAN AFFAIRS  
OF THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE  
ONE HUNDRED FIFTH CONGRESS  
FIRST SESSION

—————  
May 15, 1997  
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Printed for the use of the Committee on Foreign Relations



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## TERRORISM AND SUDAN

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THURSDAY, MAY 15, 1997

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

The subcommittee met, pursuant to notice, at 10:48 in room SD-419, Dirksen Senate Office Building, Hon. John Ashcroft (chairman) presiding. Present: Senators Ashcroft, Grams and Feingold.

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

Senator ASHCROFT. The committee will now come to order. I want to thank all of you for your patience. We were winding up a vote on the Senate floor and would otherwise have been more prompt. I do not want to allege ever that the Senate is totally prompt, but we would have been more prompt, and I thank you very much.

We welcome all of the witnesses today, both from the administration, the U.S. Congress, and from the private sector.

Just as a way of orienting us this morning, we would like to begin this morning's hearing with a brief video presentation. The video will feature speeches by Hassan Turabi, the leader of the National Islamic Front Party in Sudan and one of the most infamous supporters of international terrorism in the world.

Osama bin Laden's call for a *jihad* against the U.S., and particularly against U.S. soldiers in Saudi Arabia, will also be featured. Bin Laden was harbored by Sudan for almost 5 years, and was involved in attacks on U.S. soldiers in Somalia, Saudi Arabia, specifically in Riyadh and Dhahran.

The video will close with some footage from the World Trade Center bombing, the most poignant reminder of the war international terrorists are committed to waging against the United States. If we could please—we will start the video and hope everyone has a chance to see it clearly from their position.

[A videotape was shown.]

Senator ASHCROFT. In the post cold war world the United States no longer faces the threat of bipolar cataclysm that defined U.S.-Soviet relations. The collapse of the Soviet Union ended the greatest menace to freedom in the 20th century, but in this dawn of a new era in international relations, however, the horizon is dotted with new national security threats that will demand our constant vigilance.

One of the most serious of these new national security threats is the rise of international terrorism. We are holding this hearing today in the Subcommittee on African Affairs to address the menace of terrorism as sponsored by the Government of Sudan. Since first being designated a State sponsor of terrorism in 1993, Sudan has risen quickly in the ranks of infamy to join Iran as the worst of State sponsors of terrorism.

Sudan harbors elements of the most violent terrorist organizations in the world: Jihad, the armed Islamic group, Hamas, Abu Nidal, Palestinian Islamic Jihad, Hizbollah, and the Islamic Group are all present in terrorist training camps in Sudan. These terrorist groups are responsible for hundreds of terrorist attacks around the world that have taken thousands of lives.

Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries which have killed or injured almost 900 people. Jihad is responsible for the assassination of Egyptian President Anwar Sadat, and Jihad's leader, Sheikh Omar Abdel Rahman, was the ideological ringleader of the terrorists that attacked the World Trade Center and plotted to bomb the United Nations in New York.

Another terrorist organization, the Islamic Group, attacks westerners in Egypt, and claimed responsibility for the failed assassination attempt on President Hosni Mubarak during his visit to Ethiopia in 1995.

In addition to harboring terrorist organizations, Sudan has given refuge to several of the most notorious individual terrorists, including Imad Moughniyeh and Osama Bin Laden. Moughniyeh is believed to be responsible for the 1983 bombing of the marine barracks in Beirut which killed 241 U.S. troops. Bin Laden is the most infamous financier of terrorists in the world, and has recently stated that U.S. soldiers in Saudi Arabia, as you saw in the video, will be the principal target of his terrorist attacks.

Sudan is not simply a favorite vacation spot for terrorists. The Sudanese Government is an active supporter of these terrorist activities. Sudan reportedly provided weapons and travel documentation for the assassins who attacked President Mubarak. Two Sudanese diplomats at the United Nations in New York conspired to help Jihad terrorists gain access to the U.N. complex to bomb the building.

The plot to bomb the U.N. was just one in a series of plots to bomb numerous locations around New York, including the Lincoln and Holland Tunnels, the George Washington Bridge, and U.S. military installations. Five of the original 12 defendants convicted in the series of terrorist plots were Sudanese nationals.

Thankfully, this series of plots was thwarted by U.S. authorities, but one of the earlier terrorist attacks, the World Trade Center bombing, killed six individuals, injured over 1,000 more, and caused \$600 million in damages. The terrorists responsible for the World Trade Center bombing expressed regret that the twin towers were not toppled, a catastrophe that would have taken the lives of tens of thousands of people.

In addition to supporting international terrorism, Sudan supports insurgencies against secular governments in northern Africa, and wages a war of domestic terror against its own people. Sudan

supports extremist rebels and terrorist groups in Algeria, Uganda, Tunisia, Kenya, Ethiopia, and Eritrea.

The military regime of Omar al-Bashir has used genocide, mass starvation, and slavery to pillage southern Sudan. Mere children are drafted into Sudan's army to feed the flames of the Government's hatred. Southern rebel leaders are guilty of human rights atrocities as well, and the civil war has taken the lives of 1.5 million people and displaced over 2 million more in the last decade.

The malevolent character of Sudan's government makes it patently clear why the U.S. has designated some nations as State sponsors of terrorism and has imposed upon them the most severe penalties and sanctions provided by U.S. law.

While it may seem obvious to all of us here today that Sudan is deserving of our harshest censure, the Clinton administration has had to be pushed and pulled into adopting an aggressive stance against the terrorist State of Sudan. Only under congressional pressure did President Clinton add Sudan to the terrorist list in 1993, and now the Clinton administration is failing to enforce U.S. antiterrorism law against this terrorist State.

The Anti-terrorism and Effective Death Penalty Act of 1996, passed by Congress and signed into law by the President last April, contained a provision, section 321, prohibiting financial transactions with State sponsors of terrorism. The Clinton administration was given the opportunity to issue regulations for section 321, and President Clinton blatantly disregarded the clear language of the legislation and permitted almost all financial transactions with some terrorist States to proceed.

I do not understand this inconsistency in the President's antiterrorism policy. In a speech at George Washington University on August 5, 1996, just days before the regulations for section 321 were issued, the President stated, and I quote:

The United States cannot and will not refuse to do what we believe is right. That is why we have maintained or strengthened sanctions against States that sponsor terrorism, Iran, Iraq, Libya, and Sudan. You cannot do business with countries that practice commerce with you by day while funding or protecting the terrorists who kill you and your innocent civilians by night. That is wrong.

The Congress of the United States has worked extensively in a bipartisan manner to provide the American people with the antiterrorism tools they need to defend themselves and isolate these rogue regimes, and I am amazed that we are having to revisit this antiterrorism legislation to force the President to cutoff financial transactions with State sponsors of terrorism.

Representative Bill McCollum, the original sponsor of section 321, has introduced legislation in the House, H.R. 748, to close the administration's regulatory loophole. I plan to introduce companion legislation to H.R. 748 in the Senate. I am thankful that America has been relatively isolated from most of the world's terrorist violence, but just as terrorists have targeted Americans abroad, they are now targeting Americans at home.

International terrorism is one of our greatest national security threats, and yet another example of a national security threat that the administration is failing to address.

I want to thank the witnesses who will be testifying here today for their assistance, and I hope that this hearing will promote a

frank and open discussion of the issues surrounding the enforcement of our antiterrorism law.

I would call on the ranking minority member of the committee, Senator Feingold.

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

Senator FEINGOLD. Thank you very much, Mr. Chairman. This is the first Africa Subcommittee hearing we are holding together, and I am pleased to have the opportunity to work with you and to continue into my fifth year of service on this subcommittee, which I consider to be an important part of the Foreign Relations Committee, and an important subcommittee in the Senate.

As the chair notes, you and I share two subcommittee jurisdictions. He is also chair of the Judiciary Subcommittee on the Constitution, of which I am also the ranking member, so I know we will be working together, having, in effect, quality time together in the Senate throughout the 105th Congress, and I look forward to it.

Mr. Chairman, I also want to thank you for holding a hearing on the subject before us today, terrorism in the Sudan. This is a vitally important topic for two reasons. One, as the chairman has indicated, is terrorism itself, and the other is the Sudan.

Terrorism is clearly one of the most vexing threats to our national security today. Terrorist groups, by seeking to destabilize or overthrow governments, serve to erode international stability. By its very nature, terrorism goes against everything we understand to be part of the international system, challenging us with methods we do not necessarily comprehend.

People, and all too often they are innocent bystanders, die as a result of terrorism. Buildings are destroyed, and all of us feel less safe after the fact.

According to the State Department's most recent *Patterns of Global Terrorism* report, although the number of international terrorist incidents in 1996 actually fell to 296, the lowest annual total in 25 years, the death toll from these acts rose from 163 in 1995 to 311 last year.

Approximately one-fourth of these acts were aimed intentionally against the United States. In 1996, 24 U.S. citizens were killed as a result of terrorism, a number that unfortunately was twice as high as the previous year. So yes, indeed, this is a vitally important subject for the Congress to look at very carefully.

Mr. Chairman, I would also like to note the tremendous importance, or at least the potential importance of the Sudan in Africa. It is the largest country on the continent, and has a population of 29 million people, with cultural and geographic ties to both Arab North Africa and to black Sub-Saharan Africa.

The Sudan has the potential to play a significant role in East Africa and the Gulf region, but unfortunately during its 41 years of independence, Sudan has only seen about 11 years of peace. Instead, a brutal civil war between the largely Christian and animist south and the Muslim-Arab north continues to rage on.

This seemingly endless conflict has taken the lives of more than 1.5 million and resulted in well over 2 million displaced persons or

refugees. Perhaps the saddest consequence of the war is that there are thousands of teenagers who do not remember a peaceful period, and who know better the barrel of a gun than the inside of a classroom.

The international community has done the best that it can with this situation. There are approximately 40 national and international humanitarian organizations providing millions of dollars annually in food and development assistance. For its part, the U.S. Government has provided more than \$600 million in food assistance and nonfood disaster assistance since the mid-1980's.

The United Nations' Operation Lifeline Sudan (OLS), which maintains a unique agreement with the parties to the conflict, has been instrumental in allowing humanitarian access to displaced persons in the southern Sudan.

I want to just take a moment to commend the humanitarian organizations operating in the region, who daily face not only enormous technical and logistical challenges in serving the Sudanese population, but obviously the all-too-frequent threat of another offensive nearby.

Unfortunately, throughout this conflict both sides have been engaged 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 "proper" social behavior.

In 1996, according to the report, Government forces were responsible for extrajudicial killings, disappearance, forced labor, slavery, and forced conscription of children. Basic freedoms—of assembly, of association, of privacy—are routinely restricted by the Government. Worse, imposition of Islamic law on non-Muslims is far too common.

Perhaps the Government's most egregious behavior, though, is its involvement in terrorism, as the Chairman has well pointed out. The State Department's 1996 Pattern of Global Terrorism report noted that Sudan continued to serve as a refuge, nexus, and training hub in 1995 for a number of international terrorism organizations. As the Chairman has already described, the Government continues to harbor members of several international terrorist and radical Islamic groups.

Mr. Chairman, this is not a regime that should be included in the community of nations. As Assistant Secretary Moose will recall, I first became interested in this particular subject in May 1993, during an Africa Subcommittee hearing chaired by then chairman of the subcommittee Senator Paul Simon.

During that hearing, I questioned Secretary Moose regarding Khartoum's relationship specifically with Hamas, an all-too-well-known terrorist organization. Since much of that information could not be disclosed in a public forum, I asked him to brief me on these connections in private, and I later encouraged the administration to take a hard line in its efforts to curtail Sudan's involvement and support for terrorist activity.

Shortly thereafter, in August, the President placed Sudan on the official list of nations supporting terrorism, and I just have to say



for myself, Mr. Chairman, that when I asked for the administration's response, it was not only adequate it was swift, and considering I was the least senior member of the entire committee, I was impressed that there was that kind of response, and I fully supported this decision, and of course continue to support Sudan's inclusion on the list.

The United States should not tolerate repugnant acts by groups or governments, which is why, Mr. Chairman, the Congress mandated the so-called terrorist list in the first place.

So again, I really do commend the Chairman for having a significant hearing on this subject, and I look forward to listening to the testimony.

Senator ASHCROFT. I want to welcome Senator Grams of Minnesota as a member of the committee as well, and thank him for being here.

We are a bit under a time constraint as a result of the vote, which delayed our beginning, so I would like to call our first witness before the committee.

Our first witness is United States Congressman Bill McCollum from the State of Florida. As I indicated in my opening remarks, he has proposed legislation which would provide a way to deal with State-sponsored terrorism and States that sponsor terrorism.

He is the author of the measure which was contained in the Antiterrorism and Effective Death Penalty Act of 1996. He serves in the House as chairman of both the Crime Subcommittee and the Intelligence Committee's Subcommittee on Human Intelligence Analysis and Counterintelligence, and it is a pleasure to welcome him to the committee. Congressman McCollum.

**STATEMENT OF HON. BILL MCCOLLUM, U.S. REPRESENTATIVE  
FROM FLORIDA**

Mr. MCCOLLUM. Thank you very much, Mr. Chairman. It is a great pleasure being here with you, and I commend you and Senator Feingold and Senator Grams for your effort in working with respect to this issue. I think it is extraordinarily important.

With your permission, I would like to ask unanimous consent that my entire statement be put in the record. I would like to simply summarize so as to save you some time.

Senator ASHCROFT. It will be so ordered.

Mr. MCCOLLUM. I have the privilege, as you have indicated, of serving as chairman of two key subcommittees that are relevant to this matter in the House, and prior to that I was the chairman of the Republican Task Force on Terrorism and Unconventional Warfare. Everything you have described today—through both the video and your statements—with regard to Sudan and the terrorist activities is true in spades.

I became aware of these matters long ago, but frankly the issue of what was in section 321 of the antiterrorism bill was not something I really focused on until Louis Farakhan went over to the Middle East and came back with money from Libya and elsewhere, or it looked like he had a deal to do that.

Some of us began looking into the rules and regulations regarding the financial transactions that could be done, and discovered that while there were some executive orders governing such trans-

actions, they were not comprehensive. As a result, this provision was drafted.

It was drafted with two purposes in mind, (1) prohibiting some American citizen from going abroad to obtain contributions, but more directly, prohibiting any foreign nation that is identified as a terrorist country—one of the seven that are out there, not just Sudan—from being able to, as the government of that country, contribute money. It would be wrong for us to take that money.

And then the other way around. That is, financial transactions between both U.S. citizens and U.S. permanent resident aliens and the governments of those foreign countries were to be prohibited, and that is what section 321 was all about.

Well, along the way the Treasury Department expressed its concern to me that the diplomatic relationships we might have could be strained. There were all kinds of possible exceptions, all kinds of problems that would be there.

And since financial transactions are administered by the Treasury Department, albeit with some consultation with the Secretary of State, the decision was made, because of the complexity, or the potential complexity of this, to give them a broad basis for regulatory relief with the assumption that the Treasury Department would write some regulations that would specifically provide for diplomatic opportunities where the law would not be that harsh.

Well, I want to tell you that what came out of the Treasury Department's regulations was very, very disappointing, and I am going to refer to my statement with regard to this.

In August of last year, I learned that the Treasury Department had published these regulations. To my surprise, I discovered that the regulations reversed the effects of the prohibitions on the aforementioned financial transactions. These regulations permit all financial transactions with Sudan and Syria other than those which pose a risk of furthering domestic terrorism.

I must say, so we understand it now, that we have economic restrictions against the other five countries officially in place but economic restrictions are not officially in place against the Sudan or Syria, even though this provision in the antiterrorism bill was designed to stop financial transactions with all terrorist list countries. So this issue became far more important, perhaps, because there were no other economic sanctions in place against these two terrorist States.

At any rate, the regulations that the Treasury Department issued prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the United States person knows, or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States.

My cosponsor, Mr. Schumer, recently said that this is a loophole big enough to drive a car bomb through. The reality, Mr. Chairman, and I think I have got to make this very, very clear, was not my intention, nor was it that of Mr. Schumer nor anyone else connected with drafting these provisions in the antiterrorism bill, that the regulatory authority provided should be exercised in this manner.

If I had known the administration was going to choose to render the prohibition meaningless, I would not have agreed to the broad authority that was placed there. This business-as-usual policy represents a step backward in the efforts to isolate terrorist States, particularly the terrorist activities in the Sudan and Syria.

So, in my judgment, the regulations could also permit transactions with other nations if the current executive order should ever be lifted. That is why H.R. 748 was introduced in the House and why, I gather, that you are going to consider it here in the Senate. It was to close this loophole.

The bill strips the executive branch of the authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception only for transactions incident to routine diplomatic relations among countries. By this, we mean those transactions which arise when citizens of this country or representatives of a terrorist supporting country travel or engage in activities for diplomatic purposes.

For example, a cab ride from Kennedy Airport to the United Nations building would not be included. Similarly, an American diplomat traveling to Syria or Sudan on official business could perform the financial transactions necessary for that trip.

Mr. Chairman, I think that is what we intended to begin with, but that is not the way the Treasury Department has allowed the enactment of section 321 of the antiterrorism bill to work. If we are going to isolate these terrorist States, section 321 must be enacted as intended.

Finally, I want to make one last comment. I know there are those who believe that the targeted countries—Sudan, in particular—are at the point now where they are ripe for changing their ways, and there are those who think they have already changed; that may be true. I would love to believe that those nations will change in the future.

But I know it was only a few weeks ago that I had a visit from the Ambassador from Sudan. We had a long conversation in which we discussed a lot of the activities he said they had done in Sudan to correct the problems and not allow terrorist activities to be done. He encouraged me to be supportive and open to the possibility of opening trade and removing the restrictions, *et cetera*.

Although I cannot reveal all of the details, because I serve on the Intelligence Committee, I can tell you that when I went back to the Intelligence Committee and asked my Intelligence Committee sources about the Ambassador's statements, I found that the great majority of them were simply unfounded and not true.

So I am very suspicious when I hear people say that the Sudan is ready to cooperate, considering its past history of human rights violations as well as terrorist encouragement.

It is one of those things that I will remain, and I trust you will, too, very skeptical of as we listen to those who say they have improved the situation.

That is not to say that we would not like to see the targeted nations change in those ways, but the changes need to be open, demonstrable, and clearly felt so that we can actually see terrorist activities are no longer supported. That is simply not the case today, and until that is the case, I would certainly urge the enactment of

H.R. 748 in the House and your companion legislation in the Senate so that we may send it to the President, because it needs to be law, Mr. Chairman.

[The prepared statement of Mr. McCollum follows:]

PREPARED STATEMENT OF HON. BILL MCCOLLUM, A REPRESENTATIVE IN CONGRESS  
FROM FLORIDA

Thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to appear before you today to discuss this critical issue of international terrorism and Sudan. I commend you for taking the time to focus on this important matter, and in particular, Mr. Chairman, for your leadership in the Senate in shaping U.S. policy toward terrorist sponsoring governments.

I have the privilege of serving in the House as chairman of both the crime subcommittee and the Intelligence Committee's Subcommittee on Human Intelligence, Analysis and Counterintelligence. These assignments have presented me with the opportunity to receive extensive information on the nature and extent of the threat posed by international terrorism.

In my view, the forces of militant extremism in the Middle East and Africa are among the greatest international dangers currently facing America and its vital interests. The deadly threat posed by international terrorists must not be underestimated.

We have all seen the pictures of bloody slaughter caused by these violent criminals. Yet, if hatred and coldheartedness were all that these killers needed, the world would be even more endangered than it already is. But terrorists need more than desire. They need support; they need infrastructure. And that's why the presence of terrorist supporting countries is so harmful to the world community.

A handful of pariah States—Cuba, Libya, North Korea, Iran, Iraq, Syria and Sudan—have been designated by the State Department, pursuant to section 6(j) of the Export Administration Act, as terrorist sponsoring countries or "Terrorism List Governments." No one should discount the significance of this designation. Without the support of these countries, terrorists would literally not have a home, much less the active assistance of government officials.

With regard to Sudan specifically, I would remind the Subcommittee of how U.N. Ambassador Bill Richardson described this country only a few months ago in connection with his confirmation. He said, "The Sudanese Government destabilizes its neighbors, supports terrorists, commits human rights abuses against its own citizens, and pursues civil war in the south." Clearly, the training and support of terrorists occurring in Sudan are major contributors to the untold human suffering caused by religious extremists in this region of the world.

Mr. Chairman, there should be no higher priority for the United States in the battle against terrorism than the elimination of foreign government support for terrorists. This is why section 321 of the Antiterrorism and Effective Death Penalty Act of 1996 is a vital tool in this battle.

The clear and unambiguous language of the statute addresses the problem of financial support to terrorist sponsoring countries: Whoever . . . knowingly or having reasonable cause to know that a country is designated . . . as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both. The term "financial transactions" is defined very broadly to include virtually all transfers of monetary instruments or a thing of value.

*Section 321 of the Anti-Terrorism Act*

I became aware of the need for legislation in this area last year when I learned through news reports that the Rev. Louis Farakhan had traveled to Libya, and received a personal pledge of significant financial support from Col. Moammar Gadhafi. Like most Americans, I was outraged that a well known supporter of terrorism and enemy of the United States such as Col. Gadhafi would be able to provide financial support to a U.S. citizen.

After reviewing the relevant statutes and regulations, I learned that the principle means for restricting most economic transactions with terrorist supporting countries was through executive order, and that not all governments known to support terrorists were covered by such orders. I therefore concluded that a permanent ban on financial transactions between U.S. persons (a term which includes both individuals and corporate entities) and countries which support terrorism was necessary.

This ban, which became section 321 of the Antiterrorism Act, was offered as an amendment to the bill on the House floor by Congressman Charles Schumer, the

ranking minority member of the crime subcommittee and myself, and it was adopted on a voice vote.

It was drafted with a dual purpose in mind. First, it prohibits financial support from terrorist countries to U.S. persons, thus attempting to prevent the long-arm of terrorism from reaching the shores of the United States through domestic entities. Second, and more broadly, it prohibits all financial transactions by U.S. persons with these countries, regardless of where these transactions take place. The obvious goal of this language is to cutoff terrorist sponsoring governments from the economic benefit of doing business with U.S. companies.

Since five of the seven terrorism list governments are already subject to economic sanctions as a result of executive order, the immediate impact of the ban related to Sudan and Syria.

While we were preparing the amendment, we were advised by the administration that the broad wording of the prohibition could have unintended consequences, particularly in the area of diplomacy. I agreed to authorize the Department of the Treasury, in consultation with the State Department, to issue regulations which provided some exceptions to the ban. We intended these regulations to exclude various innocuous transactions that occur in the course of diplomatic activities and other related official matters

*31 CFR Part 596*

In August of last year, I learned that the Treasury Department had published its regulations in relation to section 321. To my great disappointment, I discovered that the regulations reversed the effect of the new prohibition. These regulations permit all financial transactions with Sudan and Syria, other than those which pose a risk of furthering domestic terrorism. The regulations prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States. As my cosponsor, Mr. Schumer, recently said, this is a loophole big enough to drive a car bomb through it.

Mr. Chairman, let me make this point as clearly as I can. It was not my intention then, nor is it now, that the regulatory authority provided in section 321 should be exercised in this manner. Had I known that the administration would chose to render the prohibition meaningless with its regulations I would not have agreed to give it such broad authority. This "business as usual" policy represents a step backward in the effort to isolate Syria and Sudan. The regulations could also permit transactions with the other nations if the current executive orders should ever be lifted.

*H.R. 748*

I have introduced H.R. 748 along with Mr. Schumer to close this loophole and to prohibit transactions other than those that are specifically connected to diplomatic activities. The bill strips the executive branch of the authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception only for transactions "incident to routine diplomatic relations among countries." By this we mean only those transactions which arise when citizens of this country or representatives of a terrorist supporting country travel or engage in activities for diplomatic purposes. For example, a cab ride from Kennedy airport to the United Nations building would not be included. Similarly, an American diplomat traveling to Syria on official business would not be included. I realize that this legislation could affect many law-abiding U.S. companies doing business in the affected countries. Under current law, such business may be entirely lawful. But in my view, the only way we are going to eliminate the governmental support terrorist organizations desperately need, is to take a firm stance against economic relationships with these countries.

Again, I thank the Subcommittee for inviting me to testify on this issue, and I look forward to working with you on legislation that will deter the spread of terrorism in the world.

Senator ASHCROFT. Thank you, Congressman McCollum. I call on Senator Feingold.

Senator FEINGOLD. I have no questions. I just want to join the chairman in welcoming the Representative. I appreciate his interest, and I hope we can work together between the two Houses to further our concern about Sudan itself and in particular Sudan's activities with regard to supporting or abetting terrorism.

Thank you.

Mr. MCCOLLUM. Thank you.

Senator ASHCROFT. Senator Grams.

Senator GRAMS. Representative McCollum, what has been the administration's reaction to this? Are they supportive of 748?

Mr. MCCOLLUM. No, they are not. I think you will find that they believe there should be much more flexibility with this legislation. If we can come up with specific exceptions within certain bounds I would be open to them, as I think you should be, but to say, "a plague on your house, we do not want this kind of restrictive prohibition," is not acceptable and that is apparently their position.

You are going to hear from them today, but that is how I understand their position.

Senator GRAMS. So despite evident concern by the Sudanese about lifting some of the restrictions and some of the comments they have made, and you have found them not to be completely true, if at all, the administration would basically be ignoring this?

Mr. MCCOLLUM. Well, at least the arms of the administration dealing with this bill are ignoring it. I think that there are people in the administration, in the intelligence community, and others who could tell me that the Sudanese are not on the up and up right now.

I am also concerned because a lot of businessmen in America say, "hey, we need these financial transactions. We are going to be isolated. We are going to be cutoff. We are not going to be able to do business. Somebody else is going to do the business."

I have heard that argument about every time the Congress has proposed an economic sanction. There are times when economic sanctions are a bad idea, and there are times when they are absolutely necessary.

This is not an economic sanction in the true sense, but it is a specific restriction on financial transactions. Some American business interests certainly could complain that the restriction hurts them, but we have got to do something about terrorist States, and there is no other way to do it. If they want to do business with us, as some of them profess they want to do; then they must change their ways, modify their ways, stop their terrorist support.

But I think the administration is only listening to the business community that wants to continue its policies in trading with Sudan, or expand its trade with Sudan.

Senator GRAMS. Thank you. Thank you, Mr. Chairman.

Senator ASHCROFT. Representative McCollum, your proposed legislation, would it stop businesses from doing any business in Sudan, or does it stop business from doing business with the Sudanese Government?

Mr. MCCOLLUM. With the Sudanese Government, Mr. Chairman. It would not prohibit private transactions among private citizens. It is strictly with the Government, and it is limited to financial transactions with the Government.

Senator ASHCROFT. Is it your intention to continue to make it possible for relief organizations in the event of disasters or other compelling circumstances or exigencies to be able to provide that relief?

Mr. MCCOLLUM. Absolutely. I certainly hope that the Sudanese Government would permit humanitarian relief and not hide behind this restriction in some manner. Humanitarian aid from a relief organization does not require a financial transaction with the Sudanese Government. Thus, such relief is not automatically restricted by this prohibition.

Senator ASHCROFT. Well, section 321 is originally designed to make sure that our transactions there did not result in sponsoring or funding or otherwise contributing to a capacity to injure us or others in terrorist acts.

Mr. MCCOLLUM. That is exactly correct. The objective of 321 and the objective of 748 are both the same: To impair the Government of the Sudan from furthering terrorism and to restrict its financial transactions with United States citizens, be it individuals or businesses, that could be in furtherance of such terrorism. I do not believe, Mr. Chairman, that you can simply narrow that down and say only those transactions that pose that risk. Treasury's regulation is just too narrow. As Mr. Schumer said, you can drive a car bomb through it. You can drive a lot of things through it.

Senator ASHCROFT. Are there any examples of transactions which occurred or were discussed or could have occurred during the interim which you might point out might have substantially benefited or enhanced the capacity of Sudan?

Mr. MCCOLLUM. There was a lot of discussion about an oil deal with one of our American companies. I understand that there have been those who have back-tracked from the deal saying, "Oh, this really did not or was not going to happen," but it would have been directly with the Government of Sudan. It would have been a new financial transaction with a substantial amount of money involved.

Senator ASHCROFT. Hundreds of millions of dollars?

Mr. MCCOLLUM. Hundreds of millions of dollars. However, it did not take place.

Senator ASHCROFT. So those are the kinds of things that our State Department said would have been justified?

Mr. MCCOLLUM. That is correct, because they said that such a deal does not pose a direct threat to terrorism. In other words, we cannot say that this deal is directly financing the terrorist activity itself.

Senator ASHCROFT. So the charge has been made that the Sudanese gave the machine guns to those to assassinate Hosni Mubarak in Ethiopia?

Mr. MCCOLLUM. That is correct.

Senator ASHCROFT. And our State Department would have said well, that is OK, because buying machine guns for that is not a threat to terrorism in the United States?

Mr. MCCOLLUM. I do not know if I would want to go that far, but it could be interpreted that way, Mr. Chairman.

I think that you have got to recognize that there are indirect means of supporting terrorism. That is why the financial transactions are so important. Why should we, as the Government and as citizens of the United States, allow money to flow from our country to the Government of Sudan, knowing that it could be used to sponsor terrorism? That is really what the issue is all about.

It is not that we want to cutoff the private citizen's business deals. However, all money is fungible. So if the Sudanese Government gets money from our people, from our citizenry, it can use that money for a variety of activities—including terrorism, and we have no way of knowing which money the Government is using for what.

Senator ASHCROFT. If we have no way of knowing where any money goes once it goes into their accounts, whether the same money comes back out, would that not mean the interpretation currently undertaken through the regulations by the administration gives section 321 no effect whatever?

Mr. MCCOLLUM. That is right. It just renders it meaningless. That is why the bill is so important that you are about to sponsor here in the Senate.

Senator ASHCROFT. I thank the Congressman for his good work.

Mr. MCCOLLUM. Thank you very much, Mr. Chairman. I appreciate it.

Senator ASHCROFT. This morning, Assistant U.S. Attorney General Andy Foyce called my office to make a special request in regard to this hearing. The Justice Department requested that Mr. Charles Maikish, one of our private witnesses, testify first because he has to appear in an important trial concerning the World Trade Center bombing in New York this afternoon. It is not our custom to put private witnesses ahead of individuals who represent the State Department, but we felt that in this situation, at the request of the Attorney General's Office, it would be important to do so.

I want to thank the members of the State Department for their willingness to defer for this one private witness. The other private witnesses will testify after the administration panel as planned. I apologize for this change in the schedule. It is, however, critical to the trial, and it is important to accommodate the Attorney General's Office in this respect.

It is my pleasure now to call Charles Maikish, the former building manager of the World Trade Center. He was the building manager of the World Trade Center when the bombing occurred.

I welcome you to this hearing and thank you for your willingness to testify.

**STATEMENT OF CHARLES MAIKISH, VICE PRESIDENT FOR FACILITIES MANAGEMENT, COLUMBIA UNIVERSITY, NEW YORK, NEW YORK**

Mr. MAIKISH. Thank you, Senator. It indeed is a privilege and an honor to be able to address this committee on the issue of foreign terrorism, having experienced it personally.

I was the senior executive responsible for the World Trade Center Complex in February 1993. Four years ago at 12:18 in the afternoon, this country received a rather startling wake-up call. For the first time, a major foreign terrorist act was committed on U.S. soil, and not only on U.S. soil, but it was targeted at the heart of our free economic system.

At 12:18 that day, on a snowy afternoon, a massive explosive device equivalent to 1,500 pounds of explosives was detonated below the World Trade Center in the heart of this Nation's and the world's financial capital.



It is clear that the intent of the foreign group was to inflict massive loss of human life, and a lasting and permanent disruption of our economic system and our way of life. To fully appreciate the impact of this act and the threat it still poses, I need to set it in a context by describing for you the World Trade Center complex, its purpose, its location, and its component parts.

The trade center is located in the heart of Lower Manhattan in the world financial district. It is the single largest international commercial complex in the world. It is owned and operated by the Port Authority of New York and New Jersey as a facility for international trade and commerce, and the port authority was created by the U.S. Congress 75 years ago.

It contains seven buildings surrounding a 5-acre plaza on a 16-acre site. You best know it for its twin towers, which are emblematic of New York and this country worldwide. These towers rise 1,350 feet in the air, being the second and third tallest structures in the world.

The complex in fact is equivalent to a small or medium-sized American city. It houses 50,000 workers on any one particular day, and it can have as many as 80,000 visitors, for a population of about 130,000.

It contains 12 million square feet of commercial office space, the size of downtown Cleveland's commercial office district. It has 3 million square feet of space below grade. It has a 400,000 square foot shopping center, the equivalent of a major shopping center.

It has three subway lines and the Path Interstate Railroads, which stop in it as a major transit hub. It has a major ticketing center. It has an 826-room international hotel. It has the world-famous observation deck, which is visited by 2 million international visitors a year, and of course Windows on the World, the famous restaurant on top of the other tower.

It is a major hub for media. It houses the broadcasting facilities for the major TV, 22 stations, with the antenna, which is the major broadcasting facility for the region in New York.

Below the trade center is its operating guts and parking for 2,000 vehicles.

