Congress of the United States
Washington, DC 20515

April 19, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

As Ranking Member and Chairman of the Senate Foreign Relations Committee and Chairman and Ranking Member of the House Foreign Affairs Committee, we jointly request a determination pursuant to subsection 1263(d) of the Global Magnitsky Human Rights Accountability Act of whether Sudan's Rapid Support Forces (RSF) and RSF Commander Lieutenant General Mohamed Hamdan Dagalo (commonly known as Hemedti) have engaged in activity described in subsection 1263(a) of that Act, such as gross violations of internationally recognized human rights committed against human rights defenders and persons seeking to expose illegal activity by government officials.[1]

Within 120 days of receipt of this request, the President is required to determine whether the RSF and Hemedti have engaged in relevant activity, which includes "responsib[ility] for extrajudicial killings, torture or other gross violations of internationally recognized human rights committed against individuals" who seek to "expose[s] illegal activity carried out by government officials" or "obtain[s], exercise[s], defend[s], or promote[s] internationally recognized human rights and freedoms," such as freedom of expression and the right to a fair trial. At the same time, the President is required to submit a classified or unclassified report to us with respect to those determinations, which includes a statement of whether or not the President imposed or intends to impose sanctions with respect to the RSF and/or Hemedti respectively and if so, a description of such sanctions.

On December 6, 2023, Secretary of State Antony Blinken announced that the RSF had committed war crimes, crimes against humanity, and ethnic cleansing since the outbreak of fighting in Sudan on April 15, 2023. While not an exhaustive list, the following instances are representative examples of how the RSF, under the leadership of Hemedti, has committed abuses deserving of sanctions under the Global Magnitsky Human Rights Accountability Act:

- On September 6, 2023, the Department of Treasury sanctioned Abdelrahim Hamdan Dagalo, Hemedti's brother, under Executive Order 14098 as a leader of the RSF, "an

[1] 22 U.S.C. §10102(a).

entity whose members have engaged in acts of violence and human rights abuses".[2] In its announcement of the sanctions, which coincided with the imposition of 7031(c) visa restrictions on RSF General Abdul Rahman Juma, the State Department explained, "Members of the Rapid Support Forces (RSF) in Darfur have committed atrocities and other abuses, including… targeted abuses against human rights activists and defenders."[3]

- On August 4, 2023, gunmen in RSF uniforms abducted and killed human rights activist and lawyer Ahmed Mohammed Abdullah and his colleague Adam Omer in Nyala, South Darfur.[4]

- On June 14, 2023, Khamis Abdullah Abakar, the governor of West Darfur, was assassinated while he was in the custody of the RSF, just hours after he had criticized the RSF in a television interview, describing its actions as "genocide."[5] In response to this incident, on September 6, 2023, the Department of State announced the imposition of section 7031(c) visa restrictions on RSF General Abdul Rahman Juma, specifically for his involvement in the kidnapping and killing of Governor Abakar.[6]

- From April 24 to June 26, 2023, Human Rights Watch interviewed 78 victims of rape by the RSF in El Geneina, West Darfur. Several victims were targeted for being human rights activists or family members of human rights activists who had spoken out about the RSF's attacks on the Masalit community.[7]

- In May and June 2023, human rights lawyers, defenders, and democracy activists in El Geneina, West Darfur, faced targeted threats and killings by the RSF and allied militia, including:
    - Mohammed Ahmed Kudia, a member of the Darfur Network of Monitors;

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[2] "Treasury Sanctions Sudanese Paramilitary Leader," Department of the Treasury, September 6, 2023, https://home.treasury.gov/news/press-releases/jy1712.
[3] Department of State, "Actions Against."
[4] "Human Rights Defender Fatally Assassinated in South Darfur Following Abduction," Sudan Tribune, August 4, 2023, https://sudantribune.com/article275775/.
[5] Zeinab Mohammed Salih and Jason Burke, "Sudan: Paramilitary Forces Blamed for Assassination of West Darfur Governor," The Guardian, June 15, 2023, https://www.theguardian.com/world/2023/jun/15/sudan-paramilitary-forces-blamed-assassination-khamis-abdallah-abbakar-government-official.
[6] "Actions Against Senior Rapid Support Forces Commanders in Sudan," Department of State, September 6, 2023, https://www.state.gov/actions-against-senior-rapid-support-forces-commanders-in-sudan/.
[7] "Darfur: Rapid Support Forces, Allied Militias Rape Dozens," Human Rights Watch, August 17, 2023, https://www.hrw.org/news/2023/08/17/darfur-rapid-support-forces-allied-militias-rape-dozens.

