

Office of the Spokesperson
Statement by Spokesperson Heather Nauert
October 6, 2017

Today, the United States decided to revoke economic sanctions with respect to Sudan and the Government of Sudan under Executive Orders 13067 and 13412, in recognition of the Government of Sudan's sustained positive actions to maintain a cessation of hostilities in conflict areas in Sudan, improve humanitarian access throughout Sudan, and maintain cooperation with the United States on addressing regional conflicts and the threat of terrorism.

The revocation will be effective October 12, 2017. This action came about through a focused, 16-month diplomatic effort to make progress with Sudan in these key areas.

To implement this decision, pursuant to Executive Order 13761, as amended by Executive Order 13804, and following consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development (USAID), Secretary of State Tillerson will publish a notice in the Federal Register and has provided a report to the President on the Government of Sudan's sustained positive actions over the mandated reporting period of the last nine months.

The Government of Sudan's actions during the last nine months show that it is serious about cooperating with the United States and has taken significant steps to stop conflict and improve humanitarian access within Sudan, and to promote regional stability. However, much more progress is needed to fully and sustainably achieve peace in Sudan and to cooperate with the United States on a range of Administration priorities, including further expanding humanitarian access, improving the Government of Sudan's human rights and religious freedom practices, and ensuring that the Government of Sudan is committed to the full implementation of UN Security Council resolutions on North Korea.

The United States will continue efforts to improve bilateral relations with Sudan. Any further normalization of ties will require continued progress by the Government of Sudan. Furthermore, the United States is prepared to use additional tools to apply pressure if the Government of Sudan regresses on progress to date in the five areas noted above or takes negative actions on other areas of concern.

The Secretary's Report on whether the government of Sudan has sustained the positive actions that gave rise to E.O. 13761 (2017)
Report
Bureau of African Affairs
October 12, 2017

On January 13, 2017, the President issued Executive Order (E.O.) 13761 ("Recognizing Positive Actions by the Government of Sudan and Providing for the Revocation of Certain Sudan-Related Sanctions"), which was subsequently amended by E.O. 13804 of July 11, 2017 ("Allowing Additional Time for Recognizing Positive Actions by the Government of Sudan and Amending Executive Order 13761"). Section 10 of E.O. 13761, as amended by E. O. 13804, provides that "[o]n or before October 12, 2017, the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence (DNI), and the Administrator of the U.S. Agency for International Development (USAID), and based on a consideration of relevant and credible information from available sources, including nongovernmental organizations, shall provide to the President a report on whether the Government of Sudan (GOS) has sustained the positive actions that gave rise to this order, including carrying out its pledge to maintain a cessation of hostilities in conflict areas in Sudan; continuing improvement of humanitarian access throughout Sudan; and maintaining its coordination with the United States on addressing regional conflicts and the threat of terrorism." Section 10 of E.O. 13761 also provides that "[a]s much of the report as possible, consistent with sources and methods, shall be unclassified and made public."

The Secretary of State is providing to the President this report pursuant to Section 10 of E.O. 13761, as amended by E.O. 13804. This report describes GOS actions between January 13, 2017, and October 12, 2017, (the reporting period) in the following five areas:

- 1) maintaining a cessation of hostilities (COH) in Darfur and the Two Areas of South Kordofan and Blue Nile states;
- 2) improving humanitarian access throughout Sudan; maintaining its cooperation with the United States on:
- 3) the conflict in South Sudan,
- 4) countering the Lord's Resistance Army (LRA);
- 5) addressing the threat of terrorism.

This report concludes that the GOS has sustained the positive actions that gave rise to E.O. 13761. This conclusion is based on a consideration of relevant and credible information from available sources, including U.S. government observation and monitoring; relevant and credible reporting from outside sources; and U.S. government regular bilateral interaction with the GOS to develop areas of cooperation and address issues of concern, particularly related to maintaining a COH, improving humanitarian access, and addressing regional conflicts and the threat of terrorism.

This report does not represent an endorsement of all of the GOS's actions or behaviors in the reporting period. In fact, the U.S. Government continues to have a range of concerns about the GOS's record and activities, including

- 1) its lack of progress towards a signed ceasefire with the main opposition groups in Sudan's internal conflict areas and, more broadly, towards achieving a sustainable peace consistent with the African Union High-Level Implementation Panel (AUHIP) Roadmap Agreement;
- 2) its lack of progress in establishing rule of law in Darfur and elsewhere in Sudan;
- 3) impunity for past atrocity crimes;
- 4) continuing areas of government interference in humanitarian operations;
- 5) a number of issues related to human rights, including arbitrary detention, torture, sexual and gender-based violence, and limitations on religious, political, and press freedom.