It has 375 commercial leases and over 1,000 businesses, international businesses that engage in trade and commerce on a daily basis. To give you some examples, the New York Commodities Exchange is located in the trade center. Those are the five exchanges that set the market for world oil, the COMEX Exchange, the NYNEX Exchange, the exchanges that set the world market for precious metals, gold, *et cetera*, the exchanges that set the market for cotton and textiles, and the exchanges that set the market for other types of metals and futures.

It is a banking and international center. Eighty percent of all U.S. treasuries are traded or brokered through facilities at the World Trade Center.

It is an international phone exchange, with all of the international phone lines and all the phone lines serving the financial district going through its bowels. The loss of those phone lines would mean a major disruption in world communications of financial data. It would also mean, for instance, the loss of the three air-

ports because of the air traffic control system telecommunications going through that facility.

It represents the home for business and governments from 60 countries, and State and Government agencies, including U.S. Customs, Secret Service, *et cetera*. The Government of Thailand, the Republic of China, the Government of France, *et cetera*, are all located there.

The bomb was placed at the Trade Center between the two towers. I have two graphics here which display this for you. The crater itself was absolutely enormous. It was half the size of a football field, and what this particular photograph shows you is the south wall of the north tower.

The bomb was placed immediately adjacent to the south wall of the north tower, 1,500 pounds of explosives intended by those that placed it there to cause the tower to topple. Fortunately, they were not successful in their goal of doing that.

As Judge Duffy commented in the sentencing in the first trial, they were intending on killing everybody in the complex, 130,000 people.

Found within the locker where the explosives were contained was also a barrel of cyanide, and there was cyanide missing. The speculation was that they tried to lace the bomb with cyanide as well to assure the death of the people in the Trade Center.

It resulted in the loss of six lives and one unborn child. If they had succeeded they would have killed tens of thousands and injured many more.

More than that, though, it would have been a total disruption to our system here in this country and the economic loss would have been measured in the billions, not just the \$600 million that we talk about now, because the businesses and the economic activities would have been disrupted for a long period of time to come.

What was and should our response be? The Governor of the State of New York when he saw this responded on what does he tell the 16 million people in the State of New York as to how they continue to go on in the face of this, and he answered his own question. He said normalcy was the rule of the day, that we needed to establish a normalcy and continue our way of the life.

Mitigation of the act. We brought the Trade Center back in 3 weeks. We brought its businesses back, we had the Governor move back, and businesses continue. We mitigated the economic loss and the human tragedy.

I must commend ATF and the FBI for the work they did in the quick investigation, determining who was responsible for this, the apprehension, and the quick prosecution and punishment.

Last, constant vigilance, balancing our need to preserve and protect our free society and its personal freedoms and our market economy with the measures which are necessary to preserve it at its core.

An example of this is, the Trade Center is no longer an open access facility. There is controlled access to the towers. We are ringed with very heavy planters to give us a hard core exterior. There is no public parking. There is perimeter security. There is the use of modern technology to ensure the security within the complex, patrols and the use of human labor to do that as well.

We are trying to preserve the sense of free movement and avoid the perception of an armed camp. We are trying to stop the threat at the perimeter of the Trade Center, rather than allowing it in.

When you visit New York and the World Trade Center, it will always be there standing tall for you to see. When you look upon it, let it reawaken you to the ever present danger of global terrorism.

Thank you for the opportunity.

Senator ASHCROFT. Thank you, Mr. Maikish, for bringing to us your unique perspective on this specific incident and on the challenge which we all face.

I would call on Senator Feingold if he has any questions or comments.

Senator FEINGOLD. I have no questions. I just want to express my appreciation for that very vivid account of this horror that was perpetrated in our country, and my sympathies to you and all the people that were affected by it, and obviously we recognize the connection by this hearing between what we do internationally and what happens within this country. Thank you.

Senator ASHCROFT. Mr. Maikish, I understand that you need to leave promptly, so I will just ask one or two questions myself.

I want to clarify what you are saying. What would have been the cost in human life and injury if the first tower had toppled into the second tower as the terrorists had hoped would be the case?

Mr. MAIKISH. Literally, tens of thousands of people would have been killed in such an event. The towers themselves handle about 20,000 in each of the towers, so you had 40,000 I think directly vulnerable to the loss of their life. The complex itself had 130,000. You would have had severe and extended injury to a good portion of that population that was in the complex if, in fact, the towers had come down.

Senator ASHCROFT. Do you know if the New York City or other authorities have taken steps that you could discuss that would help prevent this kind of situation from happening again?

Mr. MAIKISH. There are organized steps that have been calculated to both receive early warning as well as to secure against this type an event. I would rather not discuss the particulars.

Senator ASHCROFT. Do you have any idea about whether or not the United States should continue to engage in the full range of commercial dealings with terrorist governments?

Mr. MAIKISH. Senator, my only comment on that is to the extent that these activities are well-funded, then our job becomes a lot harder in terms of preventing it or stopping it at our borders, and it causes us to expand a lot more in financial resources and human resources in terms of prevention. To the extent that they continue to be funded well, to that extent the threat grows.

Senator ASHCROFT. Thank you very much for taking your time to be with us, and thank you for going out of order. You are not out of order, but—

Mr. MAIKISH. Senator, I appreciate the courtesy.

Senator ASHCROFT. Thank you very much, and I wish you a safe trip.

It would be my pleasure now to introduce the panel of witnesses from the administration. I call the Hon. George Moose, Assistant Secretary of State for Africa, the Hon. Ken McKune, Deputy Coor-

dinator for Counterterrorism for the Department of State, and R. Rick Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury.

I am grateful for the fact that you all have been willing to appear before us today. You have visited with us and conferred with us in our offices, and I am eager to have your contributions to this subject matter before the committee at this time.

It is my pleasure to call upon Ambassador Moose for remarks in the first instance.

**STATEMENT OF GEORGE E. MOOSE, ASSISTANT SECRETARY OF STATE FOR AFRICA**

Ambassador MOOSE. Thank you very much, Mr. Chairman. I welcome this opportunity this morning to appear before the subcommittee and to discuss the broad range of our policies and concerns with respect to Sudan, and particularly on the issue of Sudan's support for international terrorism.

Mr. Chairman, I have prepared a longer written testimony, which I would request be included in the record of the hearing.

Senator ASHCROFT. It will be included in the record, and thank you for your willingness to hit the highlights and carry us to the most important, salient features of your testimony.

Ambassador MOOSE. Thank you, Mr. Chairman.

If I could briefly summarize the matters of great concern to the United States with regard to Sudan. U.S. foreign policy objectives with respect to Sudan are clear and unequivocal. They are to isolate the Sudanese Government and to contain its efforts to sponsor international terrorism and, second, to oblige the Sudanese Government to change other unacceptable aspects of both its domestic and its international behavior.

Our ongoing diplomatic contacts with the Sudanese Government are aimed at making our serious objections known directly to senior levels of the Khartoum Government. Our concerns and our responses fall into four broad categories. They are terrorism. They are regional destabilization. They are human rights. And they are the continuing prosecution of the Sudanese civil war.

With regard to terrorism, Mr. Chairman, the Sudan Government continues to support international terrorism, primarily in providing a safe haven for terrorist elements. It was for that reason that the Clinton administration, in 1993, placed Sudan on the list of State sponsors of terrorism. And in accordance with that designation, we have applied a range of unilateral sanctions to oblige the Sudanese Government to cease and desist in its support for terrorism.

Since 1995, the Sudanese Government has failed to extradite to Ethiopia three suspects in the assassination attempt against President Mubarak of Egypt. The United States has led the efforts in the United Nations Security Council to adopt Security Council resolutions. As a result of Sudan's failure to comply with those resolutions, particularly Resolution 1044, the U.S. Government has reduced the number of Sudanese diplomats in this country and restricted their travel within the United States. We have imposed a restrictive visa regime for the government and military officials. And we are actively pursuing continuing efforts in the Security Council to impose additional sanctions.

In the face of this mounting international pressure, Sudan has taken some steps to respond to the concerns that we and others have raised regarding their involvement in international terrorism. Its most significant action was the expulsion of exiled Saudi terrorist financier Osama bin Laden, and many of his so-called Arab-Afghan followers. However, as others have pointed out this morning, Mr. Bin Laden continues to maintain links to a number of businesses in Sudan, and he retains ties to some leaders of the National Islamic Front.

Khartoum has also taken steps to tighten its previously lax controls on the movements of foreigners into and through its territory by establishing visa requirements and other restrictions.

Mr. Chairman, these actions, however, do not constitute an adequate or a satisfactory response to the concerns that we and others have raised. We consider them largely tactical, and Sudan has far to go to meet the concerns that we and others have raised with regard to its support for international terrorism.

Our second set of concerns, Mr. Chairman, has to do with Sudan's support for groups in the region who actively seek to destabilize neighboring countries, particularly, but not exclusively, Uganda, Ethiopia and Eritrea. Despite numerous regional efforts to promote mediation both within Sudan and with its neighbors, Sudan's regional policies have, to date, frustrated the efforts to achieve any reasonable accommodation.

To help these neighboring States contain Sudan-sponsored insurgencies, President Clinton, in 1995, authorized the transfer of some \$15 million in nonlethal defensive military assistance to Uganda, Ethiopia and Eritrea. That was in fiscal year 1996. And a further transfer of \$4.75 million of similar equipment is authorized for this fiscal year.

The aid to date has consisted of such items as boots and backpacks, field rations and tents. The first shipments of this assistance for Eritrea and Ethiopia arrived in February of this year.

Our third major set of concerns with regard to Sudan has to do with Sudan's egregious human rights record. Indeed, Khartoum has one of the worst human rights records in the world. It is responsible for numerous abuses in both the north and the south of the country, and it has allowed the continuing practice of slavery in certain parts of the country. The United States has taken the lead in the U.N. Human Rights Commission, in the General Assembly, in denouncing these human rights violations. And we have also mounted a significant effort, in 1996, to gain access to Sudan on the part of U.N. human rights rapporteurs, whose efforts have helped to uncover and publicize the extent of Sudan's human rights abuses.

Last, Mr. Chairman, we remain deeply concerned by the Khartoum Government's continued prosecution of a very costly and devastating civil war in the South, rather than seek a just solution that recognizes the rights of all of Sudan's citizens. The 14-year conflict has taken an estimated 1.5 million lives, and generated approximately 2 million internally displaced persons. Active northern opposition now to the National Islamic Front regime indicates clearly the extent to which Khartoum's radical policies have alienated large segments of Sudanese society.

The U.S. Government does not provide any support to any party in the civil war. We have, however, supported efforts to achieve a negotiated settlement in a manner that recognizes the legitimate interests and the rights of all Sudanese, and we do seek to mitigate the devastating impact of the civil war on the Sudanese people. We are the largest single provider of humanitarian assistance to Sudan. Since 1988, we have provided more than \$600 million in humanitarian assistance, primarily to the war-affected people in southern Sudan.

Mr. Chairman, certain of the abhorrent policies and practices are not new or unique to this current Sudanese regime, and our approach to Sudan must take into account that long history and the root causes of conflict. However, a complex reality in no way absolves the current NIF-led regime of responsibility for its own actions.

To date, the Sudanese response to our concerns and the deep concerns expressed by others have been inadequate, intended primarily to relieve domestic and international pressure, rather than to reflect a real reconsideration of policy. Our objective remains the same. It is to isolate this regime diplomatically and otherwise, and to oblige it to pursue policies and actions that will change its unacceptable behavior. Failing that, we have made it clear to Sudanese authorities that they will face growing international pressure and that our own bilateral relationship will continue to deteriorate.

In conclusion, Mr. Chairman, I would just say that when I first assumed my responsibilities in 1993, one of the first official acts or responsibilities that I was called upon to perform was to advise Secretary of State Christopher on the question of whether Sudan should be put on the list of State sponsors of terrorism. And I recall very clearly my conversation with Senator Feingold at that time.

I will say that there was unanimity within the State Department that Sudan fully deserved and merited to be put on that list. I cannot speak for others, but certainly in terms of my own participation in that decision, there was no need for any external pressure or exhortation in order to convince us that that was the right and the appropriate decision.

Since that time, I would simply say, Mr. Chairman, that there is no government in the world that has taken a stronger stance or applied more specific measures with regard to Sudan's behavior generally and specifically with regard to its support for international terrorism. Our leadership on this issue has been critical not only in terms of our bilateral actions, but also in terms of our efforts to mobilize international opinion to support broader measures to deal with Sudan's continuing support for terrorism.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Moose follows:]

PREPARED STATEMENT OF AMBASSADOR GEORGE E. MOOSE

Mr. Chairman and Members of the Committee:

I welcome the opportunity to participate in this hearing on U.S. counterterrorism policy towards Sudan. My colleague, Acting Coordinator for Counterterrorism Ken McKune, will address the particulars of our counterterrorism policy. I would like to complement his presentation by describing the broader concerns we have with Sudan and the numerous actions we have taken in response, including our fight against terrorism.

### *Background*

Sudan is the largest country in Africa, as large as the eastern portion of the United States. Its 27 million people belong to numerous ethnic and religious groups, many of which fit together uneasily. The most distinct division in the country is between a predominantly Arab/Muslim north and a predominantly non-Arab/non-Muslim south. The desire of many southerners for greater autonomy, control of resources, and liberation from the imposition of Islamic law lies at the heart of Sudan's continuous civil strife. Since independence in 1956, only the period between 1972 and 1983 saw a country at peace with itself. We estimate that the conflict has taken about one and a half million lives. Today there are approximately two million internally displaced persons in Sudan, as well as several hundred thousand Sudanese refugees living in neighboring States.

The tragedy of Sudan is compounded by the fact that a potentially prosperous nation has failed its own people and contributed negatively to the region's welfare. Decades of economic mismanagement have resulted in an inflation rate of more than 100 percent and the largest arrears to the International Monetary Fund of any country in the world. Endowed with the potential to generate food surpluses, poor policies and civil war make Sudan a net food importer. The threat Sudan poses to its neighbors has forced those countries to divert scarce resources from productive to military ends.

### *Sudan Under the NIF: Fundamental Problem*

Since 1989, when military officers aligned with the National Islamic Front (NIF) overthrew Sudan's last democratically-elected government, Sudan has implemented a wide range of policies which have further alienated it from its citizens and earned it the opprobrium of the international community. Our concerns, and our responses, fall into four broad categories:

First, the NIF regime supports international terrorism, primarily by providing safe-haven to terrorist elements. We have taken unilateral actions and worked through the UN Security Council to mobilize international action on this issue.

Second, Khartoum actively seeks to destabilize its neighbors by providing material support and haven for violent insurgent groups. President Clinton's response is to provide the neighboring States of Uganda, Ethiopia and Eritrea with non-lethal defensive military assistance in 1996 and again this fiscal year.

Third, Khartoum has one of the worst human rights records in the world, inflicting numerous abuses in both the north and the south of the country and allowing slavery to continue in certain parts of the country. The United States has urged Sudan to wipe out slavery and we have taken the lead in the UN Human Rights Commission and General Assembly denouncing its human rights violations.

Fourth, the NIF has prosecuted a costly civil war rather than seek a just solution that recognizes the rights of all its citizens. In its conduct of the war, Sudan also hinders the delivery of humanitarian assistance to war-affected civilians. Since 1988 we have provided more than \$600 million in humanitarian assistance, primarily to the war-affected people in southern Sudan.

Certain of these abhorrent policies and practices are not new or unique to the current regime, and our approach to Sudan considers the root causes of conflict. A complex reality, however, in no way absolves the NIF-led government of responsibility for its actions. Our objective is to isolate and contain the threat that the NIF regime poses as well as to try to compel it to change its unacceptable behavior. Failing that, we have made it clear to Sudan that they will face growing international pressure, and that our bilateral relationship will further deteriorate.

I now would like to go into greater detail on each of our concerns and actions we have taken in response.

### *Terrorism*

In 1993, the Clinton Administration placed Sudan on the list of State sponsors of terrorism and we have applied unilateral sanctions consistent with that designation. Sudan was known to provide refuge, logistical support such as training facilities, travel documents, and weapons to a variety of radical terrorist organizations.

Since 1995, Sudan has failed to cooperate with the international community to help extradite to Ethiopia three suspects in the assassination attempt in Addis Ababa against Egyptian President Hosni Mubarak. After demands from the organization of African Unity (OAU) that Sudan facilitate their extradition to Ethiopia went unheeded, the U.S. played a leading role last year in the adoption of three U.N. Security Council resolutions. Resolution 1044 required that Sudan act "to extradite to Ethiopia for prosecution" the three suspects and that it "desist" from "activities of assisting, supporting and facilitating terrorist activities and from giving shelter or sanctuary to terrorist elements." The United States emphasized at the

time that we would consider Sudan responsible for extradition of the suspects even if they allowed them to leave the country, as may now have occurred.

As a result of Sudan's failure to comply with Resolution 1044, the Council considered and adopted Resolution 1054, calling on member States to adopt travel restrictions on Sudanese government officials, and Resolution 1070, which conceived of a ban on flights by Sudanese Government-controlled aircraft. The United States Government reduced the number of Sudanese diplomats in this country, restricted their travel here, and imposed a restrictive visa regime for government and military officials.

In the face of mounting international pressure, Sudan has taken some steps to respond to concerns about its involvement in international terrorism. Its most significant action was the expulsion of exiled Saudi terrorist financier Osama bin Laden and many of his so-called "Arab Afghan" followers. However, bin Laden remains linked to a number of businesses in Sudan and retains ties to some NIF leaders. Khartoum also took steps to tighten what has been an extremely porous border, establishing new visa requirements to control foreign travel into and out of the country. However, we consider these largely tactical steps. Sudan has far to go to meet our concern that it cease its support for international terrorism.

#### *Regional Stability*

A central U.S. objective is that Sudan end its sponsorship of insurgent groups which seek to destabilize the neighboring countries of Uganda, Ethiopia, and Eritrea. Despite regional efforts to promote mediation, both within Sudan and with its neighbors, Sudan's regional policies have to date frustrated efforts to achieve a reasonable accommodation.

To help these neighboring countries contain Sudanese-sponsored insurgencies, in late 1995, President Clinton authorized the transfer of \$15 million in non-lethal defensive military assistance to these countries for FY96. A transfer of \$4.75 million of such equipment is taking place this fiscal year. The aid to date has consisted of boots, backpacks, field radios, and tents. The first shipments of this assistance for Eritrea and Ethiopia arrived in February 1997.

#### *Human Rights*

In April, the United States and other members of the UN Human Rights Commission passed a consensus resolution expressing "deep concern at continued serious human rights violations by the Government of Sudan." The Resolution identified a litany of ongoing abuses by the government, including "extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedoms of religion, expression, association and peaceful assembly." The Commission expressed "serious concern" over reports of "religious persecution, including forced conversion of Christians and animists, in government controlled areas."

Last year, we succeeded, through the actions of the Human Rights Commission, in getting Sudan to readmit the UN Special Rapporteur for Human Rights in Sudan. As a consequence, the Special Rapporteur was able to produce important information on ongoing abuses in Sudan that contributed to the international consensus on Sudan's record.

#### *Civil War and National Reconciliation*

Key southern and northern opposition forces have recently formed the National Democratic Alliance (NDA). Their avowed aim is to oust the NIF from power. This is an important development in Sudan's civil war which has historically been a struggle by southern Sudan's socially distinct, non-Arab population against what they see as northern government policies of "Arabization," "Islamicization," and political exclusion. Active northern opposition to the NIF regime indicates the extent to which its radical policies have alienated large segments of Sudanese society. Rebel forces recently engaged and defeated GOS forces in several areas of southern and eastern Sudan separated by hundreds of miles.

The U.S. Government does not provide any support to any party to the civil war. We have supported efforts to achieve a negotiated settlement in a manner that recognizes the legitimate interests and rights of all Sudanese. We do seek to mitigate the devastating impact of civil war on the Sudanese people and are the largest provider of humanitarian aid to Sudan. We continue to protest frequent Sudanese bans on the type and destination of relief aircraft, based on allegations, which we consider unfounded, that the assistance will go directly to rebel groups.

I would like to note here that we remain very skeptical that movement towards resolving the civil war will emerge from a Peace Agreement signed on April 21 between the Government and a number of the smaller rebel groups. Although the



Agreement contained a positive step in its recognition of Sudan's multi-racial, -ethnic, and -religious nature, it did not spell out how and to what extent these rights would be respected in the context of the current NIF policies and practices. The GOS professions of a desire to negotiate, moreover, must be viewed against the backdrop of repeated, failed mediation efforts. As in the past, the most important elements of the opposition, in this case the NDA, have not been persuaded that the process or the Agreement itself will satisfy their legitimate interests.

I would also like to mention President Carter's trip to the region last month. President Carter undertook this mission in his capacity as a private citizen, and his efforts carried no official U.S. Government sanction. At the same time, we welcome his interest in Sudan's continuing conflict and his efforts to promote a just solution. The insights he gained during his travel have been considered with interest by the Secretary.

*The Importance of a Comprehensive Domestic Peace*

The U.S. Government believes that the NIF government is fully culpable for the abuses it has inflicted on its people, the aggressive acts it has committed toward neighbors, and the support it has given international terrorism. We believe that it can and must cease these activities.

It may be, however, that the radicalism of the current regime will continue as long as the NIF-controlled government represents an embattled and narrowly based segment of society. A just resolution of Sudan's internal conflict—one that gives a voice in government to more moderate elements in the north and to the major political and ethnic forces in the south—would thus do much to eliminate the sources of Sudan's unacceptable domestic and international behavior. For this reason, our own contribution to regional and international efforts to resolve Sudan's civil war can contribute to the achievement of our other goals vis-a-vis Sudan as well.

*U.S.*

U.S. objectives are clear and unequivocal: to isolate Sudan and to contain its support for insurgents and terrorists and to oblige the Sudanese Government, by exacting a price for unacceptable behavior, to change its domestic and international conduct.

Our ongoing diplomatic contacts with Sudanese officials are aimed at making our serious objections known directly to senior levels in Khartoum. As the Secretary said in another context, "engagement does not mean acceptance."

Ambassador Carney and others have expressed our concerns in detail to the Government of Sudan. To date, the Sudanese responses have been inadequate and appear to have been largely tactical, intended primarily to relieve domestic and international pressure rather than to reflect a real reconsideration of policy.

The international community has made it clear that it will not accept cosmetic changes from Khartoum and will insist on real improvement in Sudan's domestic and international behavior. It remains our hope that Sudan, in the face of this pressure, will recognize the need to make such a fundamental change. Failing such a change, as I said earlier, we have made it clear to the Government of Sudan that they will face growing international pressure and that our bilateral relationship will further deteriorate.

Senator ASHCROFT. Thank you.

I would now call upon the Hon. Kenneth R. McKune, who is the Associate Coordinator for Counterterrorism in the Department of State. Thank you very much, Mr. McKune.

**STATEMENT OF KENNETH R. MCKUNE, ACTING COORDINATOR  
FOR COUNTERTERRORISM, DEPARTMENT OF STATE**

Mr. MCKUNE. Mr. Chairman, Senator Feingold, thank you for this opportunity to testify today on our counterterrorism policy toward Sudan.

I have submitted a longer statement for the record. I will summarize the policy and the Sudanese parts and leave off the sanctions.

Senator ASHCROFT. It is a pleasure to assure you that it will be made a part of the record, and to welcome your remarks highlighting the testimony.

Mr. MCKUNE. Thank you.

Before commenting on Sudan specifically, I would like to briefly provide the context by outlining several key elements of our overall counterterrorism policy. They apply to Sudan and to other countries on the terrorism list and to individual terrorists.

First, a fundamental principle of U.S. policy is to make no concessions to terrorists. We have a longstanding policy of not giving in to terrorists' demands and not making concessions that would reward terrorist actions, including payment of ransom for hostages. Of course, we will use every appropriate resource to gain the safe return of American citizens held hostage, but without making concessions.

These principles have guided our counterterrorism policy and actions for many years. We urge other governments to follow these principles, and we apply them in practice.

Second, we treat terrorists as criminals, consider their acts of violence as crimes, and make every effort to apprehend international terrorists who attack U.S. citizens or interests, so that they are prosecuted according to the rule of law.

Third, regarding countries that support terrorists, we seek to bring pressure on them to end their assistance by imposing a variety of economic, diplomatic and political sanctions. Sudan was brought under this sanctions regime in August 1993, when the Secretary of State formally designated it as a country that has repeatedly provided support to groups engaged in acts of international terrorism. Sudan thus joined six countries already on the list: Iran, Iraq, Libya, Syria, North Korea, and Cuba.

Sudan was designated under section 6(j) of the Export Administration Act and related foreign assistance and arms control legislation, because it provided—and continues to provide—safe haven to terrorist groups, training facilities and a transit point for these groups. Although we do not have information that Sudan provides the level and type of assistance and active support for specific operations as do some countries on the State sponsors list, the type of hospitality Sudan grants to terrorist groups makes it easier for them to maintain their viability, train and to carry out terrorist actions, such as the June 1995 attack by Al-Gama'at al-Islamiyya against President Mubarak in Addis Ababa.

Sudan harbors a number of terrorist groups. They include an old line secular group, the Abu Nidal organization, but most of them are militant Islamic extremist organizations. Among them are Hamas, Hezbollah, the Palestinian Islamic Jihad, and Al-Gama'at al-Islamiyya. The Sudanese Government also supports Islamic and non-Islamic opposition groups in Algeria, Uganda, Tunisia, Ethiopia, and Eritrea.

Sudan did take a positive step last year by expelling ex-Saudi financier Osama bin Laden and expelling members of some terrorist groups. However, Sudan has yet to comply with U.N. Security Council Resolutions 1044, 1054 and 1070, which call on Sudan to extradite to Ethiopia the three suspects in the June 1995 assassination attempt against President Mubarak, and to end its support for terrorism. Sudan has not cutoff its support for terrorist organizations that continue to have a presence there.

The United States has the most stringent set of laws of any country in imposing trade and other sanctions against State sponsors of international terrorism. There are more than a dozen such measures imposed against the seven countries designated by the Secretary as State sponsors, including Sudan.

And here I will skip over the portion about the sanctions and just conclude by saying that the United States believes that the Government of Sudan, which is dominated by the National Islamic Front, has not taken sufficient steps to stop its support for terrorist extremist groups or expel them from its territory. Until Sudan ends such support, it will remain on our State sponsors of terrorism list.

Mr. Chairman, that concludes my statement. Thank you.

[The prepared statement of Mr. McKune follows]

PREPARED STATEMENT OF KENNETH R. MCKUNE

Mr. Chairman:

Thank you for the opportunity to testify today on our counterterrorism policy toward Sudan.

Before commenting on Sudan specifically, I would like to briefly provide a context by outlining several key elements of our overall counterterrorism policy. They apply to Sudan and other countries on the terrorism list, and to individual terrorists.

First, a fundamental principle of U.S. policy is to make no concessions to terrorists. We have a long standing policy of not giving in to terrorists' demands, and not making concessions that would reward terrorist actions, including payment of ransom for hostages. Of course we will use every appropriate resource to gain the safe return of American citizens held hostage, but without making concessions.

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Sudan harbors a number of terrorist groups. They include an "old line" secular group, the Abu Nidal Organization, but most of them are militant Islamic extremist organizations. Among them are: HAMAS, the Lebanese Hizballah, the Palestinian Islamic Jihad (PIJ) and Egypt's Al-Gama'at al-Islamiyya. The Sudanese government also supports Islamic and non-Islamic opposition groups in Algeria, Uganda, Tunisia, Ethiopia and Eritrea.

Sudan did take a positive step last year by expelling ex-Saudi financier Osama bin Laden and expelling members of some terrorist groups. However, Sudan has yet to comply with the UN Security Council Resolutions 1044, 1054 and 1070 which call on Sudan to extradite to Ethiopia the three suspects in the June 1995 assassination attempt against Egyptian President Mubarak and end its support for terrorism. Sudan has not cut off its support for terrorist organizations that continue to have a presence there.

The United States has the most stringent set of laws of any country in imposing trade and other sanctions against State sponsors of international terrorism. There

are more than a dozen such measures imposed against the seven countries designated by the Secretary as State sponsors, including Sudan.

These measures include the Export Administration Act, which curbs the sale of dual-use items that could enhance a designated country's military capability or its ability to support acts of terrorism, as well as provisions prohibiting economic assistance, export of military equipment, and GSP trade treatment.

Furthermore, as noted on U.S. income tax forms, U.S. individuals and companies are denied any foreign income tax credits for doing business in terrorist list countries. Judging by the inquiries we receive from companies and law firms in the course of a year, this seems to be a considerable disincentive to establishing a business relationship with a country, such as Sudan, that has only a minimal trade with the United States, about \$30 million, each way.

Other sanctions which apply to Sudan and the other terrorist list governments include using our voice and vote against loans or grants by international financial institutions. In addition, U.S. laws also prohibit American economic assistance to governments that provide economic aid or lethal military equipment to Sudan and other governments on the terrorism list. We have been monitoring whether there is any such assistance to Sudan and if we find such cases we will take appropriate action.

These measures are aimed at the potential pressure points of State supporters of terrorism: foreign assistance, international loans and items which might have military use. The combined weight of these measures imposes severe limits on the U.S. relationship with Sudan and are designed to persuade Sudan to change its behavior in supporting terrorists. Already our trade relationship with Sudan is relatively minor; we mainly import gum arabic, which is used to provide the backing for stamps and post-it notes.

With these economic sanctions as a background, we have continued our efforts to put political and other pressures on Sudan. One arena, as I mentioned, is in the United Nations. But we also work bilaterally, both in our contacts with Sudan and with other governments that have relations with Sudan, to persuade the Sudanese leadership to end their support for terrorism.

The United States believes that the Government of Sudan, which is dominated by the National Islamic Front (NIF), has not taken sufficient steps to stop its support for terrorist extremist groups or expel them from its territory. Until Sudan ends such support, it will remain on our State sponsors of terrorism list.

Mr. Chairman, at this point, that concludes my overview and I would be pleased to answer any questions you may have.

Senator ASHCROFT. Thank you, Mr. McKune.

I now call on Mr. Newcomb.

Mr. Newcomb is the Director of the Office of Foreign Assets Control in the Department of the Treasury.

Mr. Newcomb.

**STATEMENT OF R. RICHARD NEWCOMB, DIRECTOR, OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY**

Mr. NEWCOMB. Thank you, Mr. Chairman, Senator Feingold. Thank you for inviting me to testify in your hearing today.

The Office of Foreign Assets Control administers economic sanctions and embargo programs against targeted foreign countries or groups to further U.S. foreign policy and national security objectives. In administering these programs, Foreign Assets Control generally relies upon Presidential authority contained in the Trading with the Enemy Act or the International Emergency Economic Powers Act or upon specific legislation to prohibit or regulate commercial financial transactions with specific countries or groups.

Examples of our current Trading with the Enemy Act programs include comprehensive asset freezes and trade embargoes against North Korea and Cuba. Examples of our current IEEPA programs include similarly broad sanctions against Libya, Iraq, the Cali car-

tel in Colombia, and certain terrorist groups, as well as comprehensive trade sanctions against Iran.

Alternatively, sanctions may be imposed by Congress directly through legislation. Administration of sanctions within the executive branch in these cases is usually delegated to the relevant enforcement agency, depending on the nature of the restrictions. Between 1986 and 1991, for example, OFAC administered the trade and investment prohibitions against South Africa, mandated by the Comprehensive Anti-Apartheid Act. Similarly, Foreign Assets Control has been delegated administration of section 321 of the Anti-terrorism and Effective Death Penalty Act, which was signed into law by President Clinton on April 24th of last year.

Section 321 of the Act prohibits financial transactions by United States persons with the governments of terrorist-supporting nations designated under 6(j) of the Export Administration Act. Effective August 22nd of last year, except as provided in regulations issued by the Treasury Department, which were issued in consultation with the Secretary of State, the Act prohibited financial transactions of U.S. persons with North Korea, Cuba, Iran, Libya, Iraq, Syria, and Sudan. All but Syria and Sudan were the subject of existing comprehensive financial and trade embargoes at the time of enactment.

In accordance with foreign policy guidance provided to Treasury by State, existing sanctions programs against North Korea, Cuba, Iran, Libya, and Iraq were continued without change. This permitted the specific policies developed over time with respect to each of these countries to remain in effect, including the exceptions to each embargo dictated by unique humanitarian, diplomatic, news gathering, intellectual property, and other concerns that we have had in the life of these programs.

New regulations, known as the Terrorist List Government Sanctions Regulations, were issued to impose the prohibitions on financial transactions with regard to Syria and Sudan. The new regulations, drafted in accordance with foreign policy guidance provided by the State Department, authorized financial transactions with the Governments of Syria and Sudan except for transfers from these governments in the form of donations and transfers with respect to which a U.S. person knows or has a reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States. Regulations are consistent with the legislative history of section 321 of the Act.

From a sanctions enforcement perspective, the Act and implementing regulations are important, because they provide the Office of Foreign Assets Control comprehensive jurisdiction over all financial transactions between U.S. persons and the Governments of Syria and Sudan. We now have authority, for the first time, to act to stop or impede any particular suspicious transfer to or from these governments by informing U.S. persons handling the transfer that a reasonable cause exists to believe that the transaction may pose a risk of furthering terrorist activity in the United States or any other questionable activity inconsistent with the Act's anti-terrorist purpose.

We believe the Act's authority provides a significant new tool in the war against terrorist funding.

Thank you. I am pleased to take any questions you may have.

