

PROTECTING CIVIL SOCIETY, FAITH-BASED  
ACTORS, AND POLITICAL SPEECH IN  
SUB-SAHARAN AFRICA

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
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## PROTECTING CIVIL SOCIETY, FAITH-BASED ACTORS, AND POLITICAL SPEECH IN SUB-SAHARAN AFRICA

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WEDNESDAY, MAY 9, 2018

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 1:46 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order. And good afternoon to everybody. And first of all, I apologize for the lateness in starting. We did have a series of votes, and we have a number of members who are on their way. So I look forward to them joining us for this hearing.

Our hearing this afternoon will explore U.S. policy responses to the growing trend of government incursions on the space for non-state actors in sub-Saharan Africa as authoritarian regimes and back-sliding democracies have entrenched themselves in countries such as Sudan, South Sudan, the Democratic Republic of Congo, Rwanda, and Burundi. Governments have increasingly encroached upon the mediating space between individuals and the state, particularly against religious groups and journalists who often stand as independent institutional checks to authoritarian rule.

Protecting the non-governmental sector in sub-Saharan Africa is critical to preserving civil and political rights within the region. As we have learned from the United States Civil Rights movement, groups such as churches and independent journalists are often the safekeepers of civil liberties. Through sanctions and public diplomacy tools, the international community can protect the space for these safekeepers to operate in sub-Saharan Africa. We can do it and we must do it, and we must do it robustly.

For example, the Catholic Church in the Democratic Republic of Congo is the only organization with a nationwide institutional presence in moral authority capable of checking Kabila's growing authoritarian rule.

The National Episcopal Conference of the Congo, or CENCO, is the only civil society institution that pressures the Kabila regime to respect human rights and democratic principles. CENCO mediated the Saint Sylvester political agreement in 2016. It also over-

sees the Episcopal Commission for Justice and Peace, which conducts voter education, election observer training programs, and is a recipient of USAID funding and has expressed moral support for pro-democracy protests.

The Catholic Church's leadership in the Congo does not come without a cost. Priests, nuns, and parishioners have been targeted, attacked, and killed in retaliation for that leadership. A few months ago, Father Sebastien Yebo, parish priest of St. Robert, in an outer eastern suburb of Kinshasa, was abducted by the Congolese security forces.

Interviewed on RFI radio, Father Joseph Bemba of St. Kisito's parish, said he has rarely slept at home since the brutal suppression of the protest marches organized by the Lay Coordination Committee on January 21.

The closing of space for faith-based organizations and other civil society organizations is indeed an extraordinarily worrying trend as the number of sub-Saharan African countries within those countries. Humanitarian aid workers, journalists, priests, and political candidates and their families have been increasingly targeted and threatened by governments in sub-Saharan Africa.

If you look north of the DRC, we can see that, in South Sudan, a country that I have visited twice within the last 2 years, we see humanitarian organizations are harassed by government forces. Last year, humanitarian organizations reported over 700 cases of humanitarian access incidents.

The environment for humanitarian operation grows increasingly difficult and dangerous as the geographic scope of humanitarian need continues to expand. South Sudan, shockingly, has today, over 1.7 million IDPs. And, of course, that is in addition to those who have made their way into Uganda. And Ms. Bass and I actually went and visited the camp, Bidi Bidi camp, where many of those refugees were, and that number has swelled to close to 1 million.

There is also growing concern throughout the region on the closing of independent objective media sources. Most recently, Burundi suspended Voice of America, and suspended BBC earlier this week for a period of 6 months, according to the announcement made at a press conference by CNC.

The CNC claims that this suppression is in response to biased reporting. This suspension comes 2 weeks before the referendum allowing Burundi's President to serve into the 2030s. An apparent violation of constitutional term limits, he is looking to extend, as we have seen this trend in many parts of the world, including in many countries in sub-Saharan Africa. VOA's local correspondent told our U.S. Embassy people that the decision was a complete surprise. And we will hear more from VOA's Africa director as we kick off with our witnesses.

All of our witnesses today bring us, this subcommittee, and, by extension, the Congress on-the-ground perspective of the closing space for non-governmental organizations. And they will provide a snapshot of conditions in several countries. Their testimony will provide evidence of a growing regional trend of incursions into that space.

My hope is that this hearing, and it will be a part of a series, will inform our view of possible U.S. policy responses to better pro-

tect the fundamental civil and political rights in sub-Saharan Africa, which includes using sanctions, greater support for faith-based actors via USAID, and support for many independents, including Voice of America Africa.

So I would now like to introduce our distinguished witnesses. And, again, we will be joined by at least two of our subcommittee members momentarily. And with the indulgence of the witnesses, when they do come, I would like it to yield to them for any opening comments that they might have.

Speaking today, our first witness will be Negussie Mengesha, the Africa division director of Voice of America. Mr. Mengesha has more than 30 years of experience with the Voice of America, and has led the Africa division since 2014. Previously, he was the Africa division's program manager for 14 years, where he was instrumental in launching VOA programs to Ethiopia, Zimbabwe, Somalia, and Mali. He also served as chief of the central Africa services