- Khamis Arabab, a member of the Darfur Bar Association;
- Khidir Sulieman Abdelmageed, the head of the human rights organization Afkar and manager for the Institute for Democracy and Electoral Assistance;
- Abd Elrazeg Adam Mohammed, a member of the Darfur Network of Monitors;
- Tareg Hassan Yagoub Elmalik, a founding member of the Darfur Bar Association and Sudanese Bar Association steering committee member; and
- El Sadeg Mohammed Ahmed Haroun, a member of the Darfur Bar Association who had filed cases against the RSF for its attacks on the Krinding IDP camp in 2021 and 2022.[8,9,10,11]

- On May 14, 2023, while working in a health clinic in El Geneina, West Darfur, Dr. Adam Zakaria Is'haq, a human rights defender affiliated with the Darfur Network for Human Rights, was killed by an Arab militia supported by the RSF.[12]

- Since the April 15, 2023, outbreak of fighting between the RSF and Sudanese Armed Forces, there have been numerous reported incidents of the RSF targeting journalists:
  - On May 1, 2023, the RSF shot, detained, and beat freelance photographer Faiz Abubaker in Khartoum while covering clashes between protesters and security forces.[13]
  - On May 11, 2023, the RSF raided the offices of the Sudanese newspaper *El Hirak El Siyasi* in Khartoum.[14]

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[8] "Sudan: Killing of Three Human Rights Defenders in Darfur," Front Line Defenders, June 16, 2023, https://www.frontlinedefenders.org/sites/default/files/ua_sudan_killing_of_3_hrds_160623_fv_eng_revised_050723.pdf.

[9] "Sudan: Killing of Three Human Rights Defenders in Darfur," Front Line Defenders, June 23, 2023, https://www.frontlinedefenders.org/en/case/sudan-killing-three-human-rights-defenders-darfur-0.

[10] "DBA: Four Lawyers Slain in West Darfur 'Deliberately Targeted'," Dabanga, June 21, 2023, https://www.dabangasudan.org/en/all-news/article/dba-four-lawyers-slain-in-west-darfur-deliberately-targeted.

[11] "The Darfur Bar Association Reveals the Killing of Lawyers and Activists in West Darfur," Dabanga, August 6, 2023, https://www-dabangasudan-org.translate.goog/ar/all-news/article/%d9%87%d9%8a%d8%a6%d8%a9-%d9%85%d8%ad%d8%a7%d9%85%d9%8a-%d8%af%d8%a7%d8%b1%d9%81%d9%88%d8%b1-%d8%aa%d9%83%d8%b4%d9%81-%d8%b9%d9%86-%d9%85%d9%82%d8%aa%d9%84-%d9%85%d8%ad%d8%a7%d9%85%d9%8a%d9%86-%d9%88?_x_tr_sl=auto&_x_tr_tl=en&_x_tr_hl=en-GB.

[12] *'Death Came to Our Home': War Crimes and Civilian Suffering in Sudan* (London, United Kingdom: Amnesty International, 2023), 19, https://www.amnesty.org/en/documents/afr54/7037/2023/en/.

[13] "Journalists Shot, Beaten, and Harassed Covering Conflict between Sudan's Rival Military Groups," Committee to Protect Journalists, May 30, 2023, https://cpj.org/2023/05/journalists-shot-beaten-and-harassed-covering-conflict-between-sudans-rival-military-groups/.

[14] "Sudanese Journalists Condemn Attacks, 'Anonymous Lists'," Dabanga, May 13, 2023, https://www.dabangasudan.org/en/all-news/article/sudanese-journalists-condemn-attacks-anonymous-lists.

- On May 16-17, Al-Jazeera journalists Ahmed Fadl and Rashid Gibril were detained and beaten in Khartoum.[15]
- On May 18, the RSF beat freelance journalist Eissa Dafaallah in Nyala, West Darfur, while he was filming the aftermath of fighting in the city.[16]

The Committee to Protect Journalists has condemned these actions, stating: "By detaining, assaulting, and robbing journalists, Sudan's RSF forces are showing the extent they are willing to go to obstruct free reporting on the country's conflict."[17]

- On October 15, 2020, in Kassala, Sudanese security forces, including the RSF, used lethal force against protesters, killing seven and injuring about 25. Human Rights Watch documented this event with evidence that includes video footage showing RSF vehicles advancing toward and firing shots at the crowd.[18]

- Throughout 2020, the RSF, "acting without lawful authority, arbitrarily detained dozens of civilians, including political activists... incommunicado or in circumstances constituting enforced disappearances" in Khartoum.[19]

- On July 29, 2019, in El-Obeid, North Kordofan, student protesters were shot and killed by members of the RSF. Subsequently, on August 5, 2021, a Sudanese civilian court sentenced six RSF officers to death for their roles in the killings of the student protesters.[20]

- In 2019, the RSF committed numerous violations of internationally recognized human rights in Sudan, particularly against protesters demanding a civilian-led transition to democracy after President Omar al-Bashir's ouster. Key incidents include:

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[15] Committee to Protect Journalists, "Journalists Shot."
[16] "Sudanese Paramilitary Soldiers Assault At Least 3 Journalists, Hold 2 Overnight," Committee to Protect Journalists, May 23, 2023, https://cpj.org/2023/05/sudanese-paramilitary-soldiers-assault-at-least-3-journalists-hold-2-overnight/.
[17] Committee to Protect Journalists, "Sudanese Paramilitary."
[18] "Sudan: Security Forces Kill Protesters in Eastern Sudan," Human Rights Watch, December 21, 2020, https://www.hrw.org/news/2020/12/21/sudan-security-forces-kill-protesters-eastern-sudan.
[19] "Sudan: Unlawful Detentions by Rapid Support Forces," Human Rights Watch, March 1, 2021, https://www.hrw.org/news/2021/03/01/sudan-unlawful-detentions-rapid-support-forces.
[20] Nafisa Eltahir, "Six Sudan Paramilitary Officers Sentenced to Death for Killings of Student Protesters," Reuters, August 5, 2021, https://www.reuters.com/world/africa/six-sudan-paramilitary-officers-sentenced-death-killings-student-protesters-2021-08-05/.