Senator ASHCROFT. Thank you.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

I have a number of questions, and let me begin with a few for Mr. Moose. Do you think the regulations developed for section 321 accurately reflected United States policy toward Sudan at the time they were promulgated?

Ambassador MOOSE. I do, Senator. And, again, I think the issue at the time was whether the legislation required the administration to take additional measures with respect to Sudan. The people who were involved in making that determination, the lawyers, particularly at the State Department and the Department of the Treasury, were very closely involved and followed very closely the consideration of the legislation at the time and, indeed, provided our views about the legislation.

It was their considered judgment that the regulations issued by the administration were consistent with the legislative history and the legislative intent.

Senator FEINGOLD. Let me just follow on that and just ask more generally if the United States considers Sudan to be a rogue State, why should commercial transactions be allowed to take place at all?

Ambassador MOOSE. Senator Feingold, we are obliged, I think, as we can do our work in all of these areas, to make distinctions, and sometimes fine distinctions. As my colleague, Mr. McKune, pointed out, Sudan is certainly an egregious violator of a number of international norms, certainly with respect to its support for international terrorism. And it was for that reason that this administration took the initiative of placing Sudan on the list of State sponsors.

We have significant evidence of Sudan's direct support for groups that are involved in terrorism. In the case of others that are on that list, we have evidence that goes beyond that—evidence of their actual direction, organization and targeting of terrorist activities.

Our objective must always be, it seems to me, to take those actions, those measures which we believe have a chance of changing the behavior, the conduct of States like Sudan. In the case of Sudan, one would say that there is at least evidence that they are not immune, not insensitive to the kinds of pressures that we have been able to mobilize, both unilaterally and multilaterally.

At the same time, we have made it quite clear that if Sudan's actions persist, if its attitudes and its behavior persist, we are quite prepared to consider tougher measures, both unilaterally and multilaterally. We would much prefer, frankly, to try to mobilize international support, because our experience has been we really want to have an impact, and that impact is likely to be greater if we can organize others to join us in taking those kinds of actions.

But I think that we have tried to pursue a tough but calibrated—if you will, graduated—policy with respect to Sudan, with the objective of trying, to the best of our ability, to persuade this government to cease and desist its acts and actions in support of international terrorism.

Senator FEINGOLD. Thank you. I will have a question near the end of my questioning, again, on 321. But let me ask you a few questions about the situation in Sudan itself for a minute for background.

I understand on April 21, a so-called peace agreement was signed between Khartoum and some of the smaller rebel groups. The Sudan People's Liberation Army did not participate in the agreement. What do you make of this agreement, first? Is there anything new or significant here?

Ambassador MOOSE. Frankly, we are intensely skeptical about the seriousness of the Government of Sudan's intentions here to seek a genuine political solution to the conflict. We have seen, unfortunately, other situations in which the Khartoum Government has sought to engage in half measures, if you will, efforts, not with a serious intent of reaching a settlement, but, frankly, with the intent of deflecting both domestic and international pressure.

Our concern about this most recent agreement is exactly that. That concern is heightened by the fact that the Government has not seriously engaged either the principal southern opposition group, the SPLA, nor the broadly based National Democratic Alliance, which is an alliance of both northern and southern groups. The exclusion of those groups from participation in this so-called peace agreement raises in our minds very serious doubts about its viability and about the intent of the Sudan Government.

Senator FEINGOLD. Is there anything in that agreement, whether it be lip service or not, that reflects an intention to allow non-Muslims to be able to be free to practice their own religion?

Ambassador MOOSE. There is in that agreement, I think, an important statement of principle that says that the Government would respect the rights of people throughout the country to a certain degree of autonomy with regard to, for example, religious freedom, *et cetera*. Again, I would say that we need to look at that against the backdrop of the specific actions the Government has taken in the past and the lack thus far of any practical implementation of those principles.

Senator FEINGOLD. But you cannot point to any particular actions following up on that?

Ambassador MOOSE. As of this stage, no, we cannot, Senator.

Senator FEINGOLD. Could you speculate for a minute, Mr. Moose, about what would happen if the NIF-led Government were to fall sometime soon? What would be your analysis about what would happen in Sudan?

Ambassador MOOSE. Senator, I really do hesitate to speculate on that. I would say that there is nothing in our current assessment of the situation which leads us to conclude that such an event is imminent. On the other hand, we have made it quite clear, in both our public pronouncements and our later actions with the Government, our belief that they need to take actions, not only with respect to the south of Sudan but to the north, that would accommodate the legitimate concerns, grievances of the citizens of Sudan. Whether in fact this current regime could do so and still survive is, I think, a very good question.

Senator FEINGOLD. One more question for you at this moment just having to do with our diplomatic relationships there. The Unit-

ed States pulled its embassy staff out of Khartoum early in 1996 and moved some of its embassy's operation to Nairobi because of security concerns. What is the current status of the embassy, and under what circumstances would we reopen the embassy?

Ambassador MOOSE. We did indeed, Senator Feingold, suspend our presence in Khartoum in early 1996 precisely because of concerns about threats to the security of our people at the embassy and our mission. Part of that concern, frankly, was the continued presence in Sudan of representatives of the terrorist groups that we have mentioned to you today. The question about when and under what circumstances we might resume our presence I think is a broad question that relates not only to security but also to policy. And it is something, I think, that our new Secretary of State will have to decide in the context of our overall relationship and its evolution in Sudan.

Senator FEINGOLD. Thank you, Mr. Moose. I will come back to you in a moment.

Now, just briefly, Mr. McKune, to review, there are currently seven countries on the terrorist list: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. Can you review with us again which sanctions are immediately applied upon designation of these countries on that list, and in the context of that designation, are all seven countries treated the same? I think we know the answer pretty well, but I would like to just make that clear on the record.

Mr. MCKUNE. The Export Administration Act curbs the sale of dual-use items that could enhance a designated country's military capability or its abilities to support acts of terrorism, as well as provisions prohibiting economic assistance, export of military equipment and GSP trade treatment. On our U.S. income tax forms, U.S. individuals and companies are denied any foreign income tax credits for doing business in terrorist list countries.

We have sanctions against Sudan and other terrorist list governments, including using our voice and vote against loans or grants by international financial institutions. We are prohibited from providing American economic assistance to governments that provide economic aid or lethal military equipment to designated State sponsors. That is the character of our sanctions against all State sponsors.

Senator FEINGOLD. Prior to the passage of the Anti-Terrorism Act, what other laws imposed sanctions on these groups of countries? And, in particular, was there a distinction made with regard to Sudan and Syria from the rest of the group in any of those circumstances?

Mr. MCKUNE. Senator, my understanding of the distinction is that it evolved because different countries were put on the list at different times, under differing circumstances, and legislation in effect, such as the Trading With the Enemy Act, at those times varied. It is a historical fact. That is essentially what it is.

There is also, apart from the historical fact, if you look at the question of Sudan, the character of the reasons why it was designated as a State sponsor, that is, the support it gave to terrorist organizations. If you compare that to why Iran is on the list, the evidence we have against Libyan support for terrorism against U.S. interests, what evidence we have against Iraq for its support of ter-



rorism against U.S. interests, you make that kind of close look at the evidence we have, there is a different kind of evidence, if you will. They are all State sponsors. We condemn them all. That is why they are on the list.

It is a grave judgment, and we take it very seriously and we follow it up very seriously. But there is not the same kind of evidence, as I said in my statement, we have regarding direct Sudanese Government activity and sponsorship of terrorism, that we have against the countries I mentioned.

Senator FEINGOLD. All right. Just a question in terms of the way in which the designation as a terrorist country is used, Mr. McKune. Has the administration ever used the possibility of getting taken off the list as a diplomatic carrot?

Mr. MCKUNE. We have discussed with the Sudanese and with other governments on the list from time to time what is necessary to get off the list, how you are removed, how these sanctions are removed. The Sudanese, at various times, in our discussions with them, in which we have pressed them very hard about this, have expressed some interest in knowing what is necessary to do. I believe this may be part of the reason that they have taken some tactical steps. But we have not been satisfied.

Senator FEINGOLD. Let me just confirm with Mr. Moose; that is the case that this is used sometimes as a potential carrot?

Ambassador MOOSE. Well, very definitely. I recall, Senator Feingold, that even before the final designation was made, we had numerous conversations with the Sudanese Government and their authorities, which signaled the fact that we were intending to put them on the list.

Senator FEINGOLD. Prior to the designation?

Ambassador MOOSE. Prior to the designation. Because of their failure to respond to our repeated expressions of concern about their practices. In essence, giving them an opportunity, should they have chosen that opportunity, to signal to us that they were intent on changing practices and policies that would have kept them off the list.

Since then, we have indeed—they have, as Mr. McKune has said, actually asked us, sought our advice as to what it would take to get them off the list. We have been quite clear about what our expectations are. And as Mr. McKune has said, we have also been quite clear that the steps that they have taken to date do not satisfy us with regard to the fundamental concern of their support for terrorism.

Senator FEINGOLD. I am beginning to wind up, Mr. Chairman. Thank you for your generous time on this.

Let me just ask Mr. Newcomb, in the process of developing the regulations for section 321, what type of contact did your office have with congressional offices?

Mr. NEWCOMB. As in this program and other programs, we worked closely with the State Department for foreign policy guidance. We are the implementing office. With regard to the contact with the Hill, we relied on the contact that the State Department had made with the relevant Hill offices as far as what was in the legislation and the legislative history.

I will say, we met on numerous occasions and exchanged correspondence on the various issues involved in the implementation of the legislation.

Senator FEINGOLD. So substantial contacts?

Mr. NEWCOMB. We met three, four, five times, yes.

Senator FEINGOLD. Did any of the congressional offices contact you after the regulations were printed in the Federal Register?

Mr. NEWCOMB. I can speak for myself, and they have not contacted me. I believe that contacts were made with my office, but I can certainly go back and check that and get something for you for the record.

Senator FEINGOLD. I would appreciate that.

Mr. NEWCOMB. OK, Senator.

[The information referred to follows:]

Mr. NEWCOMB. A check with my staff revealed that about a dozen calls came into this office requesting general information on the regulations and how they might affect Americans doing business in the Sudan.

Senator FEINGOLD. Mr. Moose, is there evidence of Sudanese involvement in the current conflict in Zaire?

Ambassador MOOSE. Senator, no, I cannot think of any evidence offhand that would tie Sudan directly to the current conflict in Zaire. The one exception I would make is that it was known for some time before October or November of last year that Sudan was supporting Ugandan insurgent groups, which were operating from Zairian territory—operating from that territory, essentially because the Zairian Government either could not or would not exercise control over those groups.

So, to that extent, I think some of the actions that we have seen by States like Uganda and Rwanda has been partly motivated by their concern about threats posed to them from Sudanese supported operations emanating from Zaire.

Senator FEINGOLD. Are you concerned at all about the role Khartoum may play with respect to whatever post-Mobutu government emerges from the current conflict in Zaire?

Ambassador MOOSE. We are concerned about a great many things with respect to Zaire. But, at the moment, again, I would say we have no evidence that the Sudanese are seeking to exert a particular influence with respect to future developments in Zaire. But that is something I think we would be very vigilant about, were we to see any manifestation.

Senator FEINGOLD. Finally, Mr. Chairman, for Mr. Moose.

One of the concerns about the exemption in the section 321 regulations is that one of the potential beneficiaries of the exemption was an oil company. Mr. Moose, are you comfortable with an American company conducting business in the oil industry in the Sudan? Won't that type of activity provide the regime with additional revenue with which to pursue its war in the south?

Ambassador MOOSE. I think it is a legitimate concern, that we need to be concerned about what commercial or other activities might contribute to the capacity of the Sudanese Government to carry out and continue its support for international terrorism. I think the issue that we were confronted with—and I can say I have met several times with senior representatives of Occidental Oil—I will say to you that at no time did this particular issue of section

321 ever—was that issue ever raised in our conversations. No particular treatment was sought by the representatives of Occidental Oil and none was granted.

I think the issue, again, goes back to what was the interpretation of the legislation, what did we think was required by it with respect to Sudan. And it was the view, on the advice of our lawyers and others who followed this legislation, that it did not impose a restriction on such commercial activities.

I will add, however, that in all of our conversations with Occidental Oil, we pointed out to them that our relationship with Sudan was a difficult one at best, that there was a certain likelihood that that relationship would continue to be difficult, and might even deteriorate. And that, in those circumstances, there could be no assurances that the U.S. Government would not, in the future, impose additional measures or sanctions that might affect their ability to conduct commercial operations in Sudan.

Senator FEINGOLD. Thank you very much, Mr. Chairman.

Senator ASHCROFT. Thank you.

Mr. Newcomb, Senator Feingold was asking about the extent to which you conferred with individuals on the Hill in the promulgation of the regulation and after its promulgation. When you said you had had many meetings, I was not clear whether you were talking about meetings with the State Department, or meetings with Members of Congress, or meetings with staff members from the Members' offices. Could you clarify what you meant when you said you had many meetings?

Mr. NEWCOMB. Yes, Senator. I had many meetings with the State Department, who we had relied upon for foreign policy guidance in this area, and were told that consultations did take place with the State Department and the Hill. So I relied on State.

Senator ASHCROFT. Well, let me just ask you, and answer yes or no, so I can get this clarified again. I thought he had asked you whether you had meetings with people on the Hill. Did you have meetings with Members of Congress?

Mr. NEWCOMB. No.

Senator ASHCROFT. Did you have meetings with members of the staff of Members of Congress?

Mr. NEWCOMB. I believe there may have been conversations with people in my office with Members of Congress. I will go back and check and clarify that as well.

Senator ASHCROFT. But you relied mostly on what you considered to be the contacts that the State Department was having with Congress?

Mr. NEWCOMB. That is correct. And let me clarify that. In the programs that we run, which I have mentioned—or some of them—we routinely rely on foreign policy guidance with the State Department in these areas.

Senator ASHCROFT. All right. Mr. Moose, you said that the terrorist bin Laden was expelled from Sudan. Is that your belief, that he was expelled from Sudan?

Ambassador MOOSE. I will defer to my expert on the right, Mr. McKune, but our understanding from the Sudanese Government is that they claimed to have taken action to cause Mr. Osama bin Laden to leave Sudan—so expulsion.

Senator ASHCROFT. Are you aware of the statement of Hassan Turabi that said:

I do not think that the matter was raised with him [Laden] in such a direct manner. He is aware of the appreciation of Sudan and those close to him for the things he has done and he continues to do for Sudan. Many of them were frank with him. They told him, if you prefer to remain in Sudan, nobody will push you out. This is what they told him.

Are you aware of that statement?

Ambassador MOOSE. I have heard reference to that statement. I cannot reconcile, Mr. Chairman, what the Sudanese Government said to us and what Mr. Turabi is saying publicly in that statement.

Senator ASHCROFT. Would you agree that Mr. Turabi is the most powerful person in regard to the policy of the Sudanese Government?

Ambassador MOOSE. I certainly agree, Mr. Chairman, that his influence has been preeminent in the course of this NIF-led regime for the last 7 to 8 years.

Senator ASHCROFT. So a preeminent influence meaning more eminent than anybody's else influence?

Ambassador MOOSE. More eminent than anybody else's.

Senator ASHCROFT. So that would be most powerful. Good, that is just what I was wondering about.

I thought I heard you respond to Senator Feingold's question about the so-called peace agreement—that you were very skeptical of it.

Ambassador MOOSE. Indeed.

Senator ASHCROFT. Do you believe that the peace agreement includes the necessary parties to bring about a lasting peace?

Ambassador MOOSE. Certainly not, Mr. Chairman. Any agreement, to be meaningful, is certainly going to have to include the group that is well-recognized as having been the principal southern opposition.

Senator ASHCROFT. So you do not believe that the agreement reflects the necessary parties, let alone the components of the agreement?

Ambassador MOOSE. No, sir.

Senator ASHCROFT. Do you feel that Sudan has become one of the worst State sponsors of terrorism in the world?

Ambassador MOOSE. Mr. Chairman, I would say certainly it is one of the worst. Let us put it this way: The reason we put it on the list is precisely because we believe that it is an egregious violator of international norms in support for international terrorism. I would again say we are obliged to make sometimes fine distinctions between the level, the extent, the degree of such support, that there are distinctions among the seven States that are currently on that list.

That said, the fact that they are on that list reflects our view that their support for international terrorism is serious, and that we take it seriously.

Senator ASHCROFT. Is the State Department concerned about international terrorism, or only about terrorist acts against the United States?

Ambassador MOOSE. We are concerned about both, Mr. Chairman. We have been very concerned not only about the possibility of actions directed against citizens or properties of the United States, we are also concerned about acts directed against our friends and allies and acts that generally violate international norms. That is why, again, we were in the lead in supporting action in the U.N. Security Council following the attempted assassination of President Mubarak in Addis Ababa in 1995. I will tell you that I was in Addis at the time of that assassination attempt. That is why we are continuing to pursue efforts in the international community, and particularly in the Security Council, to apply further measures because of Sudan's failure to comply with those earlier Security Council resolutions.

Senator ASHCROFT. To what extent was the policy of the Department of State reflected in the regulation promulgated by Treasury pursuant to section 321 of the Antiterrorism and Effective Death Penalty Act of 1996? Did you agree with what Treasury eventually promulgated—and was it in accordance with the wishes of the Department of State?

Ambassador MOOSE. The regulations prepared by Treasury, as it was indicated earlier, were prepared on the advice and recommendation of the Department of State.

Senator ASHCROFT. So you recommended that policy?

Ambassador MOOSE. The Department of State, particularly the lawyers and others who were required to interpret the intent of section 321, made the recommendation to Treasury as to how to interpret the law, and the regulations that were issued, I think I would say, were a good faith effort on the part of those involved to interpret the intent and the history of 321.

Senator ASHCROFT. What I really wanted to find out is is this the regulation you wanted.

Ambassador MOOSE. I will say first and foremost, Mr. Chairman, we were not directly involved in—I was not directly involved in interpreting that law. I would say also that yes, indeed, that certainly what is reflected there is not inconsistent with what we would wish.

Senator ASHCROFT. Well, I have a question about it, and it is this, that section 321 provides for sanctions against individuals who do business with those countries supporting international terrorism, and the regulation says that we limit the prohibition for doing business with them to people who would have a reasonable cause to believe that such business would further terrorist acts in the United States. To the untrained eye, perhaps mine, this looks like a vast disparity.

It looks like the intention of the Congress has been narrowed from a concern about terrorism wherever it might exist internationally to a concern only about terrorism in the United States. You have just, I think quite appropriately, indicated that we have concerns about terrorist acts against our friends. I have concerns about terrorist acts against our enemies. I think terrorism is an enemy of us all, wherever it exists. And I do not understand why the State Department would recommend a regulation which narrows—and maybe I am misreading this, so I would be pleased to be corrected on this—narrows the intent of Congress from concern

about international terrorism to something that just poses a risk of furthering terrorist acts in the United States. Can you explain it? And I would invite other members of the panel to help me understand that.

Ambassador MOOSE. Again, Mr. Chairman, I cannot profess direct first-hand knowledge of the work that was done to interpret the intent of the legislation.

Senator ASHCROFT. I think I am clear on that, so we can all agree that it is in the record that you do not have first-hand knowledge. And if that means you cannot give me any clarification, then we ought to move to see if someone can, but I need to know if there is a reason why we are moving in that direction.

Mr. MCKUNE. Senator, let me offer a few comments.

Senator ASHCROFT. Mr. McKune.

Mr. MCKUNE. There is another provision of the law that covers the aspect of fundraising in the United States for terrorist groups or terrorist acts or terrorist organizations outside the United States.

Senator ASHCROFT. We are talking about business transactions overseas, not fundraising in the U.S.

Mr. MCKUNE. I am trying to point out that if you look at the issue of section 321 from the perspective of dealing with funds that may come from State sponsors, or organizations in countries which are State sponsors, to organized terrorist acts in the United States, that is an aspect of the problem, not the entire problem.

Another part of the problem dealt with, if you look at the other provisions of law, would cover opposite kinds of flows, and there are, as I indicated earlier, a lot of other U.S. statutes concerning State sponsors.

You have asked several times about what is the State Department's view about fighting terrorism. We are part of the U.S. Government interagency team that deals with the problem of terrorism. We do not have a separate State Department agenda regarding terrorism. We have the same view as the rest of the U.S. Government.

Senator ASHCROFT. It looks to me like you have a different view than the Congress, and that is what I am trying to get at here, because it looks to me like the Congress had an effort to restrict business activity that might enhance international terrorism, and when you eventually promulgate the regulation, the provision applies only to terrorist acts in the United States.

Mr. MCKUNE. Well, Senator, we have tried to explain our views about section 321. I do want to add that the State Department conducts a vigorous worldwide counterterrorism diplomacy campaign in which we focus attention on all of the State sponsors with many governments, and the State Department does this very actively.

Senator ASHCROFT. Well, I would laud the State Department for all the good things it does. I am trying to find out why it narrowed in its regulation the intent of Congress to curtail terrorism internationally to terrorist acts against the United States. And I am sure we could spend a lot of time cataloguing all the good things and good speeches that are made. If we do not know why, I think we ought to say so. But is there a reason why?

Ambassador MOOSE. Let me try that, Senator. Again, those members of the Department of State who were responsible for following this legislation were interacting with Members, the drafters and others, of the legislation. There were numerous communications between the State Department, the officials of the State Department, and the drafters of the legislation at the time. We communicated our views, our concerns, the Department of State communicated its views with regard to that legislation. And it was on the basis of all that communication that our lawyers, along with the lawyers of Treasury, in good faith, interpreted the law, section 321, as permitting this kind of latitude.

The Department of State welcomed the addition of this capacity, this tool, this instrument, as part of its policy to deal with international terrorism. But as we understood, as our lawyers and those of Treasury understood the legislative intent and legislative history, they did not believe that that provision required a full-scale imposition of blocking of all financial transactions.

Senator ASHCROFT. It just occurs to me what I am not asking about is the scope of the imposition in terms of commercial activities prohibited. What I am asking about is the scope of the terrorism that would trigger the prohibition. And the scope of the terrorism that triggers the prohibition in the regulation is terrorism that would result—and I will just read it—reasonable cause to believe that the transfer poses a risk of furthering terrorist acts in the United States. That is the scope of the trigger that you have put in the thing, and basically you say you could do anything you want as long as it does not pose a risk of increasing terrorism in the United States. And for the life of me, I just have not been able to find that in the language or the intent of Congress, which in the provision says countries supporting international terrorism.

Mr. Newcomb, it was your Agency that promulgated this regulation. Do you have any light to shed on this?

Mr. NEWCOMB. Well, Senator, what I would say, first, our lawyers did consult with the lawyers of the State Department. We received a communication from the State Department as to how foreign policy of this particular program on Syria and Sudan both that this applies to. Following that communication we developed regulations.

I think an important element here is that the regulations and the statute do provide us jurisdiction for transactions going from the United States to Syria and Sudan, and from Syria and Sudan to the United States.

Now, with regard to the other five programs, we do have and have had comprehensive economic embargo and sanctions programs in place in some instances, like North Korea, back to as early as 1950, Cuba in 1963, and so forth. So we have jurisdiction where, for whatever reason, through a law enforcement reason, intelligence reason, financial reason, banks call our office on a daily basis to ask about a transaction which they think is suspicious. "Well, we have got something here from Syria or Sudan, what do you think?"

We have active training programs that we work with financial institutions. Since the promulgation of this act I polled my staff, how often are we out there? We have had at least 40 kinds of dis-

cussions with financial institutions. So when we are aware that these activities are taking place they are calling us, they are asking about us. We have routine contact.

When there is reasonable cause to believe, notwithstanding the fact that many of these transactions are generally licensed, the key fact is we have jurisdiction to stop them if we need to and if we have reason to do that. And of course, in our routine work and activities with financial institutions, they would do that based on a phone call. So if for whatever reason we have a suspicion that is justified, we can stop a financial transaction.

We have developed brochures. Financial institutions are on alert. We have worked with the community to incorporate these programs into the other programs that we administer.

Senator ASHCROFT. I want to call on Senator Feingold. You say that for whatever reason you can always stop a transaction. It seems to me that the regulation you promulgated ties your hands from using section 321 to stop transactions that relate only to international terrorism. Because section 321 says except as provided in regulation, you draft the regulation to make a very narrow application of the law, which then curtails your capacity to curtail terrorism, and I would like to know why you did that.

Mr. MCKUNE. Senator, I understand what you are saying.

Senator ASHCROFT. Well, great. Good. Go right ahead.

Mr. MCKUNE. Our understanding of the intent of the sponsor of the legislation, according to a statement he made at the time of introducing his amendment, was that it was to be used to deal with a situation,

\* \* \* where a terrorist organization, to be involved in the United States in some terrorist activity, actually has some American citizen, a recipient, bring into this country from a terrorist State Government a certain amount of money that might be used to further the cause of terrorist activities in the United States.

This is our understanding of the purpose of the sponsor's amendment.

Senator ASHCROFT. Well, a statement of Representative Schumer says,

I support the amendment, Mr. Chairman, for a simple reason. I think it is wrong for anyone in the United States to knowingly deal with a country that sponsors terrorism. Why should we allow countries that sponsor such horrible acts as blowing up our barracks or blasting our airliners out of the sky to benefit from dealings with U.S. citizens? As I understand the measure, it essentially ties together in one place existing prohibitions that depend on a series of executive acts. I want to salute the gentleman for doing it. I think it is not controversial and I hope we can move the amendment with alacrity.

And basically, I was interested in this: For blasting our airliners out of the sky. The bomb on the Pan Am at Lockerbie, is that a risk of furthering terrorist acts in the United States?

I will answer the question. It is not. And I do not understand why you would narrow the provision to not apply to such terrorist acts.

I defer to my colleague.

Senator FEINGOLD. Thank you, Mr. Chairman. I think it is fair enough for the Chair to try to inquire into legislative intent. Sometimes all of us are frustrated by a discrepancy between what we intended and what was done by the administration. Other times the intent is so unclear that it is impossible for you to know. But



in any event, apart from that issue, I guess we need to think a little bit about the future and whether or not this can be resolved at this point.

So, Mr. Chairman, I would just like to ask the administration their view on Representative McCollum's proposed legislation. Does the administration support legislation that would sort of clarify this issue and resolve this issue?

Ambassador MOOSE. Senator Feingold, we are in the process now of examining. We have not reached a position on Mr. McCollum's new proposed legislation. I will say as a general rule we would welcome additional authorities that would enable the United States, the administration, to enhance its ability to deal with terrorism.

I would say, if I might, as a general rule we would be a little concerned about a particular piece of legislation that tried to apply a one-size-fits-all response to all types and forms and manifestations and sponsors of terrorism. I do think if the objective here is to try to fashion policies that have some reasonable prospect of dissuading or compelling governments that do sponsor terrorism from ceasing and desisting in that sponsorship, then there is a logical and rational argument to be made for some degree of latitude discretion flexibility in the way those instruments, those implements, are used.

But as I said, we have not yet completed our review of the particular piece of legislation in question, and we will be prompt in our replies and our responses and our comments on that legislation.

Senator FEINGOLD. I have not yet completed my review, either, and that is the kind of guidance I am looking for. I would very much like to support his sort of effort, but I want to be sure I am asking the right questions with regard to the State Department's flexibility.

And also one other question: If the legislation had the effect of treating Sudan and Syria in the same way as the other five countries, could you speculate at all with regard to what impact it might have in our relations with Syria and with regard to the Middle East peace process? This is one of the things I would like to know what aspects of it could have an impact there.

Ambassador MOOSE. Senator, happily those are areas that fall outside of my immediate area of responsibility and jurisdiction, and I do not think it would be fair to my colleagues back in the State Department to comment on that.

With regard to Sudan, though, I think one thing that we would be concerned about are regulations, prohibitions on financial or commercial transactions that, in addition to the issues of diplomatic activity, might further complicate, make more difficult, the efforts of humanitarian agencies to continue to carry out their already very difficult missions in the Sudan. I think that is one consideration that I would want to look at very carefully as I was looking at any proposed legislation.

Senator FEINGOLD. Thank you again, Mr. Chairman.

Senator ASHCROFT. Ambassador Moose, in a related matter, since we have talked about this regulation, can you tell us who the officials were who developed this regulation, and did they include White House involvement?

Ambassador MOOSE. Mr. Chairman, we can certainly provide you with the names of the offices that were involved. Essentially, it was the Office of Legal Affairs, our legal advisors office, which routinely is asked to try to interpret the history of legislation and the congressional intent.

Senator ASHCROFT. Well, I would like to ask for that. I am a little bit distressed about a number of things that, given the way in which this was narrowed, I am concerned about a lack of discretion in regard to these things. First, as the regulations were being drafted the administration met with the executives of Occidental Oil and Arakis Energy Corporation, the Canadian oil company leading a joint venture of a Sudan oil project; second, the oil venture in Sudan which would provide that terrorist government with millions of dollars in royalties, perhaps many more, was declared legal by administration officials, under regulations for 321; third, Mansour Ijaz, a Democratic fundraiser who boasts in the *Washington Post* of his access to administration officials to influence U.S. policy toward Sudan, was appointed by Arakis to an advisory committee for the company. Arakis also appointed Abdul Raman Hamdi to the advisory committee. Abdul Hamdi is a former Finance Minister of Sudan and a Director of the Faisal Islamic Bank of Saudi Arabia, an organization with alleged ties to terrorists in Sudan and around the world.

Now, I would ask you to provide me with names of the individuals who are involved in the drafting of the regulation, including individuals outside the U.S. Government who had involvement in the development of the regulations. And if there are those who did, I would like to be informed at what point they had their involvement and under what circumstances.

Ambassador MOOSE. Mr. Chairman, I can certainly repeat what I said earlier. I have on numerous occasions met with representatives of Occidental Petroleum, and I think that is a normal part of my responsibility as the Secretary of State for African Affairs and given their interests. I will repeat that at no time in the course of those conversations did Occidental Petroleum ever raise the issue of sections 321. At no time did they seek any special treatment with regard to any provision of law with respect to Sudan.

We did make it clear at that time that to the best of our knowledge there was no legal prohibition on their continued pursuit at that time of the commercial activity that they were seeking pursuing in Sudan. But let me also reiterate—

Senator ASHCROFT. But you wrote the law which would define whether it was legal or illegal when you wrote the regulation promulgated by Treasury.

Ambassador MOOSE. I also said to them quite categorically that we could not offer any guarantee that our relationship with Sudan would remain static or that there would not be a further action by this administration or any other that would not prohibit or somehow curtail these kinds of commercial activities.

Senator ASHCROFT. Do you, or any of you, know of any involvement of Occidental Company or the Arakis Energy Corporation and their involvement in the drafting of these regulations that is different from that recounted by the Ambassador?

Ambassador MOOSE. I know of no such involvement, Mr. Chairman.

Mr. NEWCOMB. Mr. Chairman, I know of no such involvement.

Senator ASHCROFT. Do you know of the involvement of any outside individuals other than the Arakis Energy Corporation or the Occidental Oil Company in the development of those regulations, any other interested parties?

Mr. NEWCOMB. From our perspective, we had consultations with the State Department, which is what I have said, and that was it.

Mr. MCKUNE. No, sir.

Senator ASHCROFT. Was there any special directive from the White House, or input on the development of the regulation?

Ambassador MOOSE. I know of no such directive or communication of any kind from the White House.

Senator ASHCROFT. Do any of you know of any?

[No response.]

Senator ASHCROFT. I think even though the administration declared the Occidental venture legal and wrote a regulation which obviously facilitates that, I think what Congress had in mind was kind of situation like Occidental which might result in substantial funding flows to a State that sponsors terrorism. And frankly, I want to invite you to contact me about how you think we might be able to craft legislation that would help us do what is necessary, because apparently 321 did not get done what we thought was appropriate.

And I will be very clear with you from my perspective. I do not want to do anything to improperly curtail the capacity of the State Department or the U.S. Government to have the flexibility which is necessary. But I have to be equally candid and say to you that the exercise of the flexibility granted in 321 seems to have been substantially without rational basis, and appears to be without explanation.

Ambassador MOOSE. Mr. Chairman, I would certainly welcome an opportunity to discuss with you ways in which we could together strengthen our ability to deal with the threat of international terrorism; specifically, with regard to Sudan.

Senator FEINGOLD. I just want to thank the panel very much for their time.

Senator ASHCROFT. I appreciate very much your willingness to appear and to make your responses. Thank you very much.

It is my pleasure now to call the third panel, and I thank them for their patience, and I want to thank my colleague, Senator Feingold, for his patience. The third panel will be composed of Mr. Ed Smith, who is one of the individuals whose family was tragically affected by the World Trade Center bombing, he now lives in California—we are grateful that he would come; Mr. Roger Winter, the Director of the U.S. Committee for Refugees, who has just returned from Africa and will have a unique insight into the humanitarian challenges facing Sudan; and Steven Emerson, who is a journalist who has done extensive work on international terrorist networks. He is a Middle East affairs expert and author of works on terrorism.

Mr. Emerson, I want to thank you for coming to the committee, and I call upon you for your remarks.

Senator FEINGOLD. Mr. Chairman, if I could interrupt, I am about 20 minutes late already for a caucus, and certainly want to stay and hear the testimony. I will be unable to stay and ask questions, and I am wondering if I would be able to submit some questions in writing.

Senator ASHCROFT. Obviously, we would be very pleased to have them.

