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MEMORANDUM OF JUSTIFICATION AND CERTIFICATION OF RESCISSION OF SUDAN'S DESIGNATION AS A STATE SPONSOR OF TERRORISM

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A MEMORANDUM OF JUSTIFICATION AND CERTIFICATION OF RESCISSION OF SUDAN'S DESIGNATION AS A STATE SPONSOR OF TERRORISM



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THE WHITE HOUSE,
Washington, October 26, 2020.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the Constitution and the laws of the United States, and consistent with sections 1754(c) and 1768(c) of the National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4813(c) and 4826(c)), I have made a certification with respect to the rescission of the determination of August 12, 1993, regarding the Government of Sudan.

I have enclosed copies of the Certification and Memorandum of Justification.

Sincerely,

DONALD J. TRUMP.

NOTICE

CERTIFICATION OF RESCISSION OF SUDAN'S DESIGNATION AS A STATE SPONSOR OF TERRORISM

Pursuant to the Constitution and the laws of the United States, and consistent with sections 1754(c) and 1768(c) of the National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4813(c) and 4826(c)), I hereby certify, with respect to the rescission of the determination of August 12, 1993, regarding Sudan that:

(i) the Government of Sudan has not provided any support for acts of international terrorism during the preceding 6-month period; and

(ii) the Government of Sudan has provided assurances that it will not support acts of international terrorism in the future.

This Certification shall also satisfy the provisions of section 620A(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(c)(2)), section 40(f)(1)(B) of the Arms Export Control Act (22 U.S.C. 2780(f)(1)(B)), and, to the extent applicable, section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), as continued in effect by Executive Order 13222 of August 17, 2001.

DONALD J. TRUMP.

THE WHITE HOUSE, *October 26, 2020.*

MEMORANDUM OF JUSTIFICATION FOR RESCISSION
OF SUDAN'S STATE SPONSOR OF TERRORISM DESIGNATION

Sudan was designated as a State Sponsor of Terrorism on August 12, 1993, due to its support for international terrorist groups, including knowingly harboring and facilitating terrorist activities of terrorist organizations. After careful review and as described herein, the President has determined that the record supports the statutorily required certification that the Government of Sudan has not provided any support for acts of international terrorism during the preceding six-month period and has provided assurances that it will not support acts of international terrorism in the future.

The President's certification to permit rescission of Sudan's designation as a State Sponsor of Terrorism represents the culmination of years of concerted diplomatic effort and monitoring of Sudan's behavior by the United States.

Sudan has taken steps to fully distance itself from international terrorism and has taken steps to strengthen its counterterrorism laws. In 2013, Sudan made a commitment to work with the Financial Action Task Force (FATF) to address its anti-money laundering/counterterrorism finance (AML/CFT) deficiencies. Since that time, Sudan made a concerted effort to improve its AML/CFT policies, receiving sufficient ratings to be removed from the International Co-operation Review Group (ICRG) process, thereby being removed from the FATF "Grey List." Sudan has made progress in establishing the framework necessary to meet international AML/CFT standards by, for example, adequately criminalizing money laundering and terrorist finance and establishing procedures to identify and freeze terrorist assets, among other legal and regulatory actions. On February 12, 2020, the Government of Sudan provided the United States assurances that it will implement all FATF and UN obligations related to countering the financing of terrorism and abide by and enforce all U.S. and UN counterterrorism sanctions.

According to the United Nations Office of Drugs and Crimes database, Sudan is a state party to 12 international instruments related to countering terrorism. On May 28, 2020, Sudan and the United Nations Counter-Terrorism Office signed a memorandum of understanding to implement the UN's Counter-Terrorist Travel Program, providing intelligence support to Sudan to prevent terror-related crime while finding terrorists and foreign fighters by analyzing travel data. The Government of Sudan has provided the United States assurances that it will continue to adhere to international standards, conventions, and obligations related to the prevention and suppression of international terrorism.

Direct engagement with the Government of Sudan has also permitted the United States to secure additional assurances, delivered February 12, 2020, of Sudan's commitment to renounce international terrorism. In the assurances, Sudan reiterated its commitment to cooperate in combating terrorism, condemned all terrorist acts in their forms and manifestations, and any action to encourage, support, finance, or cover up any terrorist act, method, or practice. The Government of Sudan further committed that it will not support any acts of international terrorism in the future, and that it will prevent its territory from being used to organize, finance, or execute terrorist acts against any other country, including the United States. Additionally, the

Government of Sudan committed that it will not help plan, finance, or support in any way the activities of any terrorist organization, regardless of the purpose of such activity. That paper stated, in part:

> "The Government of Sudan condemns all acts of terrorism in all forms and manifestations. It likewise condemns any action to encourage, support, finance, or cover up any terrorist act, method, or practice."
>
> "The Government of Sudan reiterates and confirms that it does not support acts of international terrorism and will not support acts of international terrorism in the future. The Government of Sudan further assures that it will prevent Sudanese territory from being used to organize, finance, support, or carry out terrorist acts against any country."
>
> "The Government of Sudan will deny safe haven to all terrorists. It will monitor and investigate, and take action to prevent and disrupt, any use by terrorists or their supporters of Sudanese territory for training, weapons smuggling, travel, and financial facilitation."
>
> "The Government of Sudan will not help plan, finance, or support in any way the activities of al-Qa'ida, the Islamic State of Iraq and Syria, Hama, Palestinian Islamic Jihad, any affiliate of these groups, or any other terrorist organization, regardless of the purpose of such activity."