Rather, this report assesses that the GOS has sustained the positive actions in the five areas noted above that gave rise to E.O. 13761. It remains in the U.S. national interest to recognize the GOS's positive actions, and to build upon these actions to address other areas of concern in Sudan and the surrounding region. Per E.O. 13761, as amended by E.O. 13804, as a result of the publication of a

Federal Register notice on or before October 12, 2017 stating that the GOS has sustained its positive actions, and the provision of this report to the President on or before October 12, 2017, the sanctions relief specified in E.O. 13761, as amended by E.O. 13804, will become effective on October 12, 2017.

However, the U.S. Government will retain a number of tools to address ongoing concerns in Sudan. The national emergency with respect to Sudan, established in E.O. 13067 of November 3, 1997, will remain in effect. The Darfur-related sanctions pursuant to E.O. 13400 of April 26, 2006 will remain in place as a means of addressing issues with respect to the conflict in Darfur. Moreover, the U.S. Government will maintain the authority to designate persons, including malign actors in Sudan, pursuant to other relevant sanctions authorities as appropriate. Sudan also remains on the list of State Sponsors of Terrorism, leaving in place restrictions on U.S. foreign assistance, restrictions on defense exports and sales, controls over exports and reexports of dual use items, and miscellaneous other restrictions.

Moving forward, the U.S. government will continue to emphasize the importance of, and press for, the continuation of sustained progress by the GOS under the five areas that gave rise to E.O. 13761, including further improvements in humanitarian access. Additionally, the United States will engage with the GOS on a framework to achieve further progress on these and other U.S. interests, including ensuring the GOS is committed to the full implementation of United Nations Security Council Resolutions (UNSCRs) on North Korea and is taking significant steps to improve its respect for human rights and religious freedom. The United States will continue to use diplomatic engagement to encourage and press for further progress in these areas and is prepared to use other existing tools, including targeted sanctions as appropriate, if the GOS engages in destabilizing or problematic activities in these areas.

Maintaining a Cessation of Hostilities (COH) in Darfur, South Kordofan, and Blue Nile

(The GOS has sustained positive actions in maintaining a COH in conflict areas in Sudan by refraining from military offensives during the reporting period. This restraint stands in contrast to past behavior, such as the major Sudanese Armed Forces (SAF) military campaign that targeted the Jebel Marra area in late 2015 and early 2016 and the dry season offensives that the SAF launched annually in South Kordofan and Blue Nile states since the conflict in these states began in 2011. Throughout the course of the reporting period, Sudan's stated policy was to adhere to a unilateral COH in South Kordofan and Blue Nile and end military offensives in Darfur. On July 2, the GOS extended its unilateral COH pledge through October 2017. Sustaining a COH between the government and the armed opposition movements will be needed to allow space for the parties to sign formal, negotiated COH agreements, as both sides pledged to do under the AUHIP Roadmap, and would be a key step forward towards a sustainable end to these conflicts.

During this period, and in the future, we will continue to press the GOS to protect all its civilians, and address violence that occurs in Darfur and elsewhere within Sudan as the result of inter-communal clashes, criminality, and violence among militias and armed groups. Some of these groups were previously supported by the government but are now often unaccountable and operating independently. The focus of this track was to obtain a cessation of offensives and bombing by government forces, while encouraging progress by the government in addressing root causes of violence. In early August, the GOS began a weapons collection campaign targeting armed groups, although it is too early to assess its effectiveness. We will continue to urge the GOS to disarm these groups in an evenhanded way that does not spur more violence, and to find durable solutions to criminality, inter-communal conflicts, and the other persistent security issues that preclude the sustainable peace and stability needed for the return of Darfur's refugees and internally displaced persons. Further, in many areas, government forces and those of the armed movements remain in proximity with no clear lines of control or disengagement between the two sides. As long as the opposing forces remain in such proximity, without a negotiated and monitored COH, a continuation of small-scale skirmishes remains possible.