Senator FEINGOLD. I just want to apologize to the panel. This is a very helpful hearing, and it is very important to me that we have this hearing.

So I again want to thank the Chairman, since I will have to leave, for the tremendous amount of time he has put into this and for his willingness to have the hearing. I do appreciate it.

Senator ASHCROFT. Thank you. Mr. Emerson.

**STATEMENT OF STEVEN EMERSON, MIDDLE EAST AFFAIRS ANALYST, AUTHOR AND TERRORISM EXPERT, WASHINGTON, DC.**

Mr. EMERSON. Thank you very much.

In 1993, a group of radical Islamic fundamentalists attempted to blow up the World Trade Center; although the conspirators failed to topple the building as planned, the result was six dead Americans and more than 1,000 wounded. The carnage from a successful attack would have killed anywhere between 30,000 and 50,000 people.

Undeterred by a series of arrests, the same clique of radical fundamentalists then planned an even more brutal series of attacks. Their goal was to blow up tunnels and bridges leading to New York City, tourist landmarks, and a Federal building. Fortunately, their plans were interdicted by successful FBI work and the assistance of an Egyptian Muslim informant. A successful series of attacks would have produced more deaths on American soil, as Judge Michael Mukasey noted in sentencing the defendants, than any other event since the Civil War.

The fact that these terrorists would conspire to cause the deaths of tens of thousands of innocent civilians for the perceived obligation of waging a Jihad (or holy war) against the United States, forces hesitance in considering a policy that might lessen or reduce the pressure on those regimes that support, directly and indirectly, such mass murder.

Although Iran and the Sudan are equally culpable in sponsoring and orchestrating terrorist attacks. Sudan, under the leadership of Dr. Hassan al-Turabi, the head of the ruling National Islamic Front Party and *de facto* chief, has been responsible for helping to create the global Muslim brotherhood movement and subsidiary organizations. It would be wrong and self-deceiving to underestimate the success and guile of Dr. Turabi in both building up a fledgling Muslim brotherhood movement into an actual State, and, more critically, forging alliances between myriad branches and leaders of radical Islam. Dr. Turabi's popular Arab Islamic Conferences—three have been held so far—feature the full panorama of a global militant Islamic movement, including Islamic delegations and leaders not only from the Middle East, but from Spain, France, Italy, Argentina, Mexico, Canada, Kenya, and even the United States.

I think it is important, as you hold this very, very significant hearing, that in the attempt to tighten the screws on Sudan policy, that the intent of Congress in the 1996 antiterrorist legislation be fully upheld. That intent was to pressure countries which actively support or encourage international terrorism by denying them access to the full American market and technology. Policy exemption cannot rely upon distinctions between the evil government sector and the private good sector of a foreign terrorist regime, because these distinctions are thoroughly false. There is no doubt that with regard to the Sudan it has played a key role, and continues to play a key role, as a leader of radical Islamic militant movements and groups throughout the Middle East and throughout the world.

Indeed, in the World Trade Center bombing itself, there has been little discussion, primarily because of the absence of hard information, about who was truly responsible. In fact, what officials have discovered, supported by evidence released at trial and other evidence still not released, (including wire transfers, telephone records, bank accounts, and personal papers), was that the Jihad conspiracy was the unique product of operational collaboration, an *ad hoc* network of radical Islamic groups operating in the U.S. for the first time, the Egyptian Jamat Islamiya, the Palestine Islamic Jihad, the Al-Fuqra group, Hamas, and the National Islamic Front.

Interestingly, the only group whose organization is directly tied to a government is the National Islamic Front, or the Islamic Fundamentalist Party, which controls the Sudan under the *de facto* leadership of Dr. Hassan al-Turabi. Indeed, the evidence produced at the trial and other information obtained by prosecutors shows that top officials of the Sudanese regime not only had advance knowledge of the second series of plots, but actively facilitated in their preparation.

Evidence contained in intelligence intercepts and other types of surveillance suggests that the entire Sudanese mission to the United Nations, as well as Sudanese diplomats in Washington, DC., are controlled by the National Islamic Front. As recently as 2 months ago, a major Sudanese intelligence officer previously employed in Washington sought to enter the United States under false documentation in order to expand Sudan's terrorist network in the United States. Fortunately, he was intercepted.

It is important to acknowledge what was discovered in the trials of the World Trade Center bombing. Conversations released in transcript form, sourced from wire taps and other types of recorded conversations, reveal explicitly and unequivocally that Saddiq Ali, the Sudanese ringleader of the second series of plots, was very close to the Islamic leadership in the Sudan. This evidence also points to his close ties to the Sudan mission in New York, quote: "When we hit the United Nations it will teach the world—the world, not only America. It will teach America a lesson." This declaration was made with reference to plans to blow up the East River wing of the U.N.

He told his fellow conspirators that he could obtain critical help from the Sudanese mission at the U.N. to obtain credentials, license plates, and ID cards required to drive an explosive-laden Lincoln car into the parking garage adjacent to the U.N. And when Saddiq Ali began to plan the assassination of Egyptian President

Hosni Mubarak, it was the Sudanese mission in New York that provided the conspirators with acutely sensitive information about how to pierce President Mubarak's security detail and transportation route to the Waldorf Astoria, where the Egyptian President was scheduled to stay.

In a conversation taped by Ahmed Salem, and these tapes are available, Mr. Ali informed his conspirators of the precise route that Mr. Mubarak's U.S. Secret Service would be taking to Manhattan. Asked by Mr. Salem where he got this information, Mr. Ali responded, "I get it from the highest level, from people inside the Sudanese Embassy. My contact is the Ambassador, brother."

I should like to add that Mr. Ali was not the only Sudanese connection to this terrorist plot. Another defendant is Mohammed Saleh. This Yonkers gasoline operator was responsible for providing the fuel for the incendiary brew, the explosive agent. According to information obtained by Federal investigators and other undisclosed material found on his possession, Saleh is a Hamas leader in charge of training Hamas terrorist recruits in the Sudan.

Mr. Saleh traveled in Sudan several times prior to his involvement in the plan to oversee Hamas training exercises. However, he has also revealed that he had obtained various terrorist weapons in the Sudan, including guns and night vision goggles, and ultimately smuggled them to Hamas terrorist squads in the West Bank. Mr. Saleh's home in the Bronx was used as a haven for known terrorists visiting the United States.

I'd like to request that the rest of my speech and testimony be put into the record. Also, I would also like to state my belief that your concentration on the intent of Congress and the reasons for deviation in the interpretation of section 321, focused on the core elements of this case.

Senator ASHCROFT. Your speech, the entirety of your remarks, written and oral statement, will be included in the record. Thank you very much for your appearance here.

[The prepared statement of Mr. Emerson follows:]

PREPARED STATEMENT OF STEVEN EMERSON

Allah will spread terror in the infidel hearts, and cut their necks up, and cut every finger of them [since] they stood up against Allah and his Prophet and who stands against Allah and his Prophet must realize that Allah is a strong punisher.

*Recorded conversation of Siddiq Ali, Sudanese ringleader of the plot to blow up New York tunnels, bridges and buildings in mid-1993 following the World Trade Center bombing.*

Imagine<sup>1</sup> the horror of multiple car bombs—filled with a deadly mix of ammonium nitrate and fuel oil—being detonated in the middle of the day in the Lincoln and Holland Tunnels and the George Washington Bridge, the three principal transportation arteries connecting the island of Manhattan to New Jersey, where tens of thousands of commuters travel each hour. Or, consider the bloody mayhem that would have resulted in blowing up the United Nations Headquarters or Federal Building at 26 Federal Plaza in downtown Manhattan.

<sup>1</sup> Steven Emerson is an author, analyst and investigator specializing in the field of radical Islamic fundamentalist movements and terrorist organizations. His is the Executive Producer of the critically acclaimed documentary "Jihad in America," which aired on PBS in 1994. The recipient of numerous national prizes for his investigations, Mr. Emerson is at work at present on a documentary series on terrorism and is also completing a book. He frequently writes for national periodicals and is the previous author of four books on terrorism, the Middle East and U.S. counter-terrorist units.

In 1993, a group of radical Islamic fundamentalists tried to blow up the World Trade Center, killing six Americans and wounding more than one thousand. Although the conspirators failed to topple the building as planned, the resulting carnage from a successful attack of the one they intended would have killed and wounded anywhere between 30,000 to 50,000 people. Undeterred by a series of arrests, the clique of radical fundamentalists then planned an even more brutal series of attacks, this one designed to blow up tunnels and bridges leading to New York City, tourist landmarks, and a federal building. Fortunately, the attack was interdicted by successful FBI work and the courage of an Egyptian Muslim informant.

Had the attack succeeded, the resulting slaughter would have caused more deaths on American soil, as Judge Michael Mukasey noted in sentencing the defendants, than any other event since the Civil War. The fact that these terrorists would willingly plan the deaths of tens of thousands of innocent civilians for no other reason than the perceived obligation of waging a Jihad, or holy war, against the United States must give anyone pause before considering any policy that might lessen the pressure on those regimes that support, directly or indirectly, such mass murder.

Today, as this congressional panel considers the role of Sudan in the arena of world terrorism, it is important that we look at the evidence unclouded by questions of political correctness, unobscured by the deception of disingenuous moderate sounding language, and untethered to vested commercial or political considerations that somehow always insidiously creep into the formation of counterterrorism policy.

There can be no denying that Sudan plays a pivotal role in the worldwide operations of militant Islamic groups bent on imposing the Sha'aria—the body of Islamic law—and confronting through murderous violence any regime or institution that stands in its way. Sudan, arguably the largest terrorist camp in the world, has become a central player in supporting, sponsoring and enhancing radical terrorist groups that have carried out—or at least tried to carry out—the most horrific violence that the world has witnessed in decades. A veritable “Murder Incorporated,” Sudan has been directly tied to the entire spectrum of radical Islamic violence that has plagued not only the Middle East but the West as well. Unless some type of brakes are forcibly applied to the spinning vortex of terrorism emanating from the Sudan, the attacks on our friends and on ourselves will only continue. And as low-tech and low-cost weapons and agents of mass destruction, such as poison gas and bacteria, become more accessible to all terrorists worldwide, it ought not come as a surprise the day these weapons are finally used . . . against the United States.

Just look at Sudan's record thus far. To pick at random: Suicide bombings in Israel. The attempted assassination of the Egyptian President. A brutal military campaign of near genocidal proportions against the black non-Muslim tribal minorities in southern Sudan. Attacks on American Forces in Somalia. Sponsorship of the most ruthless terrorist financier in the world today, Osama Bin Laden, who in turn is linked to the World Trade Center conspiracy and two acts of carnage in Saudi Arabia against American forces. Sponsorship and hosting of unparalleled get-togethers of the most militant Islamic terrorist leaders in the world today, including those that have planned the murder of hundreds of Americans, not to mention Jews and Arabs deemed to be “infidels” or “enemies of Islam.” Training camps for more than a dozen terrorist organizations whose *raison d'etre* is to kill infidels, Christians, Jews and secular and moderate Muslims. Basing privileges for the Iranian Navy. Training camps for Iranian Revolutionary Guards, who in turn have trained street militias called the Popular Defense Forces who carry out vigilante violence. Use of the Sudanese diplomatic pouch to transport explosives. Support of terrorist attacks in Ethiopia. And even direct support for, advance knowledge of and critical involvement with the second series of planned terrorist attacks in Manhattan following the World Trade Center bombing designed to kill tens of thousands of American civilians.

Although Iran is as equally culpable as the Sudan in sponsoring and orchestrating terrorist attacks internationally, what makes Sudan stand out has been the marked success of Dr. Hassan al-Turabi, the head of the ruling National Islamic Front party and *de facto* chief, in creating a regime solely dedicated to supporting the global Muslim Brotherhood movement and subsidiary organizations, all of which are Sunni. It would be wrong and self-deceiving to underestimate the success and guile of Dr. Turabi in not only building up a fledgling Muslim Brotherhood movement into an actual State, but in critically forging alliances between the myriad branches and leaders of radical Islam. Dr. Turabi's Popular Arab Islamic Conferences—three have been held thus far—are unprecedented conferences featuring representation of the full panorama of the global Islamic movement, including Islamic delegations and leaders from not only throughout the Middle East but from Spain, France, Italy, Argentina, Mexico, Canada, Kenya and the United States—and even Arab and Christian left-wing nationalists.

Apologists and supporters of Dr. Turabi and Sudan like to claim that Sudan is being picked on only because of its Islamic identity. For example, a militant Washington D.C. headquartered Islamic organization called the Council on American Islamic Relations (known as CAIR)—which falsely hides as an organization dedicated to preserving Muslim “civil rights”—wrote a letter to the Atlantic Monthly magazine in response to an earlier article (“Turabi’s Law” by William Langewiesche, Atlantic Monthly, August 1994) which exposed in chilling detail the totalitarian religious code of law imposed by Sudanese leader Turabi according to his extremist interpretation of Islam. In his response (Atlantic Monthly, November 1994), Mr. Hooper attacked the author of the article for making “many negative assertions about Islam, Sha’riah, Sudan and Hassan al-Turabi,” denied the existence of Sudanese secret police, and criticized the article as having “merely rehashed Western clichés about ‘fundamentalism’ and ‘Islamic radicalism’ [while] ignor[ing] nonIslamic causes of Sudan’s turmoil.”

“Non-Islamic causes of Sudan’s turmoil?” This is nothing but unvarnished apolo­gia for the terrorist regime of Sudan. Sudan’s current turmoil was brought on by only one regime—the Sudanese government itself. Its support of terrorism, its authoritarian Islamic dictatorship, its war against non-Muslims and its exhortations for other militants to carry out a worldwide Jihad. To claim that these factors are fabricated by the West is in reality a blatant effort to render Sudan—and the Islamic radical movements it supports—immune from any criticism. It is the same argument that Sheik Omar Abdul Rahman, mastermind of the World Trade Center bombing conspiracy, used in decrying his conviction as tantamount to a “war on Islam.” And it is the same argument used by Hamas and Islamic Jihad terrorists in justifying their murderous suicidal rampages against defenseless Israeli children and women. And it is the same argument used by the World Trade Center conspirators in justifying their original attack on the United States as a need to avenge the United States “conspiracy against Islam.”

To be sure, there are also non-Muslim apologists for Sudan. In 1993, when the Sudan was placed on the State Department list of countries supporting terrorism, former President Jimmy Carter expressed his disdain for the State Department decision, “They declared that Sudan was a terrorist training center, I think without proof . . . In fact, when I later asked an assistant secretary of state he said they did not have proof, but there were strong allegation . . . I think there is too much of an inclination in this country to look at Muslims as inherently terrorist or inherently against the West . . . I don’t see that when I meet with these people.” (*Reuters Financial Service*, September 13, 1993)

Well, despite what Mr. Carter is told by the urbane and British and French educated Hassan Al-Turabi—he has a doctorate from the Sorbonne and has also studied in London—Mr. Carter seems to believe that militants have to carry automatic weapons, wear scruffy beards and openly chant “Death to America” before they can qualify as terrorists. In fact, the danger represented by Dr. Turabi is that he speaks one, very soothing language to people like Mr. Carter and another more revealing language when talking to his own. The focus on the Sudan as a terrorist supporting nation has nothing to do with picking on Islam; that would be the equivalent of saying that focusing on the Klu Klux Klan as a racist and extremist movement is picking on Christianity or focusing on radical Jewish fundamentalists is picking on Judaism. Cuba and North Korea—two States that are decidedly not Islamic—were placed on the list of nations supporting terrorism precisely because of their support for international terrorism. Indeed, to suggest that Sudan is being unfairly accused of terrorism merely because of its Islamic identity is an affront to the vast majority of the Muslim population that forswears and disavows any support for terrorism or violence.

The hearing today is not about Islam but about the policies of a rogue regime and how the United States should formulate and implement its counter-terrorist policies to safeguard its vital national security interests. If the intent of Congress in the 1996 anti-terrorist legislation and in earlier Congressionally-directed initiatives was to pressure countries which actively support or encourage international terrorism by denying them full access to the American market as well as to American technology, then any exemptions to this policy predicated on the notion that such trade is determined “not to have an impact on any potential act of terrorism” is a meaningless and unjustified exemption. Regimes which support terror—whether they pull the trigger or pay others to pull the trigger—cannot be compartmentalized into an “evil” government sector and a private “good” sector. While not everyone living in a terrorist-regime necessarily supports terrorism, the regime itself is the ultimate beneficiary of any increased trade and technology. When dealing with totalitarian terrorist-supporting regimes, any policy that can claim to substantively differentiate between trade that has no impact on terrorism and that which has an impact on ter-



rorism is an illusion. While dollars may accrue to exporters in the short term by exploiting the unintended exemption, the long term injury to American interests by continuing to build up a terrorist infrastructure to be used against the West is not only incalculable, but unfathomable in the belief that policymakers at the State Department would accept it.

With regard to the Sudan, there can no doubt about the role it played in the series of planned terrorist strikes against the United States right here in the U.S. backyard. Though the principal leader of the bombing campaign, Egyptian Sheik Omar Abdul Rahman was convicted for his role in authorizing the bombing campaign as part of the radical Islamic Jihad against the West, a final accounting of the organizations and powers behind the bombing has never been concluded because of the absence of hard evidence. More than four years after the attack and foiled conspiracy, many questions still linger, such as the extent of other's involvement, both here and abroad, in the conspiracy and in the master planning of the terrorist campaign. Speculation and unconfirmed assertions have been made about possible Iraqi or Iranian sponsorship but according to both FBI, Justice Department officials and CIA officials, there has been no evidence whatsoever that either country was involved in the conspiracy. In fact, the involvement of both countries has been all but ruled out in internal FBI and CIA reports.

However, what officials have discovered, supported by evidence released at trial and other evidence still not released, including wire transfers, telephone records, bank accounts and personal papers, was that the Jihad conspiracy was the unique product of operational collaboration by an ad hoc network of radical Islamic organizations operating in the United States who joined forces in a collective terrorist campaign: The Egyptian Jamat Islamiya, the Palestinian Islamic Jihad, the Al-Fugra organization, Hamas and the National Islamic Salvation Front or NIF. The collaboration of these radical Islamic groups represented an unprecedented network of loosely affiliated groups that previously had never united before on such a grandiose operational scale. Interestingly, the only group in the conspiracy whose organization was directly tied to a government was the National Islamic Front or NIF, the Islamic fundamentalist party which runs the Sudan under the *de facto* leadership of Dr. Hassan al Turabi.

Indeed, the evidence produced at the trial and other information obtained by federal law enforcement and intelligence agents unambiguously showed that top officials of the Sudanese regime not only knew in advance of the second series of bombing plots but actively facilitated in the preparation of the plot. Two Sudanese diplomats in New York, Ahmed Yousef Mohammed and Siraj Yousef, were later declared persona non grata in 1996 and ordered out of the United States. But the evidence, contained in intelligence intercepts and other types of surveillance, suggests that the entire Sudanese Mission to the United Nations, and the Sudanese diplomats in Washington, D.C. as well, are thoroughly controlled by the National Islamic Salvation Front.

As recently as two months ago, a major Sudanese intelligence officer, who once worked in Washington D.C. sought to enter the United States under false documentation in order to expand the Sudanese terrorist network in the United States on behalf of the National Islamic Front. In Washington, a covert Sudanese diplomatic operative, worked secretly out of the Washington offices of the America Muslim Council—a Washington group that pretends to be moderate but actively supports the Sudanese National Islamic Front, in addition to other Islamic extremist groups—at night for almost a year, in order to establish closer ties between Islamic groups in the United States and members of their Muslim Brotherhood family in the Middle East.

Because of the need to protect sources and methods, the intelligence community is frequently unable to produce the type of physical evidence that is needed in a court of law. In the trials of the World Trade Center defendants, however, actual conversations were recorded in which the role of the Sudanese government was unequivocally demonstrated. In those tapes, Siddiq Ali, a translator for the blind Sheik and considered the Sudanese ringleader of the second series of attempted bombings openly proclaimed that "our relation is very, very, very, very strong with the Sudanese government, and with the Islamic leaderships of Sudan, thanks to God that I have a direct contact with the Islamic leaders themselves. (#307-T, May 16, 1993). In the same conversation, Mr. Ali stated that his ties are so close to Sudanese officials in the U.S., that he could walk right into the office of the Sudanese Ambassador to the United Nations, the Sudanese Consul and the Vice Consul.

"When we hit the United Nations, it will teach the world, the world, not only America a lesson," Mr. Ali declared in revealing a plan to blow up the East River wing of the United Nations Headquarters in Manhattan. Mr. Ali told his fellow conspirators that he could obtain critical help from the Sudanese mission at the United

Nations to get credentials, license plates and id cards to enable them to drive an explosives laden Lincoln into the parking garage adjacent to the United Nations. The Sudanese officials were aware of the plan to destroy the U.N., Ali stated.

And when Siddiq Ali began to conspire to assassinate Egyptian President Hosni Mubarak, who was scheduled to visit New York City that spring, it was the Sudanese Mission in New York that provided Mr. Ali with acutely sensitive information about how to pierce President Mubarak's security detail and transportation route to the Waldorf Astoria, where the Egyptian President was scheduled to stay. In chilling detail, Mr. Ali—in a conversation taped by Emad Salem—told his co-conspirators the exact route of Mr. Mubarak's U.S. Secret Service detail to be used in transporting him to Manhattan, even specifying the exact car in the police motorcade in which Mubarak would be sitting. Asked by Emad Salem where he got this information, Mr. Ali responded, "I get it from the highest level . . . from people inside the [Sudanese] Embassy . . . My contact is the Ambassador, brother."

Mr. Ali was not the only Sudanese connection to the terrorist plot. Another defendant, Mohammed Saleh, a Yonkers gasoline station operator who was to provide the fuel for the incendiary brew that was to serve as the explosive agent, according to information obtained by federal investigators and by papers found on his possession, was a Hamas leader who was in charge of training Hamas terrorist recruits in the Sudan. Not only had Mr. Saleh traveled to the Sudan several times prior to his involvement in the plot to oversee several Hamas training exercises, but he also revealed that he had obtained various terrorist weapons in the Sudan—including guns and night-vision goggles—and ultimately smuggled them to Hamas squads in the West Bank. Mr. Saleh's home in the Bronx was used as a haven for known terrorists visiting the United States, including Jordanian militant Ahmed Noufal who has been directly involved in sponsoring and organizing Hamas terrorist attacks against Israeli civilians. (Significantly, Mr. Saleh had organizational ties to Islamic militant front groups, including Mounazamat al-Da'waw al-Islamiya, a Sudanese headquartered Islamic religious group which used its protected religious status to promote and spread militant Islam around the world, including the United States. Mr. Saleh also participated in the radical Islamic conference in Oklahoma City in December 1992 which was sponsored by a militant group called the Muslim Arab Youth Association in concert with the Islamic Association for Palestine, another U.S. Hamas front group.)

Mr. Turabi assumed control of the Sudan after a coup d'etat in 1989. As *de facto* ruler of the Sudan, Mr. Turabi has transformed this nation into one of the largest militant Islamic terrorist camps in the world today, hosting, sponsoring and training nearly every radical organization and leader, including:

- Sheik Omar Abdul Rahman, the militant blind Egyptian cleric convicted in the World Trade Center bombing conspiracy trial. In 1990, the Sheik succeeded in entering the United States from the Sudan, which had offered him permanent residence following the anti-Soviet Jihad victory in Afghanistan by the mujahideen. Sheik Abdul Rahman declined the honor, preferring to manipulate the strings of Jihad from the perceived safety of his residence in the heart of the Great Satan itself.
- Training and sanctuary for the assassins who attempted but failed in their brazen assassination effort of Egyptian President Hosni Mubarak on June 26, 1995 in Addis Ababa. The well-stocked killers—possessing rocket grenade launchers, anti-tank missiles, explosives and automatic weapons—failed only because of the tardiness of Mubarak's motorcade. Credit for the attempt was claimed by the Jamat Islamiya, whose members had been given training and whose extradition was blocked by Dr. Turabi. In September 1995, the Organization of African Unity condemned Sudan for its support of the attack and called upon the regime to turn over the three terrorists wanted in the attack. Ethiopian Foreign Minister Seyoum Mesfin openly declared that Sudan had used diplomatic cover to smuggle the weapons and explosives to Ethiopia.
- Sponsorship of extraordinary conferences of the world's most violently anti-American Islamic fundamentalist leaders, with a smattering of residual Arab Christian leftists who share the same anti-U.S. hatred.
- Headquarters and training camp for the Palestine Islamic Jihad, a militant Palestinian group that specializes in dismembering and mutilating its victims. Mr. Turabi not only gave diplomatic passports to the leaders of Islamic Jihad, such as the Fathi Shekaki (killed in Malta in October 1995) and Sheik Abdul Azziz Odeh, but funneled Iranian funds to the terrorist group and helped Islamic Jihad terrorists make their way back to Israel to carry out specific terrorist operations.
- Training camps and safehaven facilities for Hamas, Algerian Islamic Salvation Army fighters, Iranian Revolutionary Guards, Gamat Islamiya and others. At

present in the Sudan, half the 3000 Iranian Revolutionary Guards sent to Khartoum came from Lebanon. Of these, more than 1000 were Lebanese Hizbollah.

Among the sites of some of these camps are:

(1) the Al-Khalafiyya area, roughly 25 miles north of Khartoum where Algerian Islamic Salvation Army and Armed Islamic Group members have trained.

(2) the Akhil Al-Awliya, located on the banks of the Blue Nile, south of Khartoum, where upwards—at any one time—of 500 Palestinians, Syrians and Jordanians actively train.

(3) Al Mrihat, north of Um-Durman, where Egyptian members of the Muslim Brotherhood, the Jamat Islamiya and the Vanguard train.

(4) Mukhayyat Al-Mazari, northwest of Khartoum, serving as an equal opportunity training center for all nationalities, including Libyans, Tunisians, Palestinians, Syrians, Saudis, Lebanese, Algerians—even several Americans are known to have passed through.

Although Dr. Turabi has demonstrated his generous hospitality to all types of terrorists, the most significant guest that Dr. Turabi has hosted was Osama Bin Laden, the wealthy Saudi expatriate militant who single-handedly helped fund the Arab Muslim volunteers who migrated to Afghanistan in the 1980's to carry out Jihad. Stripped of his Saudi passport in 1991 and looking to expand the Jihad against the Western infidel—following the victory against Soviet infidel—the Sudanese government warmly welcomed Mr. Bin Laden into the Sudan where Mr. Bin Laden succeeded in establishing a worldwide network of front companies, Islamic charities and non-governmental organizations, and terrorist recruitment centers to carry out attacks against American, Egyptian, Israeli, Saudi and European targets. The companies set up by Mr. Bin Laden with full Sudanese involvement and participation were critical in helping the Sudan build up its transportation infrastructure, including an airport in Port Sudan, roads and a port while at the same time building up Bin Laden's wealth—he was given monopolistic control over Sudanese agricultural exports and exclusive purchase rights over large domains of farmland—together with Mr. Turabi's NIF cronies.

At the same time, Mr. Bin Laden sponsored the movement of nearly 2000 mujahideen from Afghanistan to the Sudan where they were headquartered, under Bin Laden's largesse, in the expansion of the Jihad battlefronts to other parts of the Middle East and to the West itself. Mr. Bin Laden, who has openly called for a "worldwide Jihad to destroy the United States" was afforded the opportunity to regroup, establish a worldwide terrorist infrastructure—including cover companies and radical Islamic groups in the United States itself—during his very profitable and "productive" five year stay in the Sudan. It is suspected by FBI and State Department officials that during his stay under Sudan's protection, Mr. Bin Laden, beyond directing or funding a host of terrorist attacks in the Middle East against prowestern regimes, is connected financially to the World Trade Center bombing, in particular the training and recruitment of a key conspirator, Ramzi Yousef in the actual February 1993 bombing and the aborted attacks on American airplanes in December 1994 in the Philippines. There is mounting circumstantial evidence that Bin Laden was directly connected, if not the ultimate sponsor, of the twin attacks against U.S. Servicemen in Saudi Arabia in November 1995 and June 1996, which killed more than 2 dozen Americans and wounded scores of others. Bin Laden's departure from the Sudan in May 1996 back to Afghanistan was a direct result of the mounting economic and diplomatic pressure placed on the regime. His exit demonstrated that counter-terrorist sanctions do work.

Senator ASHCROFT. Mr. Smith, it is with a note of sympathy that we welcome your testimony, and we thank you for your willingness to come and share with us out of your very troublesome experience.

**STATEMENT OF ED SMITH, HAMILTON HALLMARK,  
WOODLAND HILLS, CALIFORNIA**

Mr. SMITH. Thank you, Chairman. Thank you, Senator Feingold. I came to Washington approximately 7 months ago to participate in a ceremony held at Arlington National Cemetery on the anniversary of the Beirut bombing. This ceremony was a memorial for the victims of all terrorist acts that have been committed against American citizens both home and abroad. That day I spoke about how terrorism had progressed from an act perpetrated overseas by foreign nationals to acts that have struck America right here in its

heartland. I said it that day, and I will repeat today, we must do whatever it takes to stop the killing and brutality perpetrated on innocent Americans.

As I looked over the crowd that day, there were victims from the Beirut bombing, the Pan Am bombing over Lockerbie, the World Trade Center, Dhahran, Riyadh, and other terrorist acts. I experienced the pain first hand. As I looked out over the crowd, there were spouses who had lost their partners, parents that had lost children, and loved ones who had mourned the dead.

I ask this committee to please help stop the senseless killing and brutality of American people by passing legislation to curb the threat of terrorism in the United States and abroad against American citizens. Next year, when I come to Washington for the memorial, I do not want to see any new faces filled with the pain and suffering.

Thank you.

Senator ASHCROFT. Roger Winter, the Director of the United States Committee for Refugees, has just returned from Africa. We welcome your testimony and your insight into the humanitarian challenges that face the Sudan.

**STATEMENT OF ROGER WINTER, DIRECTOR, U.S. COMMITTEE FOR REFUGEES, WASHINGTON, DC**

Mr. WINTER. I would like to link the internal situation in Sudan to its international terrorism, because what is going on inside Sudan amounts to terrorism against the Sudanese people by the NIF Government. But, first, I have to tell you, Mr. Chairman, I have been coming up before this committee and the comparable committee in the other body for the last 8 years, and working in Sudan for the last 16 years. I started out as one of these neutral humanitarian types that was seeking to bind up the wounds of those people who were being victimized by conflict in Sudan.

But I must say at this point in time I have very strong views about the fact that we should not be talking about containing what is happening at the hand of the Government of Sudan. We should be talking about eliminating the Government of Sudan. As it stands now, it is in the interests of the United States, it is in the interests of the Sudanese people, it is in the interests of the regional States contiguous to Sudan, that the administration which has shown this track record of both international and internal terrorism no longer be in a position to be recognized as a sovereign government.

And I am here to tell you today that amongst all the States that are the participants in this international terrorism network or matrix, this is the one State in which the possibility of fundamental change exists, and that is why I would like to link my comments to the internal dynamics of Sudan.

First of all, let me say my views are strong, because I was exceedingly involved in Sudan at the time this government came to power. Keep in mind they overthrew a democratically elected government. Since then, there has been no true participatory politics in Sudan. There are no parties that really function as parties.

When we talk, as a number of people have done earlier today, about a million and a half people dead because of the actions of

this government and the war that it has carried forth, you need to understand, that a million and a half is a heck of a lot larger number than the number of dead from Zaire, from Bosnia, from Somalia all put together.

This is a human tragedy of a massive dimension. It is hard to imagine what 2 or 3 million internally displaced and war-affected people look like in south Sudan, but if you understand there are only 4 or 5 million of them there, so you are talking about 50 percent of the total population of south Sudan having been war-affected and displaced. It is a very dramatic impact that we are talking about.

The massive human rights abuses of this government have been documented by my colleagues in the human rights sector as clearly as could possibly be the case. Once it came to power, it purged the universities, it purged the intellectuals, it purged the labor unions, it purged the military, it eliminated a free press.

Government forces have engaged in religious persecution. I should point out not only the burning of Christian churches, but they are not averse to destroying mosques in certain parts of the country, such as the Nuba Mountains, because they believe that the people who worship in those mosques do not represent the right brand of Islam.

But what we have in particular in south Sudan is the loss of an entire way of life, the loss of an entire generation of young people. There is no possibility of restoring the lost education which has produced people who know nothing about how to function, other than by taking up arms to defend themselves, because that is what they have had to do.

This government has consistently manipulated the humanitarian relief efforts of the United Nations through Operation Lifeline Sudan. It has consistently bombed civilian populations, because it has a very tough time locating military targets of the SPLA.

What they do is, they fly over in Antonovs, little two-prop jobs, with bombs, and they roll them out the back door. They roll them out on the only identifiable targets they have, which are almost never military. They are markets, or they are camps of internally displaced people. Those are the bulk of the casualties that you get at the hands of this particular government.

You may not know that they even bombed, on April 20 of this year, the town of Yei, while American Secret Service personnel were on the ground advancing what was expected to be a meeting between former President Carter and the head of the Sudan People's Liberation Movement, Dr. John Garang. Carter was going there on a mission of peace.

The Government of Khartoum knew that, and their response was to bomb the town.

I think all of these things, both the international terrorism that we discussed previously and this internal terrorism that I am talking about, are linked to the NIF agenda. They are linked to the NIF agenda, which is to Islamize and Arabize not only Sudan but also the region.