- **June 3, 2019, Khartoum Massacre:** Sudanese security forces, led by the RSF[21], violently dispersed a peaceful pro-democracy sit-in in Khartoum. This event, known as the 'Khartoum Massacre,' resulted in at least 124 deaths and hundreds of injuries. Human Rights Watch reports that "RSF soldiers opened fire on unarmed protesters, instantly killing many. The soldiers rounded up and beat protesters… they also raped protesters and committed other acts of sexual violence."[22]
- **Eyewitness Accounts Reported by Physicians for Human Rights:** Physicians for Human Rights documented "coordinated pre-attack planning" by hostile RSF fighters, including those from the Rizeigat tribe of Darfur. On June 3, these fighters reportedly beat protesters and carried out extrajudicial killings.[23]
- **Reports by the UN Human Rights Council-mandated Independent Expert:** On July 26, 2019, the Independent Expert reported additional incidents of protester killings by the RSF, including on May 2 in Masteri, East Darfur; May 12 in Khartoum; and June 30 in several cities such as Omdurman, Atbara, and Al-Gedaref.[24]

As you know, the Global Magnitsky Human Rights Accountability Act authorizes sanctions against foreign persons who commit gross violations of internationally recognized human rights against individuals seeking: to expose illegal activity carried out by government officials; or to obtain, exercise, defend, or promote internationally recognized human rights and freedoms.[25] The actions of the RSF and Hemedti, including those described above, more than meet that threshold.

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[21] UN Human Rights Council, Report of the Independent Expert on the Situation of Human Rights in the Sudan, A/HRC/45/53, p. 6 (July 30, 2020), https://digitallibrary.un.org/record/3862630?ln=en.
[22] Jehanne Henry, *'They Were Shouting Kill Them': Sudan's Violent Crackdown on Protesters in Khartoum* (Human Rights Watch, November 2019), https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum.
[23] Adrienne L. Fricke, *'Chaos and Fire': An Analysis of Sudan's June 3, 2019 Khartoum Massacre* (Physicians for Human Rights, March 5, 2020), https://phr.org/our-work/resources/chaos-and-fire-an-analysis-of-sudans-june-3-2019-khartoum-massacre/.
[24] UN Human Rights Council, Independent Expert, 8-9.
[25] 22 U.S.C. §10102(a).

We ask that you also examine the RSF's financial networks and sources of revenue,[26,27] such as gold smuggling,[28] and relationships with the Russian Federation[29] and Wagner Group[30], to assess whether they are also deserving of sanction under the Global Magnitsky Human Rights Accountability Act for acts of significant corruption by government officials.

Furthermore, we recommend the designation of General Abdel Fattah al-Burhan under your Executive Order 14098 (May 4, 2023), given his role in undermining Sudan's democratic transition; threatening the peace, security, and stability of Sudan; and perpetuating atrocities during the ongoing conflict.

We believe these grave violations necessitate a robust response, and we look forward to your swift action in this matter.

Sincerely,

JAMES E. RISCH
Ranking Member
Senate Foreign Relations Committee

Michael T. McCaul
Chairman
House Foreign Affairs Committee

Benjamin L. Cardin
Chairman
Senate Foreign Relations Committee

Gregory W. Meeks
Ranking Member
House Foreign Affairs Committee

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[26] Catherine Cartier, Eva Kahan, and Isaac Zukin, Breaking the Bank: How Military Control of the Economy Obstructs Democracy in Sudan (C4ADS, 2022), https://c4ads.org/wp-content/uploads/2022/07/BreakingtheBank-Report.pdf.

[27] Reem Abbas, "Money Is Power: Hemedti and the RSF's Paramilitary Industrial Complex in Sudan," The Tahrir Institute for Middle East Policy, July 26, 2023, https://timep.org/2023/07/26/money-is-power-hemedti-and-the-rsfs-paramilitary-industrial-complex-in-sudan/.

[28] Alex de Waal, "Sudan Crisis: The Ruthless Mercenaries Who Run the Country for Gold," BBC, July 19, 2019, https://www.bbc.com/news/world-africa-48987901.

[29] Tom Collins, "How Putin Prepared for Sanctions with Tonnes of African Gold," The Telegraph, March 3, 2022, https://www.telegraph.co.uk/global-health/terror-and-security/putin-prepared-sanctions-tonnes-african-gold/.

[30] Foreign Affairs Committee, Guns for Gold: The Wagner Network Exposed, 2022-23, HC 167, (UK), https://publications.parliament.uk/pa/cm5803/cmselect/cmfaff/167/report.html.