In this reporting period, we have no confirmed evidence that the GOS, including the security forces under its command or control, initiated offensive military operations. Furthermore, there have been no confirmed reports of GOS aerial bombardments – a trademark of GOS offensives in previous years. The assessments set forth in this section are based on a consideration of relevant and credible information about the actions of the GOS. While we are aware of conflicting accounts regarding certain

incidents, many of those accounts did not withstand scrutiny upon further efforts to corroborate information.

Darfur:

The UN Secretary-General's August 30 report to the Security Council on the AU-UN Hybrid Operation in Darfur (UNAMID) reaffirmed the improved security situation in Darfur and highlighted the absence of significant hostilities between the GOS and armed opposition. The Justice and Equality Movement (JEM) and the Sudan Liberation Movement-Minni Minnawi (SLM-MM) opposition factions have also announced unilateral COH pledges. On March 13, the GOS released 259 armed opposition prisoners belonging to JEM, SLM-MM, and the SLM-Abdul Wahid factions, as a sign of confidence-building towards a negotiated peace. Notwithstanding these positive developments, these movements and the GOS were unable to finalize and sign a formal COH agreement despite international mediation and support.

On May 19-20, immediately following informal COH consultations between the GOS and SLM-MM and JEM, fighting broke out in North and East Darfur between Sudanese government and SLM-MM forces. The U.S. government, as well as other sources, assessed that armed SLM-MM forces arrived at two separate border points and entered, unannounced, into Sudan, which provoked clashes with GOS forces. We urged both parties to show restraint and to resume negotiations, and raised concerns over reports of subsequent clashes, looting, and other violence that occurred in the days following. Neither the U.S. government nor UNAMID, which conducted an extensive survey of the conflict areas, found any evidence of aerial bombardment. While UNAMID and others have confirmed accounts of looting and harassment of civilians in the immediate chaos and aftermath of the late May clashes in North Darfur, official reports indicate that the majority of the looting and harassment was committed by opportunistic armed militias and bandits, rather than GOS forces. That said, we remain concerned about the extent of the violence during these incidents, including GOS pursuit of opposition forces following initial fighting, as well as reports of attacks on civilians by armed militias.

On September 22, reports indicated that government forces clashed with protesters from the Kalma Internally Displaced Person (IDP) camp near Nyala, South Darfur. According to credible sources, a large number of IDPs gathered at Kalma to protest the visit of Sudanese President Bashir to the area. When GOS security forces attempted to disperse the IDPs, a clash allegedly ensued between the GOS forces and the IDPs. As a result, six IDPs were killed, and twenty-six IDPs and two GOS security personnel were also injured, according to reports. We have raised our concern about this incident publicly and with the government, particularly regarding the government's use of live ammunition against protestors, and called for an investigation. More broadly, we have regularly called on the GOS to ensure that all members of its security forces operate within the chain of command and control, adhere to international human rights standards, and are held accountable for excessive use of force.

Throughout the reporting period we urged the GOS to improve access for UNAMID and to adhere to its Status of Forces Agreement. The aforementioned August UNSG report on UNAMID noted continued improvement in UNAMID's operating environment, with fewer criminal incidents and movement restrictions. On September 26, the UN also reported improvement in the issuance of visas for UNAMID personnel, and the clearance of shipments bound for the mission, some of which had been awaiting clearance since 2015 accruing significant demurrage charges. Between July and September, the GOS facilitated the clearance of more than half of all pending shipments. Challenges remain, however, in obtaining visas for UNAMID human rights section personnel. On September 22, a UN-AU-GOS tripartite coordination mechanism agreed to resolve outstanding issues on visas and shipments and to cooperate towards the completion of UNAMID's mandate, including the establishment of a temporary operating base in Golo, Jebel Marra. In August, the GOS released one UNAMID human rights employee who had been detained since November 2016.

As appropriate, the U.S. Government could use the Darfur sanctions authority (E.O. 13400) to designate actors for a range of activities in connection with the conflict in Darfur, including threatening the peace process in Darfur or stability in Darfur and the region, violations of international law in Darfur, and heinous conduct with respect to human life or limb in Darfur.

South Kordofan and Blue Nile (the Two Areas):

Unlike all previous years since the Two Areas conflict began in 2011, there have been no confirmed aerial bombardments in Southern Kordofan or Blue Nile states during the recent dry season, or at all within this reporting period. In the Two Areas conflict zone, there were some reports of intercommunal fighting, criminal activity, attacks on civilians by armed groups, and isolated and minor skirmishes between government and the Sudan People's Liberation Movement-North (SPLM-N) opposition forces. Despite the skirmishes, both sides have refrained from major offensives, and the SPLM-N released 132 prisoners of war during the reporting period. Notwithstanding these positive developments, the two sides have made only limited progress in negotiations towards signing a monitored COH agreement or agreeing to modalities to allow humanitarian access in SPLM-N-controlled areas. Moving forward, we will continue engagement in support of negotiations under the AUHIP.