The mission as I believe it is seen in Khartoum, when it comes to the regional States, is to eliminate, to destabilize those States in the region that are pro-American, secular governments. They

have problems with the pro-American presence. They have problems with the secular presence, and their focus on Eritrea, their focus on Ethiopia, and their focus on Uganda are very conscious.

Let me just give you one example. The Government of Khartoum documentedly supports what is called the Lord's Resistance Army in Northern Uganda. Now, the Lord's Resistance Army is sometimes referred to as an extremist Christian sect. It is not any variety of Christianity I know, because their program amounts basically to violence against civilians, civilians that are following the Government of Uganda in terms of trying to reconstruct and promote development in that society.

The LRA does not have a political program. They engage in gratuitous violence like cutting off people's noses, cutting off people's lips. You should see those people. That is the kind of regional terrorism that this government that we are talking about has promoted.

In my view, the threat that it represents to our allies in the region, Eritrea, Ethiopia, Uganda, is a direct threat to U.S. interests, and we ought to be responding accordingly.

Now, I said before that I think there is a little bit of good news here, despite the fact that the State Department did not seem to recognize it earlier, and that is that Sudan is the one State that is highly vulnerable within the international terrorist complex.

Iran is tough. Iraq is tough. Libya is tough. A lot of these guys are tough. Sudan is not so tough, and the reason it is not so tough is there is a massive effective internal opposition to this government. There is armed warfare against this government that is occurring day by day, and it is succeeding on the ground.

The opposition is not just the Christian and animist south. It is a coalition of forces under the umbrella of the National Democratic Alliance that involves traditional Muslim leadership, a variety of Muslim elements from the north in league with the Sudan People's Liberation Army in the south, and over the last year-and-a-half or so the tide has definitely turned in the favor of these forces.

There are now four military fronts in Sudan. There is a national Democratic Alliance Front, the so-called "Eastern Front" which is between Port Sudan and Khartoum, which is the most strategic part of Sudan that you can imagine, because all of Khartoum's supplies come through Port Sudan. The economy of Sudan is based on transiting that territory, and their oil supplies and petrol and all of that are based on that.

There is a front further south in Upper Nile and southern Blue Nile Province in the area of the dam at Damazine, which provides 80 percent of the power supply for Khartoum.

There is the front that the SPLA operates in the Nuba mountains, where ethnic cleansing or cultural cleansing is going on at the hands of this government, and there is the major front in the south.

I visited Yei, which fell to the SPLA about 8 or so weeks ago, just last week, and all of the garrison towns between Yei and the Ugandan border have all recently been taken by the opposition. The SPLA has eliminated the West Nile Bank Front, which is one of the terrorist organizations functioning within Uganda.

What I am trying to tell you, Mr. Chairman, is that these four fronts and this combined capacity of the Sudan People's Liberation Army and the National Democratic Alliance colleague forces represent a significant threat to the survival of this government; and that being the case, it seems to me the possibility of talking about not containing but making a fundamental change in Sudan is realistically on the table.

We do not need Americans to do this. We do not need American hardware to do this. There is a strong capacity inside Sudan to do this. My view is that what we ought to do are the following three things.

First of all, it is my view that we need to support that internal opposition, to support the victims, the humanitarian victims of the war in Sudan, and we need to support our allies in the region. First of all, we need a clear policy. We do not have a clear policy, Mr. Chairman. The U.S. Government does not have a clear policy on Sudan.

Sudan in my view is an enemy State. It backed Saddam Hussein in the Desert Storm war. It is engaged in the terrorism that we talked about on the international level. It has engaged in the terrorism I talked about on the internal level, but we continue to send ambiguous kinds of signals about how we are dealing with Sudan.

We talk about changing their behavior. Not likely, sir. As I said, I have been testifying before this committee for at least 8 years, and I have seen how they change their behavior and how they change it back when it suits them, after we stop looking seriously at them, and that has happened on any number of occasions.

What must they do more than has already been acknowledged in this hearing for us to begin to view them as an enemy State worthy of our specific support to their opposition?

Second, we need to respond to the urgent humanitarian needs of civilians in the south of Sudan. I mentioned the areas I visited last week. These are areas that, now that they are free of the heavy-handed Government of Sudan, thousands, 75,000 to 100,000 refugees that were formerly outside the country are returning.

There is no food up there. This whole area is war-affected. For refugees who are returning there will be months before they can produce a crop. There is no food there now. People are living off mangoes out of the trees, and that mango diet really does not suffice.

But what we see, I tell you frankly, from the Sudan field office of USAID that handles this area, based in Nairobi, is a lack of energy and a lack of creativity. For example, that office has drawn physical lines in the sand above which it will not supply humanitarian assistance, and these lines fall far short of where these returning refugees would like to go home to begin to start their life again, to begin to become productive and independent.

There is a lack of energy and a lack of creativity in USAID on this, and Operation Lifeline Sudan, which somebody earlier referred to as a unique effort to try to meet the needs of civilians regardless of what war sector they were found in is something that the Government in Khartoum long ago cutoff at the knees and manipulates regularly.

So, for example, this Operation Lifeline Sudan, which our Government provides resources to, is barred by the Government in Khartoum from assisting civilians every time there is a fight in a location and the territory winds up in the hands of the SPLA.

So in Yei there are hospitals filled with war-wounded and other desperate kinds of civilians. There is no food assistance up there or medical assistance provided by the OLS, because the Government of Khartoum does not allow it. We need to meet those needs. There are ways to do that.

Third, last year in the report on the foreign operations appropriation, the Congress—you spoke of one kind of intent earlier. There was another intent stated fairly clearly, I think, in the report on the foreign ops appropriation. Basically what it did was, in both the area of disaster assistance and in the area more particularly of development assistance it says, “the committee authorizes AID to use development and disaster assistance funds for capacity building purposes in areas of south Sudan outside the control of the Government of Sudan.”

The clear interest of the Congress was to begin to draw lines in the sand that demonstrated that the American people and the American Government recognized the threat that the Government in Khartoum represents, and to begin to concretely side with its opposition and with its victims and with our own regional allies. That frankly, in my view, is what we should do.

I believe there is a convergence of interest on the part of the United States, on the part of our regional allies, and on the part of the Sudanese people to have that government no longer be the Government of Sudan.

Thank you.

[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF ROGER WINTER

*Introduction*

I am Roger Winter, director of the U.S. Committee for Refugees. Thank you for conducting this hearing on “Terrorism and Sudan” and for inviting me to testify.

Senator Ashcroft, I know this is the first hearing on Africa under your leadership as Chairman of the African Affairs Subcommittee. I and the U.S. Committee for Refugees staff will always be available to provide you and your colleagues continued information, analysis, and policy recommendations on conflict and humanitarian concerns in Africa.

The U.S. Committee for Refugees (USCR) is a nonprofit, nongovernmental organization that regularly monitors and assesses the plight of refugees and displaced people around the world. We have defended the rights of refugees, displaced, and war-affected people for 39 years. To do that seriously, we regularly go on site in the midst of war and conflict situations, documenting conditions, analyzing the political environment, and offering informed policy recommendations. I am pleased to have an opportunity to offer my perspective on Sudan at this hearing.

*Linking Sudan's International and Domestic Terrorism*

Mr. Chairman, I returned three days ago from my most recent site visit to southern Sudan. I met in the field with the leaders of the rebel Sudan People's Liberation Movement (SPLM). I visited several locations in the south, including Yei, Maridi, and Kaya. I also spent time in Uganda, which has hosted large numbers of Sudanese refugees, has been bombed by Sudanese military planes, and has suffered egregious rebel attacks supported by the regime in Khartoum.

As this testimony makes clear, I have strong views regarding the conflict in Sudan and the role of the extremist National Islamic Front (NIF) government there. I did not start out with such strong views. I work for a humanitarian agency, and that orientation is the story of my professional life. However, I have become particularly engaged on Sudan over the years by the needs of the victims of conflict, and



I have seen that the destructive agenda pursued by the Government of Sudan has tragic consequences:

- More civilians have died unnecessarily in Sudan than all the casualties of Somalia, Zaire, and Bosnia combined—about 1.5 million during the last decade. African Sudanese have the status of 4th class citizens in their own country. They have endured constant bombing of civilian concentrations in the south—mostly markets and displaced persons camps.
- The education of a whole generation of southern Sudanese, and many northerners too, has been lost.
- Literally millions of people have been uprooted from their homes. An independent, productive way of life has been stolen from them.

All of the above, not just this last item, are a consequence of an NIF government agenda to impose a virulent fundamentalist ideology on an unwilling populace, while a largely disinterested West watched.

Mr. Chairman, the role played by the NIF government in Sudan has been overwhelmingly negative. I come to you today with an important message, however:

It is my view that Sudan is the one state sponsoring terrorism in today's world that holds realistic potential for fundamental change in the near-term. That change is, in my view, achievable within this calendar year. It will be a change produced by Sudanese themselves, without direct involvement of U.S. capacity. Since the Sudan government is so clearly a player in the world of international terrorism, it is distinctly in the interest of the United States to see such political change occur, and to encourage it.

An extraordinary but true story that has not received attention in the American press summarizes the audacious lack of scruples exhibited of the Sudan regime both toward the United States as well as toward peace efforts inside Sudan. On April 20, Sudan government war planes bombed the strategic town of Yei in south Sudan while four U.S. Secret Service personnel were on the ground there preparing for the arrival of former U.S. President Jimmy Carter. President Carter was scheduled to visit Yei in an attempt to encourage Dr. John Garang, Commander-in-Chief of the SPLA, to force a "peace accord" with the Sudan government. The Sudan government knew of Carter's mission.

Why did the Khartoum regime commit this depraved act? The government of Sudan is aware that its survival is now in question. I can only speculate that, in its desperation, the NIF government intended its bombs to kill Dr. Garang, and thereby decapitate armed opposition to the government, even at the risk of injuring or killing former President Carter. This outrageous act reveals the Sudan government's incorrigible mindset: the intention of President Carter was to seek an end to the war; the government response was to bomb.

Let's put this in its full perspective. To the best of my knowledge, the last time a high foreign official seriously threatened violence against a former American President was in April 1993, when Iraq's Saddam Hussein planned to kill former President George Bush in Kuwait. Our government bombed Iraq in response.

Mr. Chairman, I understand that the primary focus of this hearing is the export of terrorism by Sudan's National Islamic Front rulers. The U.S. government has placed Sudan on the list of countries that sponsor international terrorism.

In my testimony, I would like to establish an important link—too easily overlooked here in Washington—between the international terrorism practiced by the Sudan government, and the terrorism it perpetrates against its own people, as well as against its immediate neighbors in Uganda, Eritrea, and Ethiopia. It is my belief that the NIF regime's levels of terrorism—international, regional, and domestic—are closely intertwined. They emanate from the same font of ideological extremism, the same sense of impunity, and the same disdain for international law and humanitarian principles at home and abroad. Sudan's international terrorism starts at home.

It is my conclusion that the most effective way to counteract and ultimately end the NIF's terrorism abroad is to react aggressively to its domestic terrorism. We should support in nonlethal ways the Sudan government's opposition and victims. That will hit the NIF where it hurts. The international community's persistent failure to respond forcefully to the Sudanese government's internal terrorism during the last eight years has, in my view, reinforced the NIF's notion of invulnerability and has perpetuated the regime's willingness to continue terrorist acts regionally and internationally.

Fortunately, the tide of events inside Sudan has turned decisively against the government of Sudan in the last year. This presents the United States and the world with a real opportunity to see progress on the anti-terrorism front.

*Years of Domestic Terrorism*

As director of USCR, I have been a close observer and often an eyewitness of events in Sudan for 16 years. I first traveled to Sudan in 1981 and have conducted multiple visits to southern Sudan almost annually on behalf of USCR since 1988.

On June 30, 1989, an extremist government came to power by military coup in order to prevent peace in Sudan. In the process, it overthrew a democratically elected government. It came into power with the mission to Islamicize and "Arabize" Sudan and the entire continent of Africa. In this endeavor, it has forged strong links with Libya, Iran, and Iraq, with violent extremists in Algeria and elsewhere, and depended on a constant supply of Chinese arms.

Sudan's terrorism against its own people is all too clear. In eight previous congressional hearings on Sudan at which I have testified since 1989, I have depicted the Sudan Mubarak's program of famine, human rights abuses, massive population displacement, and other scenes of destruction against its internal opposition.

Consider the parallels between the Sudan government's international terrorism and its domestic pogroms:

- Internationally, Sudanese officials were allegedly linked to plans to bomb prominent buildings in New York City. Domestically, Sudanese military planes have regularly bombed international relief operations as well as clearly marked sites where needy southern Sudanese civilians have congregated for assistance.
- Internationally, the 1995 assassination attempt against Egyptian president Hosni Mubarak received support from the NIF regime, according to investigators. It created an international uproar. Domestically, more than 1.3 million southern Sudanese have died since 1983 as a direct result of civil war and a range of repressive policies perpetrated by the Sudanese government. This massive death toll—twice as large as previous estimates—has been carefully documented in a 1993 USCR study, "Quantifying Genocide in the Southern Sudan."
- Internationally, the U.S. government cites alleged Sudanese government support and training for terrorist groups such as Abu Nidal, Hezbollah, and Hamas. Domestically, the same NIF regime has provided arms and training to local ethnic militia that have attacked camps of defenseless displaced persons in southern Sudan. These government-backed militia have perpetrated egregious human rights abuses over the years. I have seen the corpses and destroyed villages with my own eyes.
- Internationally, the Sudan government regularly denies that it harbors terrorists. Sudanese officials use the same bald-faced stonewalling in an effort to hide their transgressions at home. The Khartoum regime has regularly denied international relief organizations access to populations needing emergency assistance in the south and west. Sudanese officials have expelled the International Committee of the Red Cross on a number of occasions, once for more than a year.

In other words, the lethal tactics that Sudan's leaders apparently use to threaten the United States and the rest of the world through terrorism echo the ruthless tactics Sudan's leaders use daily to wreak havoc on their own people.

The government of Sudan has consistently impeded international efforts to provide humanitarian relief to needy Sudanese civilians. In my testimony to Congress in past years, I have joined with other congressional witnesses to urge innovative relief strategies by the international humanitarian community and have pressed U.S. officials in public and private to make Sudan a high foreign policy priority. I have tried to emphasize that Sudanese government policies deliberately target southern Sudanese citizens for violence and displacement. Even in the capital, Khartoum, in plain view of international diplomats, NIF policies of forcible relocation have attempted to push three quarters of a million persons out of the city into destitute locations.

The Sudan government consistently views many of its own citizens as "the enemy." Sudanese have suffered immensely from the NIF's terrorism against its own people. In our annual written reports, USCR has documented the dramatic increase in refugees and internal displacement. In 1985—four years before the NIF seized power—USCR reported that some 70,000 Sudanese were refugees due to Sudan's civil war. In 1990—one year after the NIF seized control—USCR reported that the number of Sudanese refugees had risen to a half-million, plus some 4 million or more internally displaced and war-affected persons. By 1995, the number of uprooted Sudanese remained approximately 4.5 million, according to USCR estimates.

*The Regional Threat*

Mr. Chairman, in your review of Sudan's international terrorism, I urge you to consider the destabilization it has inflicted on its own neighbors. The government of Sudan has been actively engaged in undermining secular, pro-American governments in the Horn of Africa.

### Eritrea

Reports indicate that the NIF regime has been assisting at least two Eritrean rebel groups: The Eritrean Islamic Jihad (EIJ) and the Eritrean Liberation Front (ELF), led by Abdalla Idris. The NIF reportedly provides material support and facilities for training to the EIJ. In late 1994, Eritrean government forces killed dozens of Sudanese-backed Jihad militants inside Eritrea, and captured several others. The Sudan-based Jihad is believed responsible for placing dozens of landmines and for conducting terrorist attacks inside Eritrea since late 1996.

Eritrea severed diplomatic relations with Sudan and invited Sudanese opposition groups to establish offices in Asmara, the Eritrean capital, in retaliation for the NIF's hostile actions. Sudanese officials point to Eritrea's support for a new coalition of Sudanese groups mounting an armed resistance to the Khartoum regime and criticize the Eritrean government for handing over the Sudanese embassy building in Asmara to Sudanese opposition groups.

### Ethiopia

Khartoum is also providing support to several Ethiopian opposition groups, according to press reports and sources in the region. The NIF regime provides financial and material support to the Islamic fundamentalist group, el-Itahad and to the Islamic Front for the Liberation of Oromia (IFLO). The Somalia/Ethiopia-based el-Itahad has claimed responsibility for terrorist hotel bombings in the Ethiopian capital last year. El-Itahad is also responsible for the attempted assassination of the Ethiopian Transportation and Communications Minister last year. El-Itahad bases along the Ethiopia-Somalia border are being used by international terrorists as safe haven.

In response to these provocations, Ethiopian forces took pre-emptive measures inside Somalia, attacking these training camps twice last year. The attacks captured many el-Itahad members, as well as members of extremist groups from the Middle East.

### Uganda

A bizarre extremist "Christian" group, the Lord's Resistance Army (LRA), operating out of southern Sudan with the support of the Sudanese army, has terrorized innocent civilians in northern Uganda for several years. The NIF government arms, trains, and protects the LRA and other anti-Ugandan government groups in an effort to oust the government of Ugandan President Yoweri Museveni, viewed as pro-American by the NIF regime. The situation in northern Uganda is increasingly unstable, and there is concern for widespread instability in the country. The United States has declared northern Uganda a "disaster zone."

The Sudan government also backs the West Nile Bank Front (WNBF), an armed group operating along the Zaire-Uganda border to destabilize Uganda. A third Ugandan rebel group, a shadowy group known as the Allied Democratic Forces, also operates from Zaire and has raided southern Uganda in recent months. Some analysts have alleged that this third rebel group has received backing from the Sudan government.

Sudan's NIF regime and some observers have maintained that the Ugandan government supports the SPLA in southern Sudan and allows use of Ugandan territory for military purposes.

Mr. Chairman, too often outsiders assume that instability and violence in this region of Africa are endemic, as if they were part of the natural disorder. In fact, many of these insurgencies appear to have a guiding hand stretching back to the NIF regime in Khartoum.

### *Current Military/Political Situation*

The virulent and expansionist extremism of the NIF government has caused northern oppositionists and the SPLA to collaborate in seeking the government's ouster under the umbrella of the National Democratic Alliance (NDA). The emergence of the NDA is critical because it defuses the NIF government's major rallying cry: that Islam in Sudan is under attack by secularists and the West. The northern opposition forces are all Muslim and include the traditional and very conservative Islamic leadership, which claims the loyalties of much of Sudan's Muslim population.

In January 1997, the NDA launched a military offensive in territory far more strategic to Khartoum than the south. This initiative—the "Eastern Front"—has the potential for shutting down Khartoum's vital pipeline and corridor to the sea. Combined with NDA military fronts in Sudan's Upper Nile and Blue Nile provinces (threatening a dam that supplies 80 percent of Sudan's electrical power), SPLA rebel activity in central Sudan's Nuba Mountains region, and a strong SPLA offen-

sive in the south generally, the NIF government finds itself confronted by a major strategic dilemma. For the first time, the government faces military challenges on four fronts. Never in its existence has it confronted such a direct threat to its own survival.

In the past two weeks, I have conducted a site visit to southern Sudan along the Uganda and Zaire borders, where the SPLA launched an offensive in March. Based on what I saw and interviews I conducted on the ground, it is clear that the government has suffered major losses from north of Yei to the border. Prior to March, government forces were stationed at garrisons spaced every five miles or so, coupled with so-called "peace villages" that contained local civilians forced to live there in part to serve as partial human shields for government troops. Since March, a half-dozen of the government troop garrisons have been overrun by the SPLA, along with all the major towns near the border. I saw mountains of captured munitions, a destroyed column of tanks and military vehicles stretching perhaps a mile-and-a-half, tanks burned out, and towns such as Kaya with almost no building unscathed. The headquarters of the Ugandan rebel West Nile Bank Front was one of the locations captured by the SPLA.

I interviewed captured Sudan government soldiers, including a senior officer who confirmed the great significance of the government's losses. While I was meeting with Dr. Garang on May 1, an incoming radio message stated that Rumbek had fallen. Days later, the town of Tonj fell to the SPLA. In short, the SPLA is closing in on Juba, the vitally important capital of southern Sudan, and is now only about forty miles away.

During this site visit, I conducted long discussions with the SPLA leadership about the future. Dr. Garang is more relaxed than I have ever seen him. He expects that the combined capacity of the SPLA and its NDA colleagues will cause the government to fall by autumn. I share the view that this is likely.

#### *Current Humanitarian Situation*

Mr. Chairman, you have indicated that you want this hearing to convey what terrorism looks like up close, to convey the human faces of terrorism victims. During my many trips to southern Sudan during the past 16 years, I have unfortunately witnessed the results of the terrorism inflicted by the government of Sudan on its own people: torched towns, empty fields, butchered corpses, terrified families. If you or your colleagues ever care to see our archive of photos and videos, we can make it available to you. It can be grisly viewing.

As I indicated earlier, more than 1.3 million southern Sudanese perished during 1983-93 due to the civil war and policies of Sudan's government. This means that at least one in five southern Sudanese have died of these causes. This may well be a conservative estimate, because it does not include the 25,000 or more rebel soldiers killed in combat, nor does it include relocated southerners who died in two famines in northern Sudan. USCR's research suggests that 80 percent of southern Sudan's estimated 5 million population have been displaced at some time during the past 16 years. Southern Sudan was impoverished and isolated even before the civil war. Humanitarian conditions have only grown worse under the NIF regime.

It is important to understand that innocent civilians are a primary target in this war. This many people did not die accidentally in "crossfires." Rebels and government forces alike have committed atrocities, to be sure, but there is no doubt that the government bears the bulk of the responsibility. As a result of the war, many people lack the land or dependable security to farm. During most years, malnutrition and disease are pervasive, including measles, malaria, tuberculosis, and other afflictions. The war and restrictive NIF policies have impeded relief efforts to many locations. The regime uses food as a weapon. A senior Sudan official told me face-to-face in late 1989—several months after the NIF came to power—that the government's would unabashedly manipulate relief programs to advance military strategy. They have done exactly that.

The situation remains grim in many places, Mr. Chairman. But there is a change that was evident in my recent site visit. Military successes by Sudanese rebels this year have enabled up to 75,000 Sudanese refugees to repatriate from Uganda during the past two months. Two major refugee sites in northern Uganda are now virtually empty. About 120,000 refugees remain in Uganda at other locations, however, but will repatriate if, as expected, the SPLA advance continues.

Many of the new returnees have been uprooted for eight years. Some have managed to return to their homes, but many others have congregated at existing camps for displaced Sudanese, where they hope to receive humanitarian assistance while they assess security conditions in their home areas. Current food stocks operated by the World Food Program (WFP) are dangerously low, however. In addition to the returning refugees, some 2.1 million Sudanese require at least partial food assist-

ance this year, according to WFP assessments. Relief workers have found malnutrition rates as high as 26 percent in some areas of the south.

It is clear that food stocks in some locations such as Yei are virtually nonexistent. People are surviving entirely on mangos, a supply that will pass.

As the tide of war has turned against them, officials of the NIF have reacted aggressively against the local population and international relief efforts. Sudanese authorities are placing new restrictions on aid deliveries by the UN-sponsored aid program, Operation Lifeline Sudan. Aerial bombardments by government planes against civilian targets in the south continue. A report in February by the UN Human Rights Special Reporter for Sudan, Gaspar Biro, concluded that "all Sudanese citizens living in areas controlled by the government of Sudan are potential victims of human rights violations and abuses." I share that view.

In the conflict area of northeast Sudan, the NIF has been accused of a "scorched earth campaign" by international investigators, and 100,000 persons are newly displaced. An estimated quarter-million southern Sudanese, many of them displaced, remain crowded into the major southern town of Juba, including 10,000 new arrivals since March. More than a million Sudanese have fled or migrated to neighboring Egypt, according to some estimates, where many of them live in a pseudo-asylum.

Sudan's terrorist activities are disquieting to the world community, but innocent Sudanese themselves are paying the highest price for their regime. Humanitarian conditions in much of Sudan are grotesque.

#### *Recommendations*

*1. Establish a clear U.S. policy on Sudan that reflects U.S. interests and sides with the people against a rogue government.*

U.S. policy has not been clear. It has gradually evolved in a desirable direction, in my view, largely because of the forceful efforts of the National Security Council and the U.S. Congress. The U.S. government's lack of political clarity confuses our allies in the region. The United States seems disposed toward punishing Sudan for its extremist behavior, yet the U.S. grants Khartoum an exception from our country's anti-terrorist legislation. The United States government officially welcomed the so-called peace accord signed in April (among the Sudan government and several minor rebel groups, not including the SPLA), yet U.S. officials generally recognize that it is a pact among allies that the NIF government will exploit in its ongoing efforts to divide and conquer the south.

It is in our interest, as well as the interests of the people of the Sudan, to see a new, more moderate government in Sudan. This is an achievable goal the United States should actively and unambiguously pursue.

*2. Respond to the urgent humanitarian needs in south Sudan.*

Partly due to the lack of policy clarity, U.S. humanitarian efforts to assist war-affected Sudanese lack energy and creativity. The USAID/Sudan field office, based in neighboring Kenya, typifies the problem. For example, thousands of Sudanese refugees currently are returning to areas newly captured by the SPLA. Yet food-stuffs, seeds, and agricultural tools are not available to them, undermining their ability to survive until they can produce their first crops. The USAID/Sudan field office will not allow food deliveries north of the town of Bazi. Therefore, returning refugees congregate short of their homes, leaving them in limbo. The food situation in the newly captured town of Yei is desperate—people will not survive there long without quick food aid.

In addition, U.S. officials have allowed the NIF to undermine Operation Lifeline Sudan (OLS), a unique initiative that made humanitarian history when first implemented in 1989. OLS has become entirely subject to the whims and strategic interests of the NIF government. The United States has recently taken only minimal steps to contest the Sudan government's strategic efforts to thwart relief deliveries to civilians in areas under SPLA control.

*3. Implement the development assistance language contained in the Committee report on last year's U.S. foreign operations appropriation legislation. The special language attempted to give U.S. officials a "green light" to provide both relief and development assistance to people in areas of Sudan outside the Sudan government's control.*

Specifically, in the section labeled "International Disaster Assistance," the report stated: "The committee encourages AID to utilize funds made available for non-governmental organizations operating in areas of southern Sudan outside government control to include capacity building activities in addition to traditional relief programs."

Under the heading, "Development Assistance," the same report stated: "The committee authorizes AID to use development and disaster assistance funds for capacity

building purposes in areas of southern Sudan outside the control of the government of Sudan. The committee strongly encourages AID to make funds from these accounts available to nongovernmental organizations for this purpose. The committee expects that these will not be used in areas controlled by southern factions that have and continue to cooperate with the government of Sudan.

Simply put, the State Department has blocked implementation of this clearly stated Congressional intent. In my view, the Congressional intent is exactly the policy we should pursue.

In conclusion, Mr. Chairman, the government of Sudan remains a terrorist threat abroad, continues to destabilize its neighbors, and continues to perpetrate the worst terrorism against its own citizens. Yet the Sudan government is more vulnerable domestically than ever before.

If this Subcommittee, this Congress, and this U.S. government are truly dedicated to ending the NIF regime's terrorism abroad, the surest and most effective way to accomplish that goal, in my view, is to support the actions of NIF opponents inside Sudan. My just-concluded site visit to Sudan convinces me that the opportunity is now.

Senator ASHCROFT. Thank you very much.

I think you have been very clear in your remarks, and I thank you for the directness with which each of you has spoken.

To Mr. Smith, I would like to for the record have it clear. It is my understanding that your wife, carrying an unborn child of yours, was killed in the World Trade Center bombing. Is that correct?

Mr. SMITH. That is correct.

Senator ASHCROFT. That is not a fact which any of us really want to recite, but I wanted that to be part of the record of this proceeding. I just wanted to make that very clear.

I thank you for your willingness to come and help us understand that terrorism is not something that just happens to people on the other side of the globe, but it is something that can strike very close to home.

Mr. SMITH. Obviously dealing with one of these things was one thing. I guess there was something said in one of the speeches that I heard one day of, when we as Americans cannot send our loved ones to work and expect them to come home the same way they went to work, I think this world has changed from where it was, and I think February 1993 was the big change.

Senator ASHCROFT. I thank you for coming.

Mr. Emerson, the regulation promulgated by Treasury in conjunction with the State Department authorized by section 321 of last year's enactment includes the language that relates to terrorism in the United States, or in the United States of America. Do you think it is productive to draw such a bright line between terrorist acts here and abroad, or is it a more difficult universe than that?

Mr. EMERSON. It is impossible to draw that line. We used to have a situation in this country where we had a distinction between foreign terrorism and domestic terrorism. There is no such distinction any longer.

The global village phenomenon that we saw CNN have with regards to getting into every single television set around the world has also replicated itself with regard to terrorism. Terrorism is an international phenomenon. Terrorists come and go as they please. They move and wire transfers, millions of dollars, they get credentials to come in and out of countries, they use faxes and modems

and other telecommunications systems. There is no such distinction as the domestic or foreign terrorist.

There may be distinctions in their identity, but there is no distinction in what they are carrying out or their ability to carry out any place in the world, whether they live in Chicago, Dallas, Brooklyn, or in Khartoum.

Senator ASHCROFT. Thank you very much.

Mr. Winter, the civil war in Sudan is costly to the Government of Sudan. I understand estimates range between \$1 million and \$4 million a day. Where is the government getting the money to wage that kind of civil war against its own people?

Mr. WINTER. Without professing to know all the resources, what is clear is that the radical Islamic movement is well-financed. It draws from a variety of Saudi and other financial resources; and, while Sudan is one of the poorest countries of the world, it has been able to purchase arms. Very often, those arms are financially enabled by Iran or similar kinds of rogue States, usually, but not always, purchased from the People's Republic of China.

I can tell you from what I saw last week in the areas that were captured by the SPLA the government certainly did not lack arms. I am not a military person, but howitzers and canons of all varieties were all over the place. T-55 tanks are all over the place, many of them burned out as a result of the fight that occurred there that I was able to witness, a whole column that was taken out by the SPLA.

So I mean, they have these resources. They have the alliance with fundamentalist elements in Saudi Arabia and elsewhere, and they have governments like Iran that are willing to supply them. These are petrodollars, recycled for killing Sudanese.

Senator ASHCROFT. I want to thank all of you for coming. I want to thank you for your patience. I want to thank all of the witnesses for appearing here today. I think the hearing provides us with an opportunity to have a frank discussion about issues relating to Sudan and to terrorism, about human rights issues. It is appalling to hear about the deprivation of religious freedom that affects all faiths and pits one religion against another. It gets to be intrafratricidal, relating even to different iterations of Islam.

Obviously, there are still issues to be resolved, questions to answer. I hope this hearing is the first step toward correcting at least the regulatory loophole for section 321.

I want to work together with the administration. We do need to do that to more effectively isolate Sudan and other State sponsors of terrorism.

I want to thank all of you for being here, and I would invite individuals who want to participate in the record of this hearing to understand that the record will remain open until Monday so that if you have additional documentation that you would like to provide we will be pleased to receive it.

Thank you very much. [Whereupon, at 1:23 p.m., the subcommittee adjourned.]

## APPENDIX

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### Responses to Questions Submitted by Members of the Committee

UNITED STATES DEPARTMENT OF STATE,  
Washington, D.C.,  
July 23, 1997.

Hon. JOHN ASHCROFT,  
Chairman, Subcommittee on African Affairs, Committee on Foreign Relations,  
*U.S. Senate.*

Dear Mr. CHAIRMAN: Following the May 15, 1997 hearing at which Assistant Secretary of State George Moose testified, additional questions were submitted for the record. Please find enclosed the responses to those questions.

If we can be of further assistance to you, please do not hesitate to contact us.  
Sincerely,

BARBARA LARKIN,  
*Assistant Secretary, Legislative Affairs.*

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#### RESPONSES OF MR. MOOSE TO QUESTIONS SUBMITTED BY SENATOR FEINGOLD

*Question.* I understand that for the past several weeks, the Government of Sudan has denied flight clearance for all Operation Lifeline Sudan consortium flights from Kenya into south Sudan and that—as a result—the humanitarian organizations are facing serious fuel shortages and risk food shortages as well. What explanation has the United States received for the denial of flight clearance? In what way does the current situation endanger the humanitarian community? What steps is the United States taking to reinstate immediately the authorization for OLS flights?

*Answer.* The Government of Sudan (GOS) denied flight clearance to all Operation Lifeline Sudan (OLS) aircraft on May 4. The GOS also suspended relief flights from Khartoum to government-held areas. The GOS disallowed C-130 flights during the previous two weeks, but allowed other OLS aircraft operations. USG relief officials shared the concern of OLS partners that the denial of flight clearance would negatively impact relief operations, with security for relief workers and the need for timely delivery of seeds and tools our primary concerns.

The relief community met immediately in Nairobi and Khartoum to discuss the flight ban, dispatched letters to various ministries, and the UN and GOS held high-level meetings. The GOS listed the military's desire for "clean skies" to improve aircraft identification in areas of military operations as the rationale for the ban but pledged to lift it shortly. On May 16, the GOS authorized flight clearance to most of the usual areas, with the exception of three towns recently seized by the SPLA. However, the C-130 was prohibited from flying to any locations in Bahr el Ghazal and Eastern Equatoria where major military operations were underway.