The Government of Sudan has also provided assurances that it will fully enforce its counterterrorism laws and regulations and monitor and investigate government employees, contractors, and any other individual engaging in or providing support to terrorists:

> "The Government of Sudan will immediately issue and apply directives prohibiting all Sudanese government employees and contractors from providing support to terrorist actors and entities, and establish and enforce adequate penalties for violations of such directives. The Government of Sudan will proactively monitor government employees and contractors for compliance with such directives, investigate all potential violations, and take timely and appropriate action, in a manner that consistent with human rights obligations and commitments, against those government employees and contractors found to be providing support to terrorist actors or entities."
>
> "The Government of Sudan will proactively monitor and investigate individuals engaging in or providing financial or

> material support for terrorist activities. This includes monitoring and investigating terrorists who transit through Sudanese territory, as well as individuals who allow them to do so. The Government of Sudan will issue and apply directives requiring Sudan's security services to take timely and appropriate action, in a manner that is consistent with human rights obligations and commitments, to prevent and disrupt such activities and hold the responsible individuals accountable for any violations of domestic law."

On March 17, 2020, Prime Minister Abdalla Hamdok signed the "Transitional Cabinet Publication number 17 of 2020 (Directives to Counter Terrorism and its Financing)", directing government institutions, entities, and companies to implement the following directives immediately upon issuance:

> All employees in the State institutions, companies in which the Sudanese government has an interest, and contractors of such entities and companies shall refrain from participating with or providing any support to individuals, organizations, or entities engaged in or supporting terrorism by any means, whether directly or indirectly.
>
> All security and military institutions and their employees, as soon as they become aware that terrorist elements are present in or crossing through Sudanese territory, shall take such measures as are necessary to arrest them or hamper or stop their activities. Implementation of these measures must be done with respect for international principles of human rights.
>
> Personnel working in the apparatuses, institutions, entities, and companies referred to in paragraphs 2 and 3 shall notify security agencies of any entities participating with or providing support to individuals, organizations, or entities engaged in or supporting terrorism by any means, whether directly or indirectly, or of any individuals or entities engaged in terrorism within or crossing through Sudanese territory.
>
> Anyone who violates the provisions of this publication will hold himself under legal responsibility in accordance to Anti-terrorism Act for year 2001, Money Laundering and Terrorism Financing Act for year 2014, Sudan Criminal Act for year 1991 and [Cyber] Security Act for year 2018.

Following a review of all available information, there is no credible evidence at this time of ongoing support by Sudan for international terrorism, and there is a sufficient basis for certification by the President to Congress that Sudan has not provided any support for acts of international terrorism during the preceding six-month period.

There is no credible evidence that the Government of Sudan has, within the preceding six months, provided material support, services, or resources, to al-Qa'ida, the Islamic State of Iraq and Syria, Hamas, Palestinian Islamic Jihad, any affiliate of these groups, or any other terrorist organization. Sudan has also provided specific assurances that it will not do so in the future.

The Government of Sudan has increasingly cooperated on counterterrorism efforts with the United States. The Department of State removed Sudan from the list of countries not cooperating fully with U.S. antiterrorism efforts in 2004. In 2016, the Department of State publicly highlighted how Sudan continued to take steps toward countering ISIS and other terrorist groups, seeking to prevent their movements into and through Sudan.

In February 2020, the Government of Sudan provided the United States with a non-paper, detailing Sudan's actions against terrorism. This document includes descriptions of Sudan's efforts to monitor Sudanese or foreign elements suspected of terrorist ties or activities to prevent them from gaining any financial, logistical, or practical, support in Sudan, including through the use of Sudanese territory for training, and to tighten laws around weapons acquisition and possession, with a focus on smuggling routes and border areas. The document also highlighted Sudanese laws prohibiting provision of safe haven for extremists, tightening of regulations pertaining to issuance of travel documents and efforts to prevent issuance of a Sudanese travel document to an unqualified person, as well as efforts to ensure nuclear material for medical use is not misallocated.

We have negotiated a bilateral understanding regarding compensation for U.S. national and non-U.S. national victims of the 1998 bombings of Embassies Nairobi and Dar es Salaam and Sudan has reached private settlement agreements with victims of the 2000 attack on the USS Cole and the 2008 murder of USAID employee John Granville. The Government of Sudan has committed to a timely of transfer $335 million into an escrow account for future release to the United States for payment to victims. The Department of State is working with Sudan to make sure 9/11 victims with pending claims have the ability to pursue claims under the Justice Against State Sponsors of Terrorism Act (JASTA) regardless of the statute of limitations.

Should the United States government obtain credible evidence at any time of Sudanese support in the future for acts of international terrorism, the Secretary of State could again designate Sudan as a State Sponsor of Terrorism.

The President's report to Congress certifying that Sudan has not provided any support for acts of international terrorism during the preceding six-month period and has provided assurances that it will not provide support for acts of international terrorism in the future will permit the Secretary of State to rescind Sudan's designation following the 45-day Congressional review period. Rescission in this case will strongly support the objectives of the state sponsor legislation and will demonstrate to Sudan the benefits of cooperation with the international community, including the United States, to counter international terrorism.