Improvement of Humanitarian Access Throughout Sudan

While humanitarian access remains constrained, and further progress is needed, relief organizations have cited the steady improvement in humanitarian access in government-controlled areas and an improved operational environment since January 2017. During the reporting period, the GOS took meaningful steps toward the expansion of humanitarian access, continuing a gradual reversal of longstanding constraints. In December 2016, the GOS issued revised Directives and Procedures for Humanitarian Action that largely adhere to international humanitarian principles for timely, impartial, and effective humanitarian access, and that address most of the key constraints cited routinely by relief organizations. If fully implemented, the revised Directives would enable significant progress toward the ultimate goal of sustained, unfettered humanitarian access. Since December 2016, and through the reporting period, the GOS has improved freedom of movement for humanitarian personnel in many areas of the country, and allowed new access to areas that were previously unreachable due to a combination of insecurity and government restrictions. Relief agencies received additional and more timely approvals for travel from the capital city of Khartoum to state capitals. Further, relief agencies secured access to several previously inaccessible areas of Sudan during the reporting period, enabling the delivery of assistance to additional populations in parts of the Darfur region and government-controlled areas of Blue Nile State. Furthermore, GOS efforts to facilitate transport and delivery of life-saving food assistance to South Sudan, via humanitarian corridors through Sudan, constitute additional positive actions.

Positive developments in humanitarian access are tempered by the uneven travel approval process, which contributes to a continued challenging operating environment. Increased travel approvals are focused in government-controlled areas, and do not extend to border regions or near locations controlled by armed opposition groups.

Interference with impartial needs assessments, restrictions on certain travel, and inconsistent freedom of movement for humanitarian personnel remain. The GOS consistently restricts transport of assistance and relief operations in areas of the country that are under the control of opposition groups or near conflict frontlines, citing security concerns. Moreover, there are concerns that access improvements to date could be primarily the result of actions by specific GOS officials, rather than institutional changes supported across the federal and state levels and across multiple security sectors. For example, field travel remains constrained where state-level officials are inconsistent in applying the new, simplified GOS travel procedures or where local security forces have not accepted the new process. Continued involvement of GOS security services can delay emergency operations and risks compromising the impartiality of humanitarian efforts when security personnel accompany relief staff when speaking with affected populations.

The United States upholds international humanitarian principles. The U.S. government will continue to engage Sudan for full, timely, and impartial humanitarian access throughout the country, as continued cooperation is expected. Ongoing U.S. engagement will seek to build on gains to date and to avoid any regression by the GOS in areas where progress has been made.

Maintaining Cooperation with the United States on Addressing the South Sudan Conflict

The U.S. government assesses that the GOS has sustained positive actions in refraining from efforts to undermine peace in South Sudan during the reporting period. We will continue to both urge the GOS to maintain this policy and seek to stop the historical patterns of retributive proxy support

provided by both Sudan and South Sudan to armed opposition groups in each other's territory. During the reporting period, the GOS, along with other regional countries, urged a peaceful resolution of the South Sudan conflict. While certain opposition actors were present at times in Khartoum, and low-level contacts continued with SPLM-In Opposition (SPLM-IO) groups within Sudan, we do not assess that Sudan provided any significant arms or other material support to opposition groups operating and engaging in conflict in South Sudan. This stands in contrast to earlier years of the conflict where credible reports indicated that the GOS provided significant arms and material support to opposition forces. Even as the conflict worsened in South Sudan during the reporting period, this was a result of the actions of the warring South Sudanese parties and not related to action by the GOS. The GOS is also working within the context of the Intergovernmental Authority on Development (IGAD) regional organization to support efforts to stop the fighting and implement the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS).

Pursuant to the South Sudan sanctions program (E.O. 13664), the U.S. Government has the authority to designate persons, including Sudanese actors as appropriate, determined to be responsible for or complicit in, or to have engaged in, directly or indirectly, a range of actions related to the conflict in South Sudan, including actions or policies that threaten the peace, security, or stability of South Sudan.