While any suspension of flights is problematic given the dependence of many areas of Sudan on air support for relief operations, the short duration of this flight ban mitigated its impact. However, continued denial of clearance for the C-130 to fly into Bahr el Ghazal renders our attempts to deliver food more difficult, in terms of expense and logistics.

During the flight ban the United States consulted with UN officials, participated in various meetings and offered to coordinate a donor demarche or press statement. However, the UN asked that they be allowed some time to resolve the situation quietly. U.S. Ambassador Carney was in Washington during the flight ban and raised USG concerns with the Sudanese Ambassador who promised to pass them on to Khartoum.



*Question.* In January 1997, the National Democratic Alliance launched its first major military offensive, capturing towns along the Ethiopia-Sudan border. In early February, NDA forces were 20 miles from a key dam. Please give us an overview of the military situation. What are the prospects of total military victory for the opposition?

*Answer.* Despite recent rebel gains in Sudan, we do not believe that the National Democratic Alliance's offensive has tipped the military balance decisively in its favor. The situation along the Ethiopia-Sudan border has not changed appreciably since January. NDA leaders assert that their goal is not to destroy the key dam in that region. At the same time, there has been greater rebel pressure along the Eritrea-Sudan border, where NDA forces are presently threatening to close the main road between Khartoum and Port Sudan. Nevertheless, while rebel forces have made progress in that region, the onset of the rainy season will likely hamper military operations on both sides. On balance, we do not believe the opposition has the capability to prevail at this time.

*Question.* Both the NIF and the Southern People's Liberation Army (SPLA) appear committed to continue their respective military campaigns. In this context, can there be hope for a negotiated settlement? What further tools could the United States employ to increase pressure on Khartoum? Are we doing all we can?

*Answer:* We continue to believe that a negotiated settlement is possible, although this will require fundamental changes within the NIF government. In order to be lasting, however, such a settlement will have to address the legitimate concerns of all Sudanese, especially with respect to fundamental political and human rights. In light of the increased military and political pressure on Khartoum, combined with the NIF's increasing isolation within the international community, we believe that the prospects for a negotiated settlement have improved somewhat over the past year.

In late May, Kenyan President Daniel arap Moi invited the Heads of State of Eritrea, Ethiopia, Uganda and Sudan, as well as SPLA leader John Garang, to come to Nairobi to restart the dormant peace process. All leaders accepted Moi's invitation. We expect this IGAD summit to take place in June. Any breakthrough at this time is problematic.

The United States remains actively involved in efforts to provide a political solution to Sudan's civil war. We play a prominent role in the IGAD Partner's Forum (IPF), Sudan Sub-group (formerly Friends of IGAD). We have joined with key IPF colleagues to offer our support to IGAD's latest effort.

At the same time, we remain skeptical that the April 21 "Peace Agreement" between the Sudanese Government and splinter rebel groups is sufficient to resolve the civil war and achieve national reconciliation. We also seek concrete evidence that the NIF is addressing our concerns about its support for terrorism and the related problem of regional stability. To achieve our policy goals, we will continue to consult and work with Sudanese opposition leaders and international players who are involved in the peace process, including President Carter, to explore various ways to achieve a comprehensive and durable peace in Sudan.

The Administration is in the midst of a review of its Sudan policy. Numerous means of applying pressure on Khartoum to oblige to change its behavior are under serious discussion.

*Question.* The United Nations Human Rights Commission recently passed a resolution condemning Sudan's human rights record. What can you tell us about the work of the U.N. Special Rapporteur on the Sudan?

*Answer.* Pursuant to the 1996 UNHRC resolution on Sudan's human rights abuses, UN Special Rapporteur, Mr. Gaspar Biro, submitted a report on the human rights situation in Sudan to the UN Human Rights Commission (UNHRC) in accordance with the Commission's resolution 1996/73. His report, dated February, 1997, documents grave human rights abuses such as slavery, arrests without due process, torture, arbitrary detention and interrogation, summary executions, indiscriminate killings and abductions of refugees, the round-up of street children, indiscriminate killings of civilians and devastation of villages; and restrictions on freedom of the press, the rights of women, and freedom of religion.

During 1993-97, the United States introduced and supported resolutions in the UN General Assembly and at the UNHRC that criticized and called for the end of human rights abuses in Sudan. Additionally, U.S. efforts in the UNHRC meetings in March 1996 were successful in getting Sudan to readmit UN Special Rapporteur Biro to continue his investigations. The recent 1997 resolution extended Mr. Biro's mandate for another year. We are well aware of widespread human rights abuses in Sudan and have denounced these abuses for several years. U.S. Ambassador Timothy Carney and other officials have urged Sudan to halt the inhumane treatment

of Sudanese citizens. We fully support the conclusions of UN Special Rapporteur Biro's report. The U.S. Government is actively pursuing a negotiated settlement to the 14-year-old civil war which has claimed more than a million and half lives. We believe a speedy resolution of the conflict would bring about a long overdue improvement in the lives of all Sudanese.

*Question.* The Government of Sudan and Iran reportedly have warm relations. There have been numerous high level meetings and visits between the two countries over the past several years. Please describe Iran-Sudan relations. Is there any truth to reports that Iran has provided Sudan chemical weapons? What about Sudan's relations with Iraq?

*Answer.* Despite cordial relations between Sudan and Iran, this relationship may suffer from unrealized expectations on both sides. To a large extent, this relationship is based on some common interests and a shared sense of international isolation, although ideological and leadership differences militate against closer relations. Iran views Sudan as an entree to Africa. For its part, Sudan views Iran as a source of much-needed military and other kinds of assistance.

Although we are aware of worrisome allegations that Iran has provided chemical weapons to Sudan, these have emanated almost exclusively from the Sudanese opposition and have not been corroborated. Nevertheless, this is a serious issue which we continue to monitor closely, not only with respect to Iran but also with regard to Iraqi support in this connection.

In general, relations between Iraq and Sudan are cordial and mutually supportive. Iraq has provided limited military aid in the past, including some training and other modest assistance. Overall, however, this mutual support now is mostly rhetorical.

*Question.* I understand an agreement was recently signed between General Bashir and President Museveni of Uganda. Can you tell us more about this agreement?

*Answer.* Sudanese President Bashir and Ugandan President Museveni held a summit meeting on May 10 in Nairobi, Kenya, which was hosted by Kenyan President Moi. Following that meeting, the Foreign ministers of Sudan and Uganda signed a Joint Communique, which outlined the main issues that were discussed during the meeting. According to the Joint Communique, President Bashir briefed President Museveni on the April 21 "Peace Agreement" that was signed between the Government of Sudan and allied rebel splinter groups. The two presidents welcomed that "Agreement" as a major step towards a just and lasting peace in Sudan. They also agreed to work together to bring John Garang into the peace process and to complete the peace efforts through IGAD.

The Sudan-Uganda Joint Communique referred to previously signed agreements between the two countries and called for their reactivation. Moreover, the two presidents agreed to resolve outstanding bilateral issues and problems, including the release of all captured and abducted soldiers and civilians. Presidents Bashir and Museveni also agreed to request the chairman of IGAD to convene an urgent meeting of that organization to discuss measures to reinforce the peace process in Sudan. This aspect appears to have been realized. All IGAD leaders and John Garang have agreed to meet to revive the IGAD's Sudan peace process. Despite this Joint Communique, there remain serious bilateral problems that will likely preclude an agreement to resume diplomatic relations—at least in the near term—between Uganda and Sudan.

*Question.* Sudanese-Egyptian relations became strained in recent years partly due to Sudan's Islamic fundamentalist agenda. Relations were further strained in 1995 after the assassination attempt on President Mubarak by an Egyptian group with ties to the Government in Khartoum. What are Egypt's strategic interests in the Horn of Africa? How would you describe Egypt's relations with Sudan and Sudanese opposition groups?

*Answer.* Egypt adamantly opposes the National Islamic Front (NIF) regime in Sudan but pursues a cautious approach because of its shared borders, water resources, and lengthy history. Egyptian opposition to the NIF is due in large part to Sudanese involvement in the 1995 Addis Ababa assassination attempt on Egyptian President Mubarak and to Sudanese support of terrorism within Egypt.

While Sudan does not pose a credible military threat to Egypt, the NIF poses a terrorist threat against Egypt and the possibility of border skirmishes is always present. Cairo has had a Nile water-sharing agreement with Sudan since 1959. Should Sudan attempt to stem the flow of the Nile, the Egyptians would almost certainly take swift military action.

*Question.* The United Nations Security Council has passed three resolutions demanding that Sudan extradite the three suspects in the Mubarak assassination at-

tempt. In 1996, the UN imposed a series of sanctions against Sudan for its lack of cooperation on the extraditions, but Resolution 1070, which would ban Sudan Airways flights, has not yet been implemented. Why has the Security Council been unable to act on this resolution? In what way is the United States pursuing this implementation?

Answer. The Government of Egypt is taking the lead in the UN Security Council on follow-up to Resolution 1070. There continue to be discussions among Security Council members concerning this issue, although there are differing views on how best to proceed. For our part, we continue to advocate the imposition of air sanctions against Sudan and we will continue to support fully Egypt's efforts in the UN Security Council. At the same time, we believe that it is important to forge a unified position on Sudan, which requires ongoing consultations with key allies in the Security Council. We expect these efforts to be renewed since the recent election of new governments in some allied capitals.

Egypt has hosted high-profile visits by Sudanese opposition figures as a way of sending a strong message that it sees alternative avenues of governance in Sudan beyond the NIF. However, the government of Egypt has as one of its priorities maintaining the territorial integrity of Sudan and it has made this preference very clear.

June 4, 1997

BETTY ALONSO,  
Senate Foreign Relations Committee,  
DSOB 450,  
Washington, DC 20510.

Ms. ALONSO: Per your request, enclosed are my written answers to Senator Feingold's written questions about Sudan. I appreciate the Senator's interest in Sudan's domestic and regional terrorism, especially given the Subcommittees's decision to focus on other matters during the balance of the hearing.

As you know, I have mailed an edited version of the hearing transcript back to the Committee's publication staff.

If there is anything else that Sen. Feingold, you, Linda, or your colleagues need, please don't hesitate to contact either me or my administrative assistant, Alison Seiler.

Sincerely,

ROGER P. WINTER,  
*Director, U.S. Committee for Refugees.*

RESPONSE OF ROGER WINTER TO QUESTIONS SUBMITTED BY SENATOR FEINGOLD

*Question.* I understand that for the past several weeks, the Government of Sudan has denied flight clearance for all Operation Lifeline Sudan consortium flights from Kenya into south Sudan and that, as a result, humanitarian organizations are facing serious fuel shortages and risk food shortages as well. How concerned are you about humanitarian access issues?

Answer. The Government of Sudan (GOS) has a long track record of denying OLS access to populations in need. The regime in Khartoum has made abundantly clear over the years, by word and deed, that it is prepared to manipulate OLS and block entire relief programs for political and military reasons. The government of Sudan tends to regard southern Sudanese civilians as "the enemy" and therefore tends to treat OLS and its relief efforts as a subversive activity.

There is cause for serious concern about current OLS operations and humanitarian access problems. Access problems may worsen in coming months as the GOS retaliates for its weakened position on the military and political fronts. Even though the GOS has allowed a resumption of OLS flights from Kenya in recent days, strong potential exists for additional cut-offs. Nor should it be forgotten that OLS flights are apparently permanently banned to entire regions of Sudan, such as the Nuba Mountains. In addition to interference from the Sudan government, OLS also faces funding problems. UNICEF's OLS operations, for example, have received only 11 percent of the \$14 million required from international donors to implement its emergency programs for 2 million displaced and war-affected Sudanese targeted by UNICEF.

Restrictions placed on OLS have serious consequences. Malnutrition at four key sites in the south—Malakal, Wau, southern Kordofan, and Juba—range as high as 24 percent, according to recent surveys. Due to the limited OLS air capacity, short interruptions in relief flights can cause lengthy food or medical shortages at specific

locations. UNICEF has tentatively canceled its vaccination campaign later this year. Governmental and financial impediments to OLS may prove to be particularly dangerous this year, as tens of thousands of Sudanese refugees attempt to return to their vulnerable home areas in newly-captured SPLA territory.

Congress should continue to push the U.S. government to support cross-border relief programs that operate outside the OLS mandate. That is the most reliable way to circumvent restrictions that the GOS routinely places on OLS. Yes, humanitarian access to southern Sudan is a major concern—but, ultimately, access can only be denied if decision-makers in the West choose to place a higher priority on diplomatic niceties such as “sovereignty” and “gaining governmental permission” instead of doing whatever is necessary to save lives.

*Question.* In January 1997, the National Democratic Alliance launched its first major military offensive, capturing towns along the Ethiopia-Sudan border. In early February, NDA forces were 20 miles from a key dam. Please give us an overview of the military situation. What are the prospects of total military victory for the opposition?

*Answer.* I believe the military forces of the opposition are in a position today strategically different entirely to their position at any time since this phase of the war began in 1983.

In my view, the fronts in the south and in the Nuba mountains have never threatened militarily the survival of the National Islamic Front government, though they were not without major political effect. Even had the Sudan Peoples Liberation Army (SPLA) actually succeeded in its Juba offensive in 1991, it might not have caused the collapse of the government.

Today, however, the National Democratic Alliance forces, including the SPLA, are operating on two additional fronts that can cause the government’s collapse: the “Eastern front” which threatens the corridor between Port Sudan and Khartoum, and the front at Damazin which threatens the Rosaires Dam. The former front targets Khartoum’s lifeline to the outside world, the latter the source of perhaps 80% of Sudan’s electric power.

The opening of these two newer fronts has caused the government to shift its military attention, spreading them thin and enabling the SPLA to score major gains in Western Equatoria and Bahr-el Gazal. I believe Juba will be severely threatened at a minimum by fall. I believe it could well fall by year’s end.

The major effort on Juba, I expect, will be coordinated with furious attacks on the two newer fronts. The opposition has the capacity to do this. If this analysis is correct, the NIF government will not survive, in my view.

*Question.* Both the NIF and the Sudan People’s Liberation Army (SPLA) appear committed to continue their respective military campaigns. In this context, can there be hope for a negotiated settlement?

*Answer.* I believe there is no good prospect of a negotiated settlement in Sudan because the opposition collectively believes the NIF government is so extreme in its views that it is not negotiating “in good faith,” but only to produce strategic advantage. Personally, I believe that assessment.

The NIF government which has engaged in the terrorism against the people of Sudan outlined in my testimony is fully practiced in breaking the conventional rules of diplomacy.

However, should the strategic situation produce a “moment of truth” in which the NIF government agrees to step down, I would encourage every effort to include some NIF engagement in a government of national unity. Like it or not, they exist in Sudan.

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## Statement of the Embassy of the Republic of Sudan Regarding Sudan and Terrorism

SUBMITTED TO THE SENATE FOREIGN RELATIONS SUBCOMMITTEE ON AFRICAN  
AFFAIRS, MAY 19, 1997

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*The Government of Sudan submitted for the record the following response to the hearing on "Sudan and Terrorism" held by the Subcommittee on African Affairs of the Senate Foreign Relations Committee. The Chairman of the Subcommittee does not verify the accuracy of the statement. The pledges made by Sudan in this statement to fight international terrorism are welcomed. Concrete actions to achieve this goal must accompany verbal promises, however.*

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Mr. Chairman and Members of the Committee:

This statement is submitted in response to the serious and grave charges presented at the May 15, 1997 hearing accusing the Government of the Republic of Sudan of complicity in terrorism on a horrifying scale. Witness Steven Emerson maintained that the GOS is responsible for: "Suicide bombings in Israel. The attempted assassination of the Egyptian President ... Attacks on American Forces in Somalia. Sponsorship of the most ruthless terrorist financier in the world today, Osama Bin Laden ... Sponsorship and hosting of unparalleled get-togethers of the most militant Islamic terrorist leaders in the world today, including those that have planned the murder of hundreds of Americans, not to mention Jews and Arabs deemed to be 'infidels' or 'enemies of Islam.' Training camps for more than a dozen terrorist organizations whose raison d'etre is to kill infidels, Christians, Jews and secular and moderate Arabs. ... Training camps for Iranian Revolutionary Guards ..."

Mr. Emerson's terrorist bill of indictment against the GOS and sister accusations presented at the hearing all share important earmarks of unreliability: all are founded on secret anonymous information and none has been established before a tribunal where the GOS would enjoy the right of confrontation or cross-examination.

The following generally uncontested facts should shake confidence in the facile charge that the GOS champions or sponsors terrorism:

- The GOS has extradited Carlos the Jackal to France and hijackers of Ethiopian aircraft to Addis Abbaba, has expelled Osama Bin Laden, and has declared its soil off limits to any person or group plotting terrorism against a foreign country. Contrary to some rumors, Mr. Bin Laden is headquartered in Afghanistan and has not returned to Sudan;
- The GOS has never practiced terrorism against its domestic opponents, including the belligerent John Garang of the SPLA and his current ally and former Prime Minister Sadiq al-Mahdi. That renunciation cannot be said of any other country on the terrorist list of the United States;
- The Government of Ethiopia tried and executed in absolute secrecy (like a Star Chamber proceeding) three Egyptians accused of the Mubarak assassination attempt. The three, according to Ethiopia, implicated the GOS in the dastardly plot. If that were true, however, Ethiopia would have publicly paraded the damaging testimony in an open trial broadcast to the world;
- The Spanish Inquisition, the British "Papal Plots," and Senator Joe McCarthy's discredited accusation that the Eisenhower Administration's State Department was brimming with Communist Party Members show the unreliability of secret, anonymous, and un-cross-examined charges like the terrorist indictment hurled against the GOS. As a former esteemed Attorney General of the State of Missouri, the Chairman of this Subcommittee is acutely aware of the imperative of cross-examination in seeking to separate facts from falsehoods, a procedural safeguard that has been characterized as the best engine ever invented for the discovery of truth;
- The GOS has publicly and repeatedly denounced terrorism in all circumstances, and former President Jimmy Carter, after a briefing by the National Security Council on the listing of Sudan as a terrorist country in 1993, publicly maintained: "They declared that Sudan was a terrorist training center, I think without proof ... In fact, when I later asked an assistant secretary of state he said they did not have proof, but there were strong allegations. ... I think there is too much of an inclination in this country to look at Muslims as inherently ter-

rorist or inherently against the West . . . I don't see that when I meet with these people." (Reuters Financial Service, September 13, 1993). Former President Carter's evaluation should command heightened credibility because he holds no incentive to act as an apologist for the GOS.

- Two chief accusers of the GOS for complicity in terrorism—the presidents of Eritrea and Uganda—have been proven notorious for unreliability. The former recently and publicly confessed to the use of Eritrean soldiers to fight with Mr. Garang's forces against the GOS after long months of heated denials of the same;
- The GOS has itself been a victim of terrorism. Hijackers of a Sudanese civilian aircraft are receiving red carpet treatment in Eritrea over the protest of the GOS, and it has been forced to evacuate its Embassy in Asmara in favor of a Sudanese opposition alliance implacably dedicated to overthrowing the popularly elected GOS by force and violence;
- The comprehensive Peace Agreement signed by the GOS and all rebel factions in the South but one on April 21, 1997, discredits the theory that the GOS promotes terrorism to spread its version of Sharia or the Holy Koran abroad. The Agreement enshrines in the Sudanese Constitution the right to full freedom of religious practice and belief without government interference and enforceable by an independent judiciary entrusted with authoritative constitutional interpretation. Constitutional rights are made supreme over any other code of law. In other words, the GOS has renounced the use of coercion or force to promote Sharia even within Sudan itself; and,
- The witnesses called to testify before the Subcommittee did not reflect the full spectrum of views on Sudan and terrorism.

The GOS is confident that a fair-minded and complete investigation of the facts would acquit it of the terrorist accusations. Toward that end, it has unequivocally urged the highest levels of the United States Government to establish a counterterrorism unit in its Embassy in Khartoum with unrestricted choice of travel sites to search unannounced for terrorists or terrorist training camps jointly with Sudanese security forces and to train the latter to fight terrorism. The GOS has also invited a score of Honorable Members of Congress to visit Sudan to make an unfiltered assessment of the facts. It has been a source of disappointment that these serious and sincere overtures to do something about terrorism and to seek facts before a terrorism verdict in lieu of exchanging sterile accusations for counteraccusations have seemingly been neglected.

To paraphrase former Senator Hiram Johnson of California, truth is the first casualty of either hot or cold war, and the terrorism accusations lodged against the GOS by the United States would seem to deserve a more thorough and critical examination than they have received at present before important policy decisions and actions are taken.

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## Statement of the Sudan People's Liberation Movement (SPLM)

Honorable Members, I am privileged to make the following submissions to this august subcommittee.

### A. THE GOVERNMENT OF SUDAN [GOS] AND STATE TERRORISM

1. The GOS continues to host, train, and arm most of the infamous terrorist groups of the Middle East. The training camps are located in the interior of the country's western and central regions. The camps are camouflaged as Islamic orientation schools for Sudanese. They are out of bounds to visitors and foreign journalists. Such persons are often shown alternative bona fide institutions.

The regime cannot close these camps and abandon their functions because they are the justification for financial and military aid from the richer sponsors of international terrorism.

2. The GOS continues to host, train, and arm extremist religious groups against the governments of Egypt, Eritrea, Ethiopia, Kenya, and Uganda.

3. The GOS continues to raid, bomb and destroy civilian settlements including relief centers in southern Sudan. Captives from these raids are taken into chattel slavery. 'Surplus' slaves are exported to the richer sponsors of international terrorism.

#### *Solution*

1. International terrorism, regional destabilization, and domestic human rights violations in Sudan cannot be ended voluntarily by the regime itself. The regime cannot be pressured to reform. It would lose its *raison d'être* without terrorism. The GOS sees itself as having a 'divine mission' to save humanity from 'satanic paganism'. It seeks to revolutionize global social and political order along the lines of fundamentalist Islam. The United States or what they call 'The Great Satan' is a principal target of the scheme.

In the last one year or so, the regime has responded to international condemnation and isolation by tactically retreating from some of its terror fronts. In some cases, it has changed the form of the attacks. In the West in particular, more and more local people are being employed as proxy crusaders and potential terrorists. The change in methods increases, not reduces the danger.

2. The role of the Sudan as an active member of the coalition of terrorist States can only be ended through the resolution of the country's civil war and the establishment of a secular democratic government in Khartoum.

### B. SUDAN PEOPLES' LIBERATION MOVEMENT POSITION ON PEACE [ANNEX X]

1. The SPLM reaffirms its willingness and readiness to resume peace negotiations on the basis of the Nairobi Declaration of Principles within the framework of the IGAD Peace Committee under the chairmanship of Kenyan President Daniel arap Moi.

2. The so-called peace agreement between the GOS and some southern Sudanese individuals in Khartoum on April 21st cannot constitute a mechanism for resolving the Sudanese conflict. It is not an accord between the warring parties. It is an internal arrangement by the regime and its political and military allies on how to defeat the opposition.

3. The letter of the 'agreement' is dishonest and deceptive. In particular:

(a) It maintains Islamic *Sharia* Law as the principle source of legislation. The provision that the southern States would be exempted from Islamic Law is impracticable. How can a citizen be exempted from the Islamic versions of the laws of contract, banking, and taxation? What criminal law, penal code, procedure and law of evidence would govern non-Muslims living and working in the northern parts of the country?

(b) The agreement entrenches the one party theocratic State by prohibiting pluralistic democracy.

(c) The right of the people of southern Sudan to self-determination is subject to their April Charter provision that commits the allies to the unity of the Sudan by force and coercion.

(d) The interim period prior to a referendum on self determination is elastic. It can be increased indefinitely by president Omar al Bashir who has made no secret of his opposition to the principle of self-determination.

(e) The 10 mini 'Bantustans' in the south are placed under Islamic *Wallis* (governors) who are directly responsible to Khartoum.

(f) The 'Coordination Council,' and its 'President' have no real executive political and fiscal authority in the south.

(g) The 'president' of the coordination council is appointed by and responsible to General Omer al Beshir not the people or representatives of the people of the south.

(h) The entire judicial system is Islamic and wholly controlled by General Omer al Beshir.

(i) The 'agreement' does not provide for a legislative organ in the south. That authority lies in Khartoum.

(j) The 'agreement' institutionalizes Arab racial hegemony by providing that only the Arabic language shall be the official language of the Sudan. This negates the recognition in the same 'agreement' of the cultural and racial diversity of the Sudan.

(k) The 'agreement' does not address the grievances of the people of the Nuba Mountains, southern Blue Nile, Eastern and Western Sudan.

#### C. THE NDA POSITION ON PEACE [ANNEX Y]

1. The NDA affirms its commitment to a comprehensive peace settlement that:  
(a) Redresses all the injustices that had been committed on the people of the south and other marginalized areas in the past.

(b) Allows full pluralistic democracy.

(c) Guarantees stability in the region.

2. The 'Peace Agreement' of April 21st 1997 is totally rejected for the following reasons:

(a) It is an agreement between allies.

(b) It is an agreement between northern and southern minority groups. The mainstream southern and northern political forces are not parties to the 'agreement'.

(c) There are no constitutional or regional and international guarantors to the 'agreement'.

(d) The real aim of the GOS is not to bring peace. The 'agreement' is a plot to knock southerners against each other while the regime concentrates on fighting the northern opposition. It is an 'agreement' for more war.

(e) Peace can only be realized on the basis of the 1995 Asmara Agreement. [Annex Z]

Signed:

STEVE WONDU,  
*Representative.*

## ANNEX X

### **Sudan People's Liberation Movement and Sudan People's Liberation Army, Secretariat for Organization**

#### SPLM/SPLA POSITION ON THE SO-CALLED 'PEACE AGREEMENT'

On April 21, 1997, the NIF regime signed with its southern allies led by Riek Machar a deal which in practice amounts to a war agreement against the SPLA. The political and military significance of this fake peace agreement lies in the fact that it is an NIF regime's new stratagem for *southernisation* of the war. This is to enable it to buy more life time, because of the intense military pressure of the SPLA and its partners in the National Democratic Alliance (NDA) which makes the demise of the regime a real and an imminent possibility. The agreement is another desperate retreat to the "*divide and rule*" policy when the Jihad is not bearing fruits to the regime.

The National Islamic Front staged the military coup that brought it to power in June 1989 just 4 days before the Constitutional Conference that would have brought an end to the war on the basis of the Sudanese Peace Initiative negotiated between the SPLM and the Democratic Unionist Party. The coup was in essence a negation of the peace process. Since then the NIF government embarked on a war path and launched military offensive to defeat and destroy the SPLA, while at the same time, it undertook political and diplomatic initiatives to isolate the SPLM/A on the national and international level.

In Abuja 1992, the head of the NIF delegation to the Peace Talks hosted by President Babingida, declared that "*self-determination*" for southern Sudan will come out through the barrel of the gun". This was echoed by Dr. Ghazi Sallahudin, the leader of the NIF regime delegation to the fourth and last negotiation session of IGAD Peace Talks when he bluntly told the Foreign Ministers of the IGAD countries that



"we came to fulfil a mission of Islamising and Arabising Africa, so the issue of self-determination is a non-starter". Since then, this has stalled the IGAD Peace Talks and there has not been a negotiation session. In view of the above, the NIF government is not interested in a just and lasting peace. What it is doing is the devising a series of tricks to suck into its political thinking the weak South Sudan leaders. The regime was convinced beyond doubt that it was going to crush the SPLA and therefore embarked on its "peace from within" process.

The question, therefore, is why has the NIF regime made an about turn and offer *self-determination* to groups it politically manufactured, and who don't constitute a threat to its power? If the NIF regime is serious and wants to end the war by accepting what it arrogantly rejected in 1994, does it not return to the IGAD Peace Process. The NIF political moves are not sincere, but are designed to bail it out of the serious military defeats inflicted on it by the SPLA and its partners in the NDA.

This agreement, therefore, must be rejected for the following reasons among others:

1. The agreement is essentially a deal between allies but not a conflict resolution mechanism. This is because since 1991, these SPLM/A breakaway groupings have been overtly collaborating with Khartoum against the people of the South and other marginalized areas of Sudan. Since then they have been coordinating military campaigns against the SPLA with an avowed mission of destroying it under disguise objective of achieving independence for southern Sudan. To concretize this military collaboration and co-ordination, several agreements were concluded between the NIF regime and these splinter groups in Frankfurt and at the Hague in 1992 and in Nairobi 1993.

2. In the preamble the statement which says "*Fully cognizant of the fact that unity of the Sudan cannot be based on force or coercion, but on the free will of the people*" does not hold water because it is in direct contradiction with article 2 of their April 10th 1996, "Political Charter which obligates the parties to the Charter to affirm the unity and territorial integrity of Sudan within its known boundaries and to protect it against internal and external enemies. It is clearly stated in the agreement that "*the general principles contained in the Political Charter signed in Khartoum on 10th April 1996 shall be part of this agreement and shall guide and explain its provisions*". The implication is that the Charter is the basis for interpretation of the agreement in case of controversy, and therefore overrides the provisions of this agreement.

3. The agreement does not clearly define southern Sudan, but the newly created 10 southern states excluding areas such as Hufra Nahas, Kafia Kingi and Shallefil which were parts of the south as on 1st January 1956. In this connection, the agreement described as "Sudan Peace Agreement" can obviously not deliver peace to the whole country since it does not address grievances of other parts of the fighting Sudan such as the Nuba Mountains, southern Blue Nile, East and West of Sudan.

4. As to the co-ordinating council, it is not a government of southern Sudan as the HEC of the Addis Ababa Agreement was. It is not accountable to the people of southern Sudan. It has neither executive nor legislative powers, but only acts as a link between the 10 states in southern Sudan (that actually operate independently) and the federal government. Worst of all, the President of the co-ordinating council is appointed by the President of the Republic. He is not accountable to the people of southern Sudan nor to the council either, and could be any person from any part of Sudan. It is actually an implementing agency for the policies of NIF in southern Sudan.

5. The agreement also states that "*during a four-year interim period South Sudan shall enjoy a special status*". On close examination of the provisions of this agreement, this "special status" is not to be traced anywhere. What is this "special status" of the south?

6. Regarding the problem of Abyei, it has been glossed over by deferring it to "*a conference that will be convened in the area with the interim period*". The Addis Ababa Agreement was much clearer on the issue of Abyei because it provided for the referendum for the people of Abyei to decide whether to remain within southern Kordofan or join southern Sudan.

7. The amalgamation of the splinter groups, individuals, and their respective armed units into the so-called United Democratic Salvation Front (UDSF) and Southern Sudan Defense Force (SSDF), is in fact a transformation and integration of these groups into NIF Salvation Revolution and Popular Defense Forces and therefore consistent with the characteristics and particularities of the NIF regime (Inghaz el-Watani).

8. The agreement confirms sharia as the supreme law of the land and its main source of legislation; while African custom is just a supplementary component. In case of conflict between Sharia and Custom, the supreme law prevails. In fact con-

stitutional Decree No. 13 directs judicial courts to be guided exclusively by Sharia, neither by Custom nor by both Sharia and Custom together.

9. Articles enumerated under the fundamental rights and freedoms are in fact general principles contained in the universal Bill of Rights and enshrined in the international conventions. No disagreement can be expected over them. The irony of the situation is the fundamentalist, dictatorial and theocratic nature of the regime, cannot provide a conducive atmosphere for their observance, but essentially negates them. These rights have been long proclaimed in 1991 by its regime before this agreement was concluded; and yet arbitrary arrests, ghost houses (torture chambers), restrictions of movements and assembly, extra-judicial executions, etc. are still the order of the day.

10. On democracy, the agreement stipulates that "*participatory democracy shall be realized through congresses and national convention or conference*". This indicates that there is no genuine democracy based on pluralism. Therefore, the creation of the United Democratic Salvation Front is a farce. Consequently, the UDSF has become one of the congresses of the NIF National Convention. The USDF has been effectively absorbed into the participatory democracy just like Southern Sudan Liberation Movement (SSLM), was absorbed into the Sudanese Socialist Union (SSU) in 1972.

11. Examination of the Federal Powers, the Powers of the States and the Powers of the Coordinating Council, reveals that power sharing does not really exist. It is a duplication of sets of functions that at the end of the day benefit the Federal Government. Articles 2, 19 and 28 of the Chapter on power sharing deal with armed forces and Defense Affairs, National Security and Emergency Jurisdiction can effectively be used to usurp the purported powers of the Coordinating Council. In case of dispute over the residual powers, the agreement maintains that the supreme court shall pass ruling on the dispute. Taking into account the Islamic nature and composition of the supreme court, the outcome of its ruling will be a foregone conclusion in favour of the Federal Government.

12. In regards to wealth sharing, the agreement states that "*revenue allocation commission shall be established to recommend wealth sharing formula for the whole country; and the coordinating council shall be represented*". The basis for the composition of the commission has not been defined in clear terms, except for the representation of the coordinating council. The possibility of tilting the balance in favour of the Federal Government in the commission's composition is real.

13. The elasticity of the interim period is intentionally made elusive so as to keep in line with vague articles of the Political Charter on the achievement of "*reasonable level of development*" contingent to the exercise of referendum. The minimum and maximum limits of the interim period are also tied to the regime's military agenda of "destroying the SPLA". It is an arrangement at the pleasure of one person—the President of the Republic. The content of the interim period remains the Sharia, Islamization and Arabization of the south. It is therefore expected that the outcome of the interim period must naturally be consistent with the objectives of the interim period.

14. The constitutional arrangements for amending the agreement are totally weak if not non-existent. The power to amend the agreement is vested in the 25-man coordinating council and the President of the Republic, who appoints it. There is no reference to the people of the Southern Sudan directly or indirectly through an elected Southern Assembly. In fact the agreement does not provide for an elected Southern Assembly during the interim period. By this arrangement the NIF regime has secured for itself an easy and sure mechanism to wreck the agreement at its convenience. In contrast, the Addis Ababa agreement 1972, though later unilaterally abrogated by General Nimeri, has stronger guarantees and mechanism for amendments.

In view of the above reasons the SPLM/A regards the so-called "Sudan Peace Agreement" as a totally inadequate framework for bringing about a comprehensive, just and durable peace in the country. The agreement is a part and parcel of the NIF's programme of peace from within. It was worked out in Khartoum and the renegade commanders were merely invited to sign. No reputable Regional or International mediators, observers or witnesses were involved. Therefore this sham agreement must be thrown out and rejected in its totality. However, the SPLM/A is committed to its search for a peaceful settlement of the conflict to bring to a close the sad chapter of human tragedy in our country. This can only be achieved through

the IGAD Peace Process on the basis of the Declaration of Principles (DOPs), formulated in May 1994 under the chairmanship of H.E. President Daniel Arap Moi.

MR. PAGAN AMUM,  
*Chairman of Peace Committee, National Liberation Council (NLC), Yei, NEW  
SUDAN.*

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## ANNEX Y

*Date: June 5, 1997.*

National Democratic Alliance  
*Secretary General*

### PRESS RELEASE

The Executive Bureau of the NDA convened an extra-ordinary meeting in Cairo lately to discuss and deliberate on the latest developments in the Sudan, in particular the signing in Khartoum on the 21st of April of the so-called peace agreement between the NIF government and some southern splinter groups led by Southern Sudan Independence Movement (SSIM). The meeting was attended by Sayed Sadig El Mahdi and a number of members of the NDA leadership council who were present in Cairo at the time of the meeting. The meeting resolved the following:

Firstly: The total rejection of the NIF government so-called peace agreement signed with its allies led by Southern Sudan Independence Movement (SSIM), as all measure for confidence building over a transitional period specified in that agreement becomes irrelevant when the two sides are agreed that the solution to the Sudanese crisis lies on the partition of the country.

Secondly: The agreement doesn't bring the desired peace or stability to the Sudan as it is between a minority in the North and a minority in the South in the total absence of any popular internal constitutional guarantees or external regional and international guarantors.

Thirdly: The aim of the NIF government from this agreement is not to achieve real peace, on the contrary, it is seeking to change the nature of the war in the south to turn it into a fratricidal tribal war between the peoples of the south which would release the regime's armed forces from their duties there, and enable it to transfer them Northwards to wage war in the defence of its battered regime.

Therefore the majority of the peoples of the Sudan represented in the NDA reject and condemn this agreement and promise to resist it by all means.

The NDA confirms that a just and lasting peace in the Sudan has to be a comprehensive one and address the major issues that has destabilized the country since its independence, to achieve the following three inter-connected purposes:

1. A peace agreement that would re-address the past injustices and grievances in the Sudan and open the way for a new united Sudan on the basis of Asmara resolutions of 1995.

2. A pluralistic democratic system which establishes constitutional legitimacy as the basis of guarantying the people's rights and the peace agreement.

3. To realize regional stability on the basis of good neighborliness and the concept of developmental and security integration.

MUBARAK EL MAHDI.

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## ANNEX Z

### **The National Democratic Alliance (NDA) Conference on the Issues of Destiny**

#### THE FINAL COMMUNIQUE

*Friday, June 6, 1995.*

The NDA held a historic meeting in Asmara, the capital of the State of Eritrea, from June 15 to June 23, 1993. The conference, held under the banner of "Issues of Destiny", was attended by all the leaders of the political, trade unions, and military formations in the NDA as well as the national personalities, viz:

- (1) The Democratic Unionist Party (DUP);
- (2) The Umma Party;

- (3) The SPLM/SPLA;
- (4) The Union of the Sudan African Parties (USAP);
- (5) The Sudan Communist Party;
- (6) Trade Unions;
- (7) The Legitimate Command;
- (8) The Beja Congress;
- (9) The Sudanese Allied Forces;
- (10) and non-partisan national personalities.

The Conference discussed the following issues:

- (1) stopping the War and restoration of peace;
- (2) the right of Self-determination;
- (3) religion and politics;
- (4) system of rule during the interim period;
- (5) programme and mechanisms for escalating the struggle to overthrow the NIF regime;
- (6) interim arrangements and responsibilities;
- (7) The Sudan of the future;
- (8) the structure of the NDA; and
- (9) humanitarian issues.

The NDA convened its conference under difficult and severe conditions imposed by the NIF fascist regime on our people. The regime has devalued the dignity of the Sudanese citizen, destroyed the national economy, abused Sudanese foreign relations by threatening regional and international stability and by exporting terrorism and discord to the neighbouring countries and other countries in the world as well. The regime has amply demonstrated its bellicose nature by aborting all the peace initiatives and by intensifying the war in the South. The NDA would therefore like to re-affirm the continuity of the political, military and popular struggle against the regime.

On the basis of the principles of the NDA, and by way of continuing the struggle of our people against successive dictatorships, and inspired by its experience in the consolidation of national unity, and fully believing in a new democratic system based on political pluralism and respect for human rights, the conference hereby resolves as follows:

*A—Ending the War and Restoration of Peace*

1. The right of self-determination:
  - (a) affirmation of the right to self-determination as a basic, original and democratic right of all peoples;
  - (b) recognition that the exercise of the right to self-determination shall bring the war to an end and shall facilitate the retrieval and consolidation of democracy, peace and development;
  - (c) the right to self-determination should be, however, exercised under conditions of legitimacy, democracy and under regional and international supervision;
  - (d) the areas affected by war are South Sudan, Abyei District, the Nuba Mountains and Ingessina Hills;
  - (e) the citizens of Southern Sudan (within its boundaries as they stood on 1/1/1956) shall exercise the right to self-determination before the end of the interim period;
  - (f) the people of Abyei shall be consulted, in a referendum to be held before the end of the interim period, to ascertain whether they wish to continue with the administrative arrangements within Southern Kordofan or to join Bahr El Ghazal. If the majority choose to join Bahr El Ghazal, then they will exercise their right to self-determination together with the citizens of South Sudan.
  - (g) With regard to the Nuba Mountains and the Ingessina Hills, a political solution, aimed at removing the existing grievances in these two areas, shall be sought and implemented by the government of the day, after which a referendum shall be held, during the interim period, to ascertain the wishes of the peoples of these areas over their political and administrative future.
  - (h) Affirmation of the NDA's commitment to the realisation of a just and democratic peace and unity based on the free choice of the Sudanese people, and a just and effective peaceful resolution of the ongoing armed conflict. In this regard, the NDA hereby announces its acceptance of the IGADD's Declaration of Principles (DOP) as constituting a reasonable and practical basis for achieving a just and lasting peace.
  - (i) Affirmation that real peace in Sudan cannot be achieved by viewing the problem as the Southern Problem, but by comprehending the national origins of the problem.

(j) Convinced that the national problems of Sudan cannot be solved except through a serious, open dialogue among all the national groups, and that the nature and history of the Sudanese conflict has proved that just peace and stability in the country cannot be achieved by military means.

2. The Conference hereby affirms that all NDA members shall seriously work to adopt a common stand on the issues of the referendum, which are:

- (a) unity (confederal or Federal) and;
- (b) independence.

(3) The NDA government recognises that the exercise of the right of self-determination, aside from being a human, democratic and peoples' right, is also an instrument for putting an immediate end to the civil war and for opening up a unique and historic challenge to build a new restructured Sudan of justice, democracy and free choice. The NDA is committed to leading the Sudanese to a successful exercise of this historic right.

#### *B—Religion and Politics in Sudan*

(1) All human rights norms and standards enshrined in the regional and international human rights instruments, charters and covenants shall be deemed to be an integral part of any constitution of Sudan, and any law, decree, executive order or action or policy measure contrary thereto shall be null and void for being unconstitutional.

(2) Laws shall guarantee full equality of citizens on the basis of citizenship, respect for the religious beliefs and traditions and without discrimination on grounds of religion, race, gender or culture. Any law contrary to the foregoing stipulations shall be null and void and unconstitutional.

(3) No political party shall be based on religion.

(4) The State recognises the plurality of religions and noble spiritual beliefs and is committed to ensuring a peaceful co-existence and interaction, equality and tolerance among religions and the noble spiritual beliefs. The State permits freedom of "proselytisation" by peaceful means and forbids compulsion or any act or measure which may lead to religious sedition, racial hatred in any place, forum or location.

(5) The NDA is committed to upholding the dignity of the Sudanese woman and affirms her role in the Sudanese national movement and recognises her rights and duties stipulated in the international human rights covenants and instruments to the extent that they don't contradict religious tenets.

(6) National enlightenment, education and cultural programmes shall be based on the commitment to the international human rights covenants and instruments.

#### *C—System of Rule*

(1) The Sudan shall be run on a system of decentralisation during the interim period. The Transitional Constitution shall determine the distribution of powers and functions between the Central Authority and the regional entities.

#### *D—The Decentralisation Act*

(1) Decentralisation shall be based on the distribution of the powers and functions agreed upon between the Central Authority and the Northern Entities on the one hand and between the Central Authority and the Southern Entity on the other and deferring the naming of the system to a later stage.

(2) Local government systems and native administration should also be catered for in the Decentralisation Act.

(3) The following factors should be considered in the decentralisation arrangements during the interim period:

(a) redressing of grievances and removal of the causes of the war and the creation of an atmosphere conducive to national reconstruction;

(b) ascertainment of people's wishes in various areas in the process of developing democratic structures; and

(c) taking into account the economic circumstances of the country and the need for retrenchment.

Emphasis shall therefore be on mobilisation of the masses, and the provision of adequate opportunities for popular participation in the democratic structures of the decentralisation arrangements.

#### *E—On the Programmes and Mechanisms for the Intensification of the Struggle to Overthrow the System:*

(1) Legitimacy of the armed struggle being currently waged by some formations in the NDA to overthrow the system. Armed struggle is by agreement one of the mechanisms for overthrowing the system.

(2) Provision of the necessary support.

(3) Establishment of a High Military and Political Committee to co-ordinate and supervise the implementation of the programmes for intensification of the struggle to overthrow the system.

*F—Interim Military and Security Arrangements*

The conference adopted all the recommendations made by the relevant specialised committee.

*G—The Sudan of the Future*

To lay the foundations of the New Sudan, the conference adopted the following:

- (a) the economic programme for the interim period;
- (b) programme for foreign policy, regional and international co-operation;
- (c) programme for the removal of the vestiges of the NIF regime;
- (d) Political Parties Bills;
- (e) Trade Unions Charter; and
- (f) Press and Publications Bill.

*H—Humanitarian Issues*

The wrong-headed economic policies of the regime and its escalation of the war have aggravated internal displacement, heavily damaged the environment, and have created tragic conditions of life for the ordinary Sudanese citizen, especially the women. In addition to the war, instability, political repression and violation of human rights have driven thousands of Sudanese into exile. In pursuit of its commitment to the security and safety of the Sudanese people and their freedom of movement within and outside the Sudan, the Conference has adopted a practical programme for relief during the interim period, all in co-operation and co-ordination with the international community and the relevant establishments in Sudan.

*I—Structures of the NDA and Amendment of the Charter*

The conference adopted the new structure of the NDA which consists of:

- (1) The Conference;
- (2) The Leadership Councilium;
- (3) The Executive Office; and
- (4) The General Secretariat;
- (5) Specialised Secretariats; and
- (6) Centres for the subsidiaries.

The Conference also adopted amendments to the Charter in keeping with the changing political scene.

*Signatures:*

1. Mohamed Osman El Mirghani, DUP;
2. Dr. Omer Nur El Dayem, Umma Party;
3. Dr. Colonel John Garang de Mabior, SPLM/SPLA;
4. Eliaba James Surur, Leader, the Union of Sudan African Parties (USAP);
5. Tighani El Tayeb, Sudan Communist Party;
6. Engineer Hashim Mohamed Ahmend, Trade Unions;
7. Lieutenant General Fatih Ahmend Ali, Legitimate Command of the Armed Forces;
8. Mohamed al Tahir Abu Bakr, the Beja Congress;
9. Brigadier Abdel Aziz Khalid, the Sudanese Allied Forces;
10. Bona Malwal, independent Sudanese personality;
11. Farouk Abu Eissa, independent Sudanese personality;
12. Al-Wathiq al-Kameir, independent Sudanese personality; and
13. Mansour al-Agab, independent Sudanese personality.

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## **National Democratic Alliance Conference on Fundamental Issues**

### RESOLUTION ON THE ISSUE OF RELIGION AND POLITICS IN THE SUDAN

The National Democratic Alliance (NDA);

- Recognising that the relationship between religion and politics has a direct bearing on nation-building;
- Aware of the reality of religious, cultural and national diversity in the Sudan;
- Cognisant of the role of scriptural religious and noble spiritual beliefs as sources of moral values and spiritual tenets that can help promote tolerance, brotherhood, justice and peaceful coexistence;

- Conscious of the terrible human rights abuses committed by the National Islamic Front (NIF) regime through its diabolical manipulation of religion to perpetrate genocide and ethnic cleansing falsely in the name of *jihad*;
- Determined to achieve a just and lasting peace and national unity based on justice and the free will of the Sudanese people; and
- In adherence to the principle of non-exploitation of religion for political purposes, hereby make the following constitutional dispositions:
  1. All human rights norms and principle enshrined in regional and international human rights instruments and covenants shall be an integral part of the constitution of the Sudan, and any law, decree, executive order or policy measure contrary thereto shall be considered null and void and unconstitutional.
  2. All laws shall guarantee full equality of citizens on the basis of citizenship, respect for religious beliefs and traditions and without discrimination on grounds of religion, race, gender or culture. Any law contrary to the foregoing stipulation shall be considered null and void and unconstitutional.
  3. No political party shall be established on religious basis.
  4. The State shall acknowledge and respect religious pluralism in the Sudan and shall undertake to promote and bring about peaceful interaction and coexistence, equality and tolerance among religious and noble spiritual beliefs, and shall permit peaceful religious proselytisation and prohibit coercion in religion, or the perpetration in any place, forum or location in the Sudan of any act or measure intended to arouse religious sedition or racial hatred.
  5. The NDA undertakes to preserve and promote the dignity of the Sudanese woman, and affirms her role in the Sudanese national movement and her rights and duties as enshrined in international instruments and covenants without prejudice to the tenets of prevailing religious and noble spiritual beliefs.
  6. National programmes in the fields of information, education and culture shall be formulated and disseminated in accordance with the regional and international instruments and covenants on human rights.

Signed:

1. Democratic Unionist Party
2. Umma Party
3. Sudan Communist Party
4. Union of Sudan African Parties
5. Sudan People's Liberation Movement & Sudan People's Liberation Army
6. Trades Unions
7. Legitimate Command
8. Sudanese Alliance Forces
9. Independent National Personalities

#### RESOLUTION ON THE ISSUE OF SELF-DETERMINATION

*Preamble:*

##### *The National Democratic Alliance*

- Deeply committed to an immediate ending of the current armed conflict through a just and lasting settlement;
- Fully aware that the attainment of such a just and lasting settlement requires political courage, statesmanship and farsightedness on the part of the leadership of its constituent members;
- Convinced that our preferred option is unity, based on diversity, and the recognition that the Sudan is a multi-ethnic, multi-religious, multi-cultural and multi-linguistic country, and that this unity shall also be based on the right of citizenship and equality in rights and responsibilities in accordance with the norms and standards enshrined in international conventions on human rights;
- Fully cognizant of the fact that the unity of the Sudan cannot be durably based on force or coercion, but on justice and the free consent of all the various groups in the Sudan;
- Conscious of the existence of other issues and problems caused by the interaction among tribes living in contiguous areas, which problems and issues shall be addressed and resolved during the national constitutional conference; and
- Mindful of the fact that the resolution of the present Sudanese conflict requires a comprehensive approach in order to bring peace and justice to all the marginalised people of the Sudan and build the New Sudan; hereby:
  - I. 1. Affirms that the right of self-determination is a basic human, democratic and people's right which may be exercised at any time by any people.

2. Recognizes that the exercise of the right of self-determination constitutes a solution to the on-going civil war, and facilitates the restoration and enhancement of democracy in the Sudan.

3. Affirms that this right shall be exercised in an atmosphere of democracy and legitimacy and under regional and international supervision.

4. Affirms that the areas afflicted by war are Southern Sudan, Abyei District, the Nuba Mountains and Ingessena Hills.

5. Declares that the people of Southern Sudan (within its borders as they stood on 1.1.1956) shall exercise the right of self-determination before the expiration of the interim period.

6. Resolves that the views of the people of Abyei District as regards their wish to either remain within the administrative set up of Southern Kordofan region or join Bahr El Ghazal region shall be ascertained in a referendum to be held within the interim period but before the exercise of the right of self-determination for the South. If the outcome of the referendum establishes that the majority of the people of this district wish to join Bahr El Ghazal, the people of Abyei shall accordingly exercise the right of self-determination as part of the people of Southern Sudan.

7. Resolves that with respect to the Nuba Mountains and Ingessena Hills, a political solution to redress the injustices suffered by the people of these areas shall be sought by the interim government and that a referendum to ascertain their views on their political and administrative future shall be organized and carried out within the interim period.

8. Reaffirms its commitment to a just peace, democracy and unity, based on the free will of the people of the Sudan, and to resolving the present conflict by peaceful means through a just and lasting settlement. To this end the NDA endorses the IGADD Declaration of Principles (DOP) as a viable basis for such a just and lasting settlement.

9. Reiterates that true peace in the Sudan cannot be viewed within the framework of the problem of the South but rather from the standpoint that our problem is of a national origin.

10. Affirms that our national problems cannot be solved except through clear, serious and continuous dialog among all Sudanese national groups.

11. Asserts that the nature and history of the Sudanese conflict has proved that permanent peace and stability in the country can not be achieved through a military solution.

II. The constituent members of the NDA shall adopt a common stand on the options to be presented in the referendum in the South, which options shall be (a) unity (confederation/federation) and (b) independent statehood.

III. The NDA affirms that the Central Authority shall within the interim period devise and implement the necessary confidence-building measures and the appropriate restructuring of the State and socio-economic institutions and processes, so that the exercise of the right of self-determination could have the best chances of upholding the unity option.

Signed:

1. Umma Party
2. Sudan Communist Party
3. Union of Sudan African Parties
4. Sudan People's Liberation Movement & Sudan People's Liberation Army
5. Trades Unions
6. Legitimate Command
7. Sudanese Alliance Forces
8. Independent National Personalities

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#### RESOLUTION ON THE SYSTEM OF RULE

*Whereas* the Sudan has been in a State of war against itself for four decades,

*Whereas* this unremitting war is a result of historical injustices with political, economic, social, cultural, religious and administrative dimensions; and

*Whereas* the continuation of war throughout this period has created a great mistrust among compatriots; and

*Whereas* the hegemony of the Centre (Khartoum) on most regions in the Sudan has led to the perpetuation of underdevelopment in, and marginalization of, those regions; and

*Whereas* the National Democratic Alliance, representing the Sudanese people in the South, North, East and West is determined to remove all historical injustices and eliminate all causes of war in order to create conditions conducive to the birth



of a new Sudan united through the free will of its people and in which every citizen shall enjoy peace, security and happiness; and

*Whereas* the creation of those conditions requires the adoption of all political and administrative measures necessary to restore confidence,

Decided:

1. The Sudan shall be ruled in the interim period as a decentralized state. The powers and competence of the central authority and decentralized entities shall be provided for in the constitution.

2. Immediate attention should be given, in view of the nature of the interim period, to the definition of those powers, leaving the appellation of the entities to a later date.

3. The NDA shall give due consideration, in promulgating decentralization laws, to the role of local government and native administration within the new set-up.

4. Due regard should be given in the regional administrative divisions to:

- (a) the wishes of the people in accordance with democratic processes,
- (b) keeping in mind that the division of power between the Centre and the Entities at this critical point of our history is meant to end historical injustices that have led to war and marginalization, restore confidence and consolidate peace, stability and a unity based on people's free will.

5. In view of the difficult economic conditions of the country administrative costs of decentralization should be reduced to the minimum necessary.

*Powers of Entities in Northern Sudan*

The legislative and executive organs of Northern Regional Entities shall have competence over:

- 1. Economic planning in alignment with national development plans
- 2. Finance including the levying and collection of taxes (according to an agreed upon schedule)
- 3. Telecommunication (within the Entity)
- 4. Town planning and construction of feeder roads
- 5. Police, prisons, fire brigade and game wardens
- 6. Promotion of local culture and arts
- 7. Health services
- 8. Education up to higher secondary level
- 9. Industry, intra-Entity commerce and supply
- 10. Agriculture, forests, pastures and plant protection
- 11. Animal wealth and fisheries
- 12. Sustainable land use and development
- 13. Water use with due regard to national water policies and international obligations
- 14. Intra-Entity river, land and air transport
- 15. Radio, television and print media within the Entity

*Powers of Central Authority (CA) Vis-a-vis Northern Entities (NE)*

- 1. National defence and national security
- 2. Foreign affairs and regional and international cooperation
- 3. Nationality, passports, immigration and aliens
- 4. Auditor General
- 5. Judiciary, attorney generalship and regulation of private legal practice
- 6. Currency and coinage
- 7. Regulation of interstate waterways and national electricity grid
- 8. Mineral resources without prejudice to the right of the host Entity to fix a reasonable percentage of the returns of the revenue accruing from the exploitation of that resource
- 9. Customs and foreign trade excepting of borders trade
- 10. Commission for National Elections
- 11. National Education Planning
- 12. National Health Planning
- 13. National Economic Planning
- 14. National census (Concurrent)
- 15. Railways
- 16. Regulation of river and air transport
- 17. Levying and collection of taxes (according to the established schedule)
- 18. Posts and telecommunication
- 19. Weights and measures
- 20. National statistics
- 21. National Radio and Television and regulation of technical matters pertaining to radio and television stations in the Entities

22. Higher education
23. Any other power that is not specifically allocated to the Entity

*Concurrent Powers (CA & NA)*

1. Environment protection
2. Water use
3. Economic development planning

*Institute of NE*

Legislative:

Executive: made up of Governor, Executive Council and Secretariat

*Competence of the Southern Entity (SE)*

The legislature and executive organs of the SE shall have competence on following matters:

1. Maintenance of peace security and good governance
2. Police, prison wardens, game wardens, fire brigade
3. SPLA armed forces in accordance with the interim military and security arrangement
4. Agriculture, forestry, pastures and fisheries
5. Animal husbandry
6. Industry
7. Wildlife and tourism
8. Commission for Elections within the SE
9. Water use without prejudice to international obligations and national policies
10. Administration of justice including the establishment, maintenance and organization of courts and attorney generalship
11. Exploration, developments and management of non-renewable natural resources subject to arrangements with the CA over taxation, revenue sharing and development needs of disadvantaged regions
12. Radio and TV and print media
13. Art and culture
14. Education up to senior secondary school level
15. Levying and collection of taxes according to agreed upon schedule
16. Intra-entity commerce and supply
17. Intra-entity water, land and air transport
18. Intra-entity telecommunication
19. Trade with neighbouring countries and levying of customs on goods entering SE from those countries
20. Personal law, property law and the incorporation, registration licensing of companies
21. Public health services
22. Any other issue that does not come under the competence of CA and under concurrent powers

*Section B*

*Special Dispositions:*

1. For the purpose of reconstruction and rehabilitation the SE shall solicit financial and material assistance from, and conclude cultural and economic agreements with, the international community and foreign entities.
2. SPLA Forces shall remain in the SE under their present command and subject to the authority and overall command of the SE government and in accordance with the interim security and military arrangements. The government of the SE shall discuss with the CA the formation, functions and composition of the National Security Council after a common understanding over national security and threats to it has been achieved.

*Concurrent Powers (between CA and SE)*

1. Environmental protection
2. Reconstruction in the war-affected areas and rehabilitation of the war disabled
3. Higher education
4. Licensing and regulation of private professional practice
5. Cost of translation of official proceedings, documents, notices, minutes
6. Location and establishment of CA courts

*Institutions of SE*

1. Legislature
2. Executive: made up of President, Cabinet and Secretariat
3. Judiciary up to the supreme court of the Entity

*Competence of CA vis-a-vis Southern Entity*

1. National defence subject to interim security arrangements
2. Foreign affairs as qualified by the special powers given to the SE in relation to mobilization of resources for reconstruction and rehabilitation
3. (CA) judiciary
4. Currency and coinage
5. Foreign trade subject to qualifications regarding trade with neighbouring countries
6. Coordination of national economic policy
7. Coordination of national health policy
8. Railways
9. National electricity grid
10. Levying and collection of taxes (according to schedule)
11. Posts and telecommunication
12. Weights and measures
13. Supervision of national Radio and regulation of national TV and Print media
14. Regulation of radio and television stations within the Entities
15. Civil Aviation and ports

*Subject to 3 Requirements*

1. Institutions which exercise competence over these powers should be restructured in terms of personnel, orientation and functions so as to effectively reflect the decentralized and pluralistic character of the Sudan.
2. Decentralization of those institutions dealing with naturalization, immigration, passports and visas so that they are reasonably accessible to citizens all over the Sudan.
3. Decentralization and deconcentration of development and financial institutions and services.

*Interim Period*

The interim period shall be 4 years starting from the day of the official inauguration of the interim government.

Signed:

1. Democratic Unionist Party
  2. Umma Party
  3. Sudan Communist Party
  4. Union of Sudan African Parties
  5. Sudan People's Liberation Movement & Sudan People's Liberation Army
  6. Trades Unions
  7. Legitimate Command
  8. Sudanese Alliance Forces
  9. Independent National Personalities
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## Appendix to Testimony of Steven Emerson

### SELECTED CITATIONS

#### TERRORISM, SUDAN AND US COUNTER-TERRORIST POLICY

##### *Terrorist Training Camps Operating in Sudan*

"Between 20 and 30 camps shelter and train terrorists in Sudan. They include terrorists of various Arab and Islamic nationalities. . . . Most of these camps are farms in isolated areas that have either been usurped or are owned by individuals who belong to the National Islamic Front."

SOURCE: *Rose al-Yusuf*, Sept. 4, 1995 (Cairo)

During the interrogation of Zakariya Bashir (one of the Sudanese terrorists held in the attempted assassination of Hosni Mubarak) revealed that Mustafa Hamzah, one of the four members of the Islamic Group's consultative council that participated in a meeting for its leaders in Afghanistan at the end of 1994, confirmed the following information: that al-Turabi and the Sudanese authorities welcomed extremist Islamic groups that were being pushed out of Pakistan to come to Sudan. There they [Sudan] would give them the necessary facilities, camps, weapons, and instructions they needed for their operations.

SOURCE: *Al-Musawwa*, July 7, 1995 (Cairo)

"As an eyewitness and as a minister in the top executive authority, I can emphatically confirm the presence of foreign terrorists groups which come and go and which work at camps for training terrorists in the various Sudanese provinces. There are secret official instructions to facilitate the movement of these groups and enable them to contact NIF members, each other, and the outside world."

Not only does the government allow these groups to operate with impunity, but it has also devised "a plan to back NIF supporters in the neighboring countries with the aim of changing the governments there, including opening recruitment camps in border areas and amassing large numbers of popular defense units to reinforce the activities of these groups in their respective countries."

SOURCE: Muhammad Ahmad 'Abd-al-Qadir al-Arbab, Minister Health and Social Affairs of Sudan in the province of Sannar quoted in *Al-Sharq Al-Awsat*, March 28, 1995 (London)

"Sudan also has been a strong supporter of terrorists for export. In 1995, terrorists trained in a camp outside Khartoum with the express purpose of carrying out terrorist activities in Egypt. . . . The Egyptian government claims at least 20 international training camps exist in Sudan, 17 of which are believed to be directly administered by the Islamic Sudanese government with the intention of training Muslim militants. . . . Known to train in their own camps are terrorists from Libya and Egypt, as well as camps for Hezbollah, Hamas, and the Abu Nidal organization. . . . One camp in particular is reported to specialize in the training of individuals selected to assassinate heads of state and other highranking political and governmental personalities."

SOURCE: *Jane's Intelligence Review*, March 1, 1997

##### *As a Provider for Terrorists and Terrorist Organizations in Sudan and Abroad*

Foreign Affairs Minister of Kenya [Stephen] Kalonzo Musyoka revealed the presence of multi-national terrorist groups, including Kenyan terrorists, in Sudan after attending a OAU ministerial session in Addis Ababa, Ethiopia.

SOURCE: *KTN Television Network*, December 20, 1995 (Nairobi)

Lakhdar Ibrahim, Envoy of UN Secretary General Dr. Boutros-Boutros Gali, went to Sudan in order to persuade them to hand over the three suspects in the attempt on Hosni Mubarak. He brought proposals that included either the disclosure of, or extradition of the three suspects to Egypt. It is known that Egypt furnished the UN with a list of 317 terrorists known to the Egyptians to be hiding in Sudan.

SOURCE: *AL-ITTIHAD*, October 30, 1996 (Abu Dhabi)

"Sudan has emerged as a clear threat to the stability of nearby African and Middle Eastern states because of its support for subversive activities of regional opposition groups. This threat is likely to remain as long as the National Islamic Front (NIF) is the dominant political force in the country. In its efforts to spread its version of Islamic fundamentalism beyond Sudan and destabilize regional moderate governments friendly to the United States, the NIF supports

insurgent and terrorist groups opposed to the government of Egypt, Eritrea, Ethiopia, and Uganda. Sudan also provides safehaven and limited material support to other radical groups such as Hizballah, HAMAS, the Abu Nidal Organization, and the armed Algerian extremist groups.”

SOURCE: Prepared statement of John Deutch, Director of the Central Intelligence Agency before the Senate Intelligence Committee Worldwide Threat Assessment, *Federal News Service*, February 22, 1996

“The Palestinian Islamist delegation which went to Sudan last week to meet with the Khartoum based Hamas [Islamic Resistance Movement] military leaders in an apparent bid to seek consensus for rapprochement with the Palestine authority returned to Gaza Wednesday with reportedly positive results . . . The delegation to Sudan included prominent Islamist figures such as Khalid al-Hindi, Sa’id al-Nimruti and ‘Abdallah Muhannah along with the Amman-based Hamas spokesman ‘Abdallah Ghawshah . . . The delegates described their meetings in Khartoum, held under the auspices of Sudan’s Islamic leader Hassan al-Turabi, as ‘very encouraging.’”

SOURCE: *IRNA*, October 13, 1995 (Tehran)

Sudan support for armed factions of the FIS—responded to requests for arms, and formally arranged for weapons transfers.

SOURCE: *U.S. Department of Transportation, Federal Aviation Administration, Criminal Acts Against Civil Aviation Report*, 1992, p. 42

“Mauritania has accused Sudan and the banned Algerian Islamic Salvation Front [FIS] of masterminding rising Islamic fundamentalism in the country by “secretly funding secret Islamic organizations” whose aim is “to topple” President Maouya Ould Sid Ahmed Taya’s government. . . . For the last year there has been a guerrilla training program in progress, and the maintenance of relations with Islamic fundamentalist groups—including the FIS based in Europe, Tunisia, and Sudan,” Mauritania’s Rachid Ould Saleh, Minister of the Interior, Post, and Telecommunications told AFP. “The 60 Mauritanian Islamic leaders arrested at the end of September, . . . who were later pardoned, were infiltrated by the aides of Sudanese Islamic leader Hassan al-Turabi,” Mr. Saleh explained.”

SOURCE: Paris *AFP*, November 7, 1994

#### *On Middle-East Peace Process*

“At the end of March the leader of the National Islamic Front (NIF), Hassan al-Turabi, presided over the third Popular Arab and Islamic Conference (PAIC) in Khartoum. . . . A common theme among many of the delegates was a rejection of normalised relations with Israel and support for the armed struggle against it.”

SOURCE: The *Economic Intelligence Unit Ltd.; EIU Country Reports*, May 14, 1995

#### *Sudan Viewed Through the Eyes of Radical Islamic Jihad*

The following is from an interview between Nafiz ‘Azzam (Jihad spokesman) and Amir Bayati for *Vienna News*:

“Bayati: How do you envisage Palestine’s future?”

Azzam: There can only be a future when Israel is destroyed. Then we will establish a Islamic state according to the example of Sudan where God’s law is valid.”

SOURCE: *Vienna News* (German), March 7, 1996

#### *Al-Turabi’s Connection to Muslim Brotherhood*

The following is an excerpt of an interview by Mahir Muqlid for *AL-AMJALLAH*, September, 1995 (London) in Cairo with the ‘former commander of the [Muslim] Brotherhood militias,’ Ali Ashmawi:

“Muqlid: Is there any connection between al-Turabi in Sudan and the Brotherhood in Egypt?”

Ashmawi: Certainly, because al-Turabi was all his life a member of the Brotherhood and was its guide in Sudan. What has changed was actually only his outlook. He wants to be leader of the entire Islamic world, and has recently begun temporarily to refuse to heed the guidelines of the Brotherhood in Egypt out of his desire to become the Brotherhood’s general guide. But when he called for the convocation of a large Islamic conference in Khartoum, Mashur [referring to Mustafa Mashur, deputy general guide of the Muslim Brotherhood] traveled there to attend it.”

*Sudan-Iran Connection*

Brigadier General 'Abd-al-'Aziz Khalid 'Uthman, Sudanese opposition leader, is quoted as saying that his men have found training camps where Iranian 'experts' train Sudanese in the areas of state security, intelligence and civil defense.

SOURCE: *Al-Akhbar*, February 19, 1997 (Cairo)

"A news report in al-Haram Monday says it has been established beyond a shadow of doubt that Hassan Turabi, leader of Sudan's National Islamic Front and the man Cairo regards as the real power behind Khartoum's military government, paid a recent visit to Munich, where a large number of extremists are based and which also serves as a center for funding terrorist operations in the region ... After Munich, Turabi flew to Tehran, the paper says, and it was only after his return to Khartoum that the Sudanese government announced it(s) charge that Cairo was involved in the alleged coup attempt ..."

SOURCE: *Mideast Mirror*, May 17, 1993, quoting Egypt's newspaper, *Al-Ahram*

"Iran, which has remained a strategic ally to Sudan, continues to cultivate good relations with Khartoum. In March an Iranian Foreign Ministry Under-Secretary visited the Sudanese capital to discuss ways of promoting bilateral relations. Several accords were signed in early April when the President of the Iranian parliament, Ali Akbar Nateq-Nuri, visited Sudan ... This later agreement has been reported to contain the following provisions.

- Iran will be allowed to use naval facilities in Port Sudan for military purposes. In return it will help to train the Sudanese navy.
- Iran will expand its revolutionary guard involvement in training the Sudanese Popular Defence Force.
- The two countries will set up a joint security apparatus to exchange intelligence and analyse information.
- Iran will resume military aid and training.
- Tourism and other visits between the two countries will be expanded.
- Cultural and information exchanges will be pursued.
- Eight cultural centres for the dissemination of the ideas of the Iranian revolution will be established."

SOURCE: *The Economic Intelligence Unit Ltd.; EIU Country Reports*, May 14, 1995

"Sudanese strongman Hassan Turabi, addressing what he described as the largest Islamic conference of its kinds in modern history, has denounced the U.S. as a warmonger and defended Iran as a country trying to do right and right wrongs. ... The paper [Al-Hayat] quotes Turabi as telling the conference that America does better in conducting wars than in conducting peace initiatives, and that Iran is trying to do right and right wrongs but the U.S. is trying to bring it to its knees."

SOURCE: *Mideast Mirror*, December 3, 1995, quoting *Al-Hayat*

## TURABI IN HIS OWN WORDS

**Turabi on extremism:**

"We are proud to go back to our roots and we are extremist in our principles. We are preparing to terrorize the oppressor and remind him of what is right."  
*Mideast Mirror*, March 31, 1995

The Following are excerpts from Turabi's Speech at Al-Taqwa Mosque in Brooklyn, NY, May 7-9 1992:

"Now the state of Islam, perhaps one of the first countries in the world to go Islamic again is the Sudan, Alhamdulillah, after Iran, but among the Sunni Muslims, among Arab countries, the Sudan is the first state to go Islamic, and it experiences the same the same degree of isolation, and the degree of oppression, and the same attempt to suffocate Islam and to kill it in the cradle before and to stamp it out completely. There are propaganda campaigns against us, we are aware of them, and there was complete boycott, and there was military siege also and the unfortunate aspect of all this is that even so-called historical Muslim states were used against us, neighboring states who look to us as brothers, as neighbors, as fellow Muslims, as fellow Arabs."

"And ultimately we have to wage Jihad, true Jihad, not just struggle, but actively we have to fight to protect the state of Islam in the Sudan, because everybody was used against us, to subvert our security, in a military way, and we have to wage Jihad. And we discovered the baraka (blessing) of Jihad. When

people fight for a certain value that value becomes so dear to them because they become prepared to spill their blood to protect it”

“I don't think the New World Order will persist for very long. The western world is a world of conflict. If there is no belief in Allah, there is nothing but conflict. Humanism ultimately breed conflict, because every human being ultimately wants to become the superhuman being, on top of all the world, and that immediately breeds friction and conflict ... If anyone of you was asked five years back how long will the Soviet Union survive, you would have said fifty years, more so, a hundred years. But it just collapsed. The body can grow and can be inflated and can have attractive colors, but just one single pin, and everything will collapse, like a balloon. So people think that America is great now, it is omnipotent, it is omniscient. They know everything, they are everywhere, they can change international law with respect to Iraq and Algeria. They can just go away with international law and maintain their spirit universally. But this is power based on barbarism, it is a balloon, it looks very impressive but Allah has a time a for everybody. Once it has served its term, just one pin and phhhh, yes.”

Dr. Hasan al-Turabi Visits the U.S. (video tape), 1992

#### **Turabi on America and the West:**

During press conference, following a meeting of an Islamic delegation seeking to mediate the Gulf crisis, Dr. al-Turabi informed his audience that the United States had enlisted the help of other nations merely “for its own interests, to express its own arrogance and its interest in furthering the Zionist expansion in the area.”

*The Independent* (Amman), October 2, 1990

“The enemy is America ... If we are challenged economically we will develop our own country, we are very rich; if we are challenged culturally we will develop our own culture; if we are challenged militarily, we will have to fight back.”

*The Daily Telegraph* (London), Aug 15, 1995

“We have a heritage and a wealth of culture but their (the West's) life has been culturally empty. Even their music is now more like loud noise than serious music. They no longer know or read books. They are content with just watching television and switching from one channel to another.”

*Al-Quds al-Arabi* (London), Feb 7, 1997

“The United States is nothing more than a Jewish grouping plus a number of European groupings and some African groupings who were taken there as slaves or serfs.”

*Al-Quds al-Arabi* (London), Feb 7, 1997

#### **Turabi on Harboring “Rebels”:**

“But Sudan is still more merciful towards our Eritrean brothers. About 750,000 Eritreans are still in Sudan. They came to us as fighters against Ethiopia. We could now turn them against the regime ...

*Al-Quds al-Arabi* (London), Feb 7, 1997

#### **Turabi on the establishment of Islamic law in Sudan:**

“We have come to uphold G-d's Shari'ah. Some of the upholders of Islam are young. They are the people most dedicated to the jihad and they are the promise of the future ...

*Al-Quds al-Arabi* (London), Feb 7, 1997

#### **Turabi on Osama Bin Laden:**

“He [Bin Laden] worked for Sudan. Now, on the occasion of the independence anniversary, the president has inaugurated the road to northern Sudan, which will stretch to the port. It is the road being built by Bin-Laden's company which is still building the shortest roads to the sea ...”

*Al-Quds al-Arabi* (London), Feb 7, 1997

“He is aware of the appreciation of Sudan and those close to him for the things he has done and continues to do for Sudan. Many of them were frank with him. They told him: If you prefer to remain in Sudan nobody will push you out. This is what they told him.”

*Al-Quds al-Arabi* (London), Feb 7, 1997

Interviewer: “What is [Usamah] bin-Laden doing in Sudan?”

Turabi: “He is a big businessman and helps Sudan.”

*Al-Nahar* (Beirut), Mar 11, 1996

**Turabi on resisting modernizing influences:**

"There was no defeat. I believe they [the modernizing elements] have succeeded and have crushed the door of terrorism and fundamentalism. For this reason, they might have begun to propagate this impression and ease up against Sudan, and they have enjoyed this victory for some time. But when I come back, I will come many times more active than I was before. Now they have launched a siege against us in the United States."

*Al-Quds al-Arabi* (London), Feb 7, 1997

**Turabi on Jihad:**

"In an article published by 'Guiding Star' newspaper of Khartoum, Thursday, 8th June 1989, the NIF [leader], Dr. Hasan al-Turabi, called upon his Muslim supporters to be ready for jihad to face those who oppose Shari'ah."

*BBC Summary of World Broadcasts*, June 16, 1989

"The intellectual, dialectic, and Jihad (military) potentials should be combined in order to make cultural transformations ... The Qu'ran is clear. Allah orders us to invite people to Islam with wisdom and beautiful preaching; and to argue with them in ways that are the best and most gracious. But we should be ready and cautious in order not to be deceived. We should be ready for Jihad."

*Palestine Times*, May 1997

"The fact is that the current issue [democracy in Sudan] is not one of human rights or democracy but of Islam, and the Islam I mean is the Islam that refuses to suspend the duty of jihad."

*Al-Quds al-Arabi* (London), Feb 7, 1997

Interviewer: "What is your opinion on the 'jihad' current? I am asking you now as an intellectual and leader in the modern Islamic movement."

Turabi: "It complements the call's current which began through preachers and writers. If this call has been preoccupied with materialism of culture and money, this should be complemented with jihad. This current emerged in countries where its presence has become necessary because the other party does not want to hold a dialogue. It only wants to fight."

*Al-Wasat* (London) Nov 7-13, 1994

Turabi expressed the need for the Muslim peoples to mobilize "in a struggle—or a jihad, if you want to use the Arabic word—to protect their territories and their holy land and their wealth." Should war break out, he predicted that "there is going to be all forms of jihad all over the world because it is an issue of foreign troops on sacred soil." He went on to explain that this meant, "demonstrations, fighting, targeting the enemy everywhere."

*The Independent* (Amman) October 2, 1990

**Turabi on the Palestinian/Israeli peace process:**

"They [the Arabs] let it [Palestine] down, despite their Arab prestige. Even the Arab League almost accepted the establishment of a Palestinian state and an Israeli state, because Palestine is the root and the Israelis have seized it by force, terrorism, and looting ... Now they are preparing to drop yet another degree. We in Sudan do not want to turn against them and thus we and not they become the focus of cameras' attention. We do not want the Palestinians to turn against each other so that both sides get killed, terrorism gets forgotten ..."

*Al-Quds al-Arabi* (London), Feb 7, 1997

**Turabi on Hamas activities:**

"If what they are trying is to completely alter the situation in Arab Palestine, this cannot be achieved by killing one or ten people. I believe that the people in Hamas want to stop some of their leaders by the Israeli security agencies. They are taking an eye for an eye. If this really is the situation, I can understand it."

*Al-Nahar* (Beirut), Mar 11, 1996

**Turabi on Sharm al-Shaykh anti-terrorist summit in 1996:**

... it [the summit] seeks a confrontation with Islam as a whole, the Islam which produces both extremists and moderates. They want neither extremists nor moderates. They want to uproot both."

*Al-Nahar* (Beirut), Mar 11, 1996

**Turabi on Iran:**

"Praising the Islamic revolution in Iran and its accomplishments, al-Turabi said Iran and Sudan are at present regarded as the united base of Islam. This



is threatening to the enemies of Islam, and they work to crush these two countries.’”

*Al-Nahar* (Beirut), Mar 11, 1996

“The secretary general of the Popular Arab and Islamic Conference, PAIC, Dr. Hasan Abdullah al-Turabi, affirmed that the special relations between Sudan and Iran do not represent any malice against any country or body, explaining that these relations emanate from religious values and future Islamic conceptions.”

*Omdurman National Radio Unity Radio*, Dec 13, 1995

**Turabi’s aide, assistant secretary-general of PAIC, Ibrahim al-Sanusi, on Hamas and Hezbollah:**

... Hamas and Hezbollah groups have done nothing other than carry out acts of resistance inside the Palestinian territory because their aim is to regain the right and the land, which is lawful matter guaranteed by international laws and indeed by G-d’s laws throughout history. Jihad and resistance by those who seek to retrieve their lands and who resort to their legitimate rights in this respect cannot be described as terrorism.

*British Broadcasting Company*, Dec 4, 1996

**Turabi on Zionist Conspiracy:**

Interviewer: “Do you believe the Zionists and the Americans are planning to drag the people of the Nile Valley into a major estrangement?”

Turabi: “Whatever happens between the Egyptian and Sudanese Governments, they are exploiting it to create a crisis between the two peoples ...

Interviewer: “They [Egyptians] are fuming with anger over the act committed by the Ethiopian aggressive elements, who raped women, burned mosques, slaughtered old people, and enslaved young girls.”

Turabi: “Yes, they raped our girls, burned the Koran, and looted property during Ramadan. They are the Ethiopians and the Zionists.”

Interviewer: “What about Zionists tampering with the Nile sources?”

Turabi: “They are currently inciting Ethiopia to set up dams and to turn land into agricultural land, and the same is true of Uganda. Sudan gives part of its annual water share to Egypt.”

*Al-Sha’b* (Cairo), Feb 21, 1997

**Turabi on the International Islamist Movement:**

Interviewer: “Is there an Islamic international?”

Turabi: “Yes there is. Here at the seat of this Arabic and Islamic People’s Conference [PAIC] in Khartoum, we have Muslims from all over the world, from Africa, the Middle East, Europe, America, and Japan. We have very good links with the Islamists in Tunis. We have advised Algeria’s Islamic Salvation Front [FIS] to devise a political, economic, and international relations program.”

*La Vanguardia* (Barcelona) July 16, 1995

## Amnesty International

SUDAN: A NEW CLAMPDOWN ON POLITICAL OPPONENTS

April 1997

Arrests in Port Sudan and Khartoum in late March and early April 1997 underline that the large scale round-up of suspected political opponents begun by the Sudanese authorities on 13 January 1997 continues. Amnesty International has identified over 260 men and women arrested in towns and cities in northern Sudan (see attached list). Most still remain in detention without charge or trial. Some have been denied access to their families and necessary medical treatment. There are reports of torture.

The arrests follow intensified military action in eastern Sudan by armed forces belonging to the National Democratic Alliance (NDA), an umbrella organization of banned political parties, trade unions and armed opposition groups in exile. On 12 January 1997 troops from the Sudan People's Liberation Army (SPLA) and Sudan Alliance Forces (SAF) captured army garrisons north and south of the Blue Nile and the towns of Kurmuk and Geissan close to the Ethiopian border. They then pushed towards the site of an electricity generating station which supplies Khartoum, Sudan's capital, with much of its power. The Sudanese authorities have accused Ethiopia of invading Sudan, which Ethiopia denies. In March the NDA mounted further attacks on targets close to the border with Eritrea.

The NDA has said that it is aiming to weaken the government to pave the way for a popular uprising in Khartoum. On 21 January Sadiq al-Mahdi, Sudan's Prime Minister ousted in the 1989 coup that brought the current government to power, called on the armed forces to rise against the government. Sadiq al-Mahdi left Sudan clandestinely in late 1996.

Although many of those detained are suspected of being supporters of the NDA, the government has not charged them or produced evidence to suggest that they were involved in violent or treasonable activity. On 29 January Hassan al-Turabi, Speaker of the National Assembly and the ideological mentor of the government, told journalists that the authorities had arrested "10 to 15" men from the Umma Party and Democratic Unionist Party (DUP) in order to prevent disorder. He went on to say that "once we restore our territory, probably they will be released". On the same day President Omar Hassan Ahmad al-Bashir described the arrests as a precautionary measure "that will end when the foreign threat is removed". He indicated that the detainees would not be charged and brought to trial. Amnesty International is concerned that the detainees are facing indefinite detention without charge or trial.

Senior opposition politicians were among the first arrested, many are men who have been detained on several previous occasions. Several members of the banned Umma Party, which is led by Sadiq al-Mahdi, were arrested at their homes before dawn on 13 January. Senior adherents of the *Ansar*, one of Sudan's main Islamic orders (closely connected to the Umma Party), were taken to jail over the next few days; eight others were arrested on 17 February. Detained members of the banned DUP, Sudan's other major political party, include Sid Ahmad al-Hussein, the party's Secretary General and former Deputy Prime Minister. Communists, Ba'athists and members of banned southern Sudanese political parties were also among those arrested.

Scores of trade unionists, students, lawyers, businessmen and others are also detained. They include the leaders of the banned Sudan Workers' Trade Union Federation and many other senior trade unionists. At least 11 doctors have been arrested; the Medical Association was one of many trade unions which played a key role in ousting the government of Ga'afar Nimeiri in a popular uprising in April 1985. Student leaders from Khartoum, al-Ahlia, al-Nilein and Northern Region Universities are also in detention.

Most detainees are reported to be held in a security service-run section of Kober Prison, the country's main jail located in Khartoum North. Conditions are reported to be harsh and crowded. Some had been held incommunicado in security offices and secret detention centres before transfer to Kober. For example, Mohamed Ibrahim Abdu (also known as "Kabaj"), was denied access to his family while being held at an unknown location after his arrest on 10 February. He is a diabetic and only received necessary insulin after his family were finally able to see him in Kober in early March. Other detainees who are reported to be receiving inadequate medical care include the prominent lawyer Ali Mahmud Hassanein and the veteran trade unionist Ali al-Mahi al-Sakhi.

Reports of torture include the beating by security officers of a recently graduated student who was held for several hours on 16 March and forced to strip naked. This treatment was described as "a graduation present". He was told that every time the opposition attacked in the east he would be re-arrested and beaten again.

On 13 January, the day the round-up started, Dr Gáspár Biró, the United Nations Special Rapporteur on the situation of human rights in Sudan, arrived in Khartoum at the start of a scheduled visit. On 14 January the authorities told him that they "were not able to guarantee his safety" because of the "anger of the Sudanese masses" at the military threat in the east. The Special Rapporteur left Sudan after one day. Amnesty International believes that the government's action amounted to expelling the Special Rapporteur at a time when it was engaged in arresting political opponents.

Amnesty International is calling on the Sudan Government to release prisoners detained unless they are to be charged with a recognisably criminal offence and brought promptly to a fair trial. The organization is also calling for detainees to be allowed access to lawyers, their families and all necessary medical treatment. Reports of torture should be investigated and those responsible brought to justice.

*Appendix One: Arrests Reported in Sudan Between January and March 1997*

- 1 Abdel Nabi Ali Ahmad, University lecturer & former Regional Governor
- 2 Adam Yousif, *Ansar*
- 3 Fadl al-Nur Mohamed Jabir, Umma party
- 4 Fadlalla Burma Nasir, former Minister
- 5 Hashim Awad Abdel Magid, Lawyer
- 6 Omer Mohamed Omer, *Ansar*
- 7 Mohamed Mahil, *Ansar*
- 8 Ali al-Omda Abdel Magid, *Ansar*
- 9 Mohamed Satti Ali Mohamed, *Ansar*
- 10 Mahdi Abderahman Ali, Businessman
- 11 Mohamed al-Mahdi Hassan, Imam *al-Ansar mosque*
- 12 al-Fadl Adam Ismail, Umma party
- 13 Ibrahim Ali, Office Director of the former Prime Minister *Released*
- 14 Abdel Mahmud Haj Saleh, former Minister *Released*
- 15 al-Haj Abdelrahman Abdallah Nugdullah, former Minister
- 16 Abdel Rasoul al-Nur, former Governor
- 17 Mohamed Ismail al-Azhari, Democratic Unionist party *Released*
- 18 Mustafa Abdel Gadir, Lawyer
- 19 Bakri Ahmad Adil, former Minister
- 20 Ali Mahmud Hassanein, Lawyer
- 21 Nagib Nejm al-Din Hassan al-Tom, Doctor
- 22 Fadlalla Mohamed Hashim, Bank employee
- 23 Yahya Ali Abdalla, Trade unionist *Reporting to security daily*
- 24 Abdel Latif Gimiabi, Umma Party
- 25 Bushra Mahdi Bushra, Umma Party, student *Released*
- 26 Ismail Adam Ali
- 27 al-Fadl Ahmad Diab, Civil servant
- 28 Mohamed al-Sil, Worker
- 29 Babu Shaafi
- 30 Mohamed Mahjub Mohamed Ali, Trade unionist, accountant
- 31 Ali Ahmad al-Said, Lawyer
- 32 Jamal Abdel Rahman, Musician
- 33 Mohamed al-Hassan Nourain, Engineer
- 34 Yahya Mudalal, Trade unionist
- 35 Saudi Darraj, Trade unionist
- 36 Taha Sid Ahmad, Trade unionist
- 37 Abdalla Mohamed Malik, Trade unionist *Released*
- 38 Nasr Ali Nasr, Trade unionist
- 39 Kamil Abdel Rahman al-Sheik, Trade unionist *Reporting to security daily*
- 40 Siddiq Youssif al-Nur, Engineer, communist
- 41 al-Haj Karoum, communist
- 42 Mohamed Adam, Trade unionist
- 43 Awad al-Karim Mohamed Ahmad, Trade unionist
- 44 Abdel Karim Karoma, Businessman
- 45 Abdel Aziz al-Rufa'i, Trade unionist
- 46 Gaafar Bakri, Trade unionist, communist
- 47 Kouko, communist
- 48 Mohamed Abdin Osman, Democratic Unionist Party

- 49 Ali al-Simat, President of Rail Workers Union *Reporting to security daily*  
 50 Sid Ahmad al-Hussein, Democratic Unionist Party, former Deputy Prime Minister
- 51 Hashim Babiker Tulub, Trade unionist  
 52 Osman Hassan Sorkati, Doctor *Reporting to security daily*  
 53 Fadl al-Nur  
 54 Abdel Rahman Nugdalla, Businessman  
 55 al-Tijani Mustapha, Lawyer  
 56 Farouq Kadoda, Lecturer, communist  
 57 Mahjoub al-Zubeir, Trade unionist  
 58 al-Hadi Abdel Aziz  
 59 Taha Sid Ahmad, Trade unionist  
 60 Salah Abdel Karim, Economist  
 61 Adam Madibu, Former Minister  
 62 al-Fadl Mahir  
 63 Mohamed Suleiman, Trade unionist *Released*  
 64 Abdel Jalil Karoma, Worker  
 65 Mohamed Di'a al-Din, Trade unionist  
 66 Ali Khalifa, Trade unionist  
 67 Mansour Hassan, Imam Majid  
 68 Mohamed Babiker Mokhtar, Trade unionist *Released*  
 69 Sayed Haroun  
 70 Jad Karim, Businessman  
 71 Mubarak  
 72 Sabir  
 73 Nur al-Din Medani, Office manager al-Khaleej newspaper  
 74 Samira Hassan Ali Karrar, (F) Human rights activist *Released*  
 75 Osman Idris Abu Ras, Ba'ath party  
 76 Mohamed Dia al-Din, Ba'ath party  
 77 Abdel Moneim Ahmad al-Haj, Communist *Released*  
 78 al-Tijani Hussein Dafallah al-Sid, Ba'ath party  
 79 Ishaq Ibrahim, Ba'ath party  
 80 Abdel Mahmud Abbo  
 81 al-Tahir al-Rigayek, Trade unionist  
 82 Mohamed al-Mahil, Doctor  
 83 Abdel Karim Abdel Galil, Trade unionist  
 84 Mirghani Yousif  
 85 'Abd al-Fateh al-Rufa'i, Trade unionist  
 86 Taj al-Din al-Bashir, Vet  
 87 Yahya Mukwar, Doctor  
 88 Abdel Wahab Khojali  
 89 Moatisim Abdel Rahim Medani, Lawyer  
 90 Sifay Hadish, Ethiopian  
 91 Areha Tesfay, Ethiopian  
 92 Mouez Haile Selassie, Ethiopian  
 93 Woldegabriel Berhata, Ethiopian  
 94 Hagos Haile Mariam, Ethiopian  
 95 Yohanes Tsegay, Ethiopian  
 96 Desta Negga, Ethiopian  
 97 Woldu, Ethiopian  
 98 Abaye, Ethiopian  
 99 Goitom, Ethiopian  
 100 Halfome, Ethiopian  
 101 Habtu, Ethiopian  
 102 Habtamu, Ethiopian  
 103 Mekonnen Godefi, Ethiopian *Released*  
 104 Abdel Gadir al-Gilani  
 105 Mohamed Abdel Rahman Abu Shanab  
 106 Amin al-Rabi'e, Businessman  
 107 Ali Mahjub  
 108 Mohamed Abdullah al-Meshawi, Lawyer  
 109 al-Tahir Khalil, Bank employee  
 110 Tabera Habani, Businessman  
 111 al-Hadi Tanjur  
 112 Abdel Rahman Kajur  
 113 Mauwia al-Din Osman Mohamed

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(F) Female prisoner.

- 114 Deng Awak Achan  
 115 al-Fateh Gharballah  
 116 Mohamed Osman Abu Ras  
 117 al-Haj Osman al-Hassan, Trade unionist  
 118 Shehab al-Din Ahmad Gaafar, Lab technician  
 119 Adil Abdu, Journalist  
 120 al-Haj Osman Mohamed, Businessman  
 121 Minallah Abdelwahab, Trade unionist  
 122 Mokhtar Abdullah  
 123 Ali al-Mahi al-Sakhi, Trade unionist  
 124 Mustapha Zaki al-Hakim  
 125 Adil Saleh Mukwar, Businessman  
 126 Abdel Gadir Fahmi  
 127 Amin al-Shawafa, Businessman *Released*  
 128 Deng Wuol, Doctor  
 129 Ishaq al-Gassim Shadat, Lawyer  
 130 Abdel Rahim Mabiou  
 131 Salah Haroun, Doctor *Reporting to security daily*  
 132 Hassan 'Abd al'ati, Lecturer *Reporting to security daily*  
 133 Ahmad Mirghani  
 134 Abbas al-Subiya, Businessman  
 135 al-Tayeb Kanouna, Civil servant  
 136 Hassan Abu Zeid, Agriculturalist  
 137 Mohamed Hamad Nadim  
 138 Mamoun Mohamed Hussain, Doctor  
 139 Sabri Fakri  
 140 'Abd al-Aziz Mohamed al-Amin, Brigadier in army  
 141 'Abd al-Rahim Hamid Fadl, Brigadier in army (retired)  
 142 al-Ha Langi, Brigadier in army  
 143 Mohamed Hamed Ahmad, Brigadier in army  
 144 Sayid 'Abd al-Karim, Lieutenant colonel in army (retired)  
 145 Omar 'Abd al-Majid, lieutenant colonel in army  
 146 Ezekiel Kodi, former minister  
 147 Joshua Dau Diu, School owner  
 148 Kwai Malak, Teacher  
 149 Mustafa Ahmad Ibrahim, Student al-Ahlia University *Released*  
 150 John Michael, Driver *Released*  
 151 Widaat Hassan Ali Karrar, (F) Human rights activist *Released*  
 152 Mohamed Ahmad al-Rayah, Brigadier in army (retired)  
 153 Yousif al-Habum, Ba'ath party  
 154 Abu Khalid al-Mahi, Ba'ath party  
 155 Usama Mohia Abdel Majid, Ba'ath party  
 156 Moataz Hassan, Ba'ath party  
 157 Mohamed al-Simat  
 158 Mohamed Abdallah al-Duma  
 159 Yahya Malik  
 160 Mustapha Abdel Gadir, Lawyer  
 161 Sadiq Yahya, Trade unionist,  
 162 Dr Hashim  
 163 al-Tijani Da'oud, Trade unionist  
 164 Mohamed Abdel Nabi, Doctor  
 165 Ali Yousif, Academic  
 166 Abakar al-Tayib  
 167 Sirr al-Khatim  
 168 Adil al-Mardi, Civil servant *Reporting to security daily*  
 169 Atif Hassan, Student al-Ahlia University  
 170 Ahmad Hassan  
 171 Rashad Hamid al-Said  
 172 al-Zoheir Khalil  
 173 Abdel Rahman Sharif Mamoun, Graduate *Released*  
 174 Sidiq Sharif Mamoun, Graduate al-Ahlia University  
 175 Mohamed Ibrahim Abdu "Kabaj"  
 176 Mohamed al-Howar, *Ansar* Affairs Secretariat  
 177 Abdel Karim al-Amin al-Malih, *Ansar* Affairs Secretariat  
 178 al-Faki Abdallah Ishaq, *Ansar* Affairs Secretariat  
 179 Abbas Awad al-Karim, *Ansar* Affairs Secretariat

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(F) Female prisoner.

- 180 Mohamed Musa, *Ansar* Affairs Secretariat  
181 Abdallah Adam Ali, *Ansar* Affairs Secretariat  
182 Sabur Abdel Rahman, *Ansar* Affairs Secretariat  
183 Abdel Rahman Mohamed Issa, *Ansar* Affairs Secretariat  
184 Babiker Deqna, Businessman  
185 Adam Farajallah, Civil servant (retired)  
186 Ismail Bilol, Civil servant (retired)  
187 Mohamed Mohamed Tom, Trade unionist  
188 Jalal al-Din al-Sayed, Lawyer  
189 Ali Qurun, Businessman  
190 Yasir Issa, Bank employee  
191 Bashir Hamid Suleiman, Trade unionist (retired)  
192 Ahmad Adam, Student of Majid al-Imam 'Abd al-Rahman  
193 Sadiq Shams al-Din, Driver  
194 Abdelrahman al-Siddiq Mustapha, Businessman  
195 al-Sadiq Babiker, Businessman  
196 Adam Ibrahim, Graduate  
197 Adam Abu Taqiya, Security officer  
198 Mohamed Ahmad Jakumi, Businessman  
199 Sadiq Mohamed Tom, Graduate  
200 Ibrahim Musa, Worker  
201 Ahmad Babiker Nihar, Doctor  
202 Ahmad Bishara, Businessman  
203 Omar Faiq, Lab technician  
204 Mahmud Ahmad al-Zubeir, Labourer  
205 Ismail Wali, Student Khartoum University  
206 Abdelgadir Nasr, Businessman  
207 Mohamed al-Hassan, Doctor  
208 Mahmud Kharif, Trade unionist  
209 Ahmad Mohamed Ahmad, Trade unionist  
210 Mohamed al-Mahdi, Doctor  
211 Isam al-Shubagi, Student al-Nilein University  
212 Imad al-Amin, Graduate Khartoum University  
213 Omar Mohamed Ali, Student Khartoum University  
214 Yasir Abdel Hamid, Student Khartoum University  
215 Mohamed Farouq, Student Khartoum University  
216 Usama Siddiq Youssif, Student al-Ahlia University  
217 Tariq Abdel Majid, Student al-Ahlia University  
218 Usama Said, Student al-Ahlia University  
219 Mohamed Taj al-Sirr, Student al-Nilein University  
220 Mamoun Ibrahim Karrar, Student al-Nilein University  
221 Osman al-Sair, Student al-Ahlia University  
222 Ali Mohamed Osman al-Simat, Student al-Ahlia University  
223 Issa Ahmad Issa, Colonel in army (retired)  
224 Adam Musa, Umma party  
225 Khatim Hassan al-Tahir, Umma party  
226 Sidiq Mohamed Tom, Umma party  
227 Mubarek Mohamed Saleh, Umma party  
228 Mohamed Adam, Umma party  
229 Mohamed Zaki, Umma party  
230 Nasr Mohamed Nasr, Umma party  
231 Yousif al-Nur Hamed, Umma party  
232 Yousif Mohamed al-Agab, Umma party  
233 Abdelkarim al-Jabalabi, Umma party  
234 Abdalla Ahmad Adam, Umma party  
235 Salih Abdel Mahmud al-Haj Saleh, Student Khartoum University  
236 Isam Mohamed Farah, Student al-Nilein University  
237 Abdelrahman Adam, Student al-Nilein University  
238 Yousif Mohamed Salih, Student al-Nilein University  
239 Ibtisam al-Said Abdalla, (F) Student Northern Region University  
240 Tahani Bashir Mohamed Ali, (F) Student Northern Region University  
241 Afaf Haidar Mohamed al-Haj, (F) Student Northern Region University  
242 Qesma Mohamed Ahmad Kafour, (F) Student Northern Region University  
243 Muna Mustapha Khalid, (F) Student Northern Region University  
244 Mohamed Idris Ali, Student Northern Region University  
245 Hamid Abdelhakim Hederbi, Student Northern Region University

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(F) Female prisoner.

- 246 Hassan al-Samani, Student Northern Region University
- 247 Hamza Abdelkarim Abdelazim, Student Northern Region University
- 248 Ramadhan Jadallah, Student Northern Region University
- 249 Abbas Abdelkarim Abdelazim, Student Northern Region University
- 250 Abdelmottalib Abdelazim, Student Northern Region University
- 251 Abdelmottalib Abdalla al-Sheikh, Student Northern Region University
- 252 Mohamed Said Mohamed al-Kheir
- 253 Sid Ahmad al-Khatib, Doctor
- 254 Kheirallah Rahamtalla Koko
- 255 al-Sir Khedir
- 256 al-Sadiq al-Fadl Sail
- 257 Atif Yousuf Ahmad Dau al-Beit, Student Khartoum University
- 258 Jalal Ismail Awadallah, Businessman
- 259 Abdallah Musa, Port worker
- 260 'Abd al-Rahman al-Amin, Trade unionist
- 261 Bedawi Abdallah, Democratic Unionist Party
- 262 Moatism Siyam, Trade unionist
- 263 Adam Mohamed Sharif, Lawyer
- 264 Hussein Saleh, Lawyer
- 265 Ahmad Abdel Hafiz, Lawyer
- 266 Sara Abdallah Abdelrahman Nugdallah, (F) Umma party

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(F) Female prisoner.