Maintaining Cooperation with the United States on Addressing the LRA

The GOS has sustained positive actions in cooperating with the United States to eliminate the threat of Joseph Kony, whom the State Department listed in 2008 as a Specially Designated Global Terrorist under E.O. 13224, and the LRA during the reporting period. The GOS took the actions we requested toward identifying any LRA presence within Sudanese territory and is prepared to undertake or support operations to eliminate the LRA threat if present. The SAF participated in a counter-LRA workshop to help identify and avoid potential misunderstandings during AU- Regional Task Force operations and offered to make forces available to support counter-LRA efforts. During this workshop, Sudan hosted an American flag officer from U.S. Africa Command.

The LRA is designated pursuant to the Central African Republic sanctions program (E.O. 13667), and the U.S. Government therefore has the authority under this program to designate persons, including Sudanese actors as appropriate, who provide financial or material support to the LRA.

Maintaining Cooperation with the United States on Addressing the Threat of Terrorism

Since January, Sudan has continued its cooperation with the United States on counterterrorism (CT) efforts against terrorist groups in Sudan and North Africa, and has worked to counter terrorists' attempts to transit Sudanese territory. The Sudanese government's actions against terrorists have been notable, significant, and have contributed to advancing U.S. CT objectives and the global fight against terrorism. The U.S. government will continue to engage the GOS to expand and deepen CT cooperation where possible.

The U.S. Government retains broad authorities under E.O. 13224 to designate persons, including Sudanese persons as appropriate, determined to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States, as well as persons determined to be owned or controlled by, or to act for or on behalf of those persons, and persons who provide material support to designated terrorists.

Other Issues of Focus During the Reporting Period

We have used our increased leverage and influence with the GOS resulting from improved bilateral relations during the reporting period to work towards progress on a range of U.S. policy priorities beyond the five tracks described above, including human rights and religious freedom, and the implementation and enforcement of prohibitions outlined in UNSCRs related to North Korea. The GOS has taken some positive actions in these areas. However, more progress is needed for Sudan to meet international standards; we will continue to press for positive change.

Human Rights:

While the GOS's positive actions in maintaining a COH in conflict areas in Sudan served to address one of our most critical human rights concerns – indiscriminate aerial bombardment – the U.S. government also engaged with the GOS on a range of other serious, ongoing human rights issues, including detention, torture, and political, religious, and press freedoms. Our sustained pressure on a range of human rights issues has led to some progress, including the late August presidential pardon of human rights champion Dr. Mudawi Ibrahim Adam, along with four other activists. Lastly, the United Nations Security Council's 1591 Committee's "Panel of Experts" and the United Nations Human Rights Council's Independent Expert (IE) for Human Rights in Sudan had improved access throughout Sudan during the reporting period. The IE highlighted in his final report to the Human Rights Council that the GOS had appointed a Chairperson for the Sudan National Human Rights Commission, the government's national human rights ombudsman. Prior to the appointment, the position had been vacant for nearly four years.

Religious Freedom:

We will also continue to press for improvements in religious freedom in Sudan. Incidents of demolition of church properties and structures used for worship, nominally related to land disputes, along with other persistent problems that have been documented in our annual Human Rights Report and International Religious Freedom Report, remain of significant concern. Moving forward, the Sudanese government has expressed its desire to take steps towards addressing its Country of Particular Concern (CPC) designation regarding freedom of worship, and it endorsed an initiative by the Department of State's Bureau of Democracy, Human Rights and Labor's Office of International Religious Freedom (DRL/IRF) to work with religious groups on property registration issues. As a direct result of our engagement, in conjunction with Congressional pressure and the engagement of the Czech Foreign Ministry, the GOS pardoned and released Czech religious worker Petr Jasek and two of his associates, who had been sentenced to 12 years imprisonment for "espionage." Sudanese Foreign Minister Ghandour and Deputy Speaker of Parliament Hassan have publicly urged Khartoum State authorities to review their July 19 order requiring Christian schools to open on Sundays, noting that the order threatens religious coexistence and damages Sudan's image abroad.

North Korea:

We have also used our expanded bilateral relationship to engage the GOS to fully implement all UN Security Council resolutions on North Korea, a critically important issue for U.S. national security. As it is with all UN member-states, this will be a vital part of U.S. bilateral engagement going forward, and also vital for broader regional and global security.

The U.S. Government has a number of authorities providing for designations of counterparties, including Sudanese counterparties, to certain North Korea-related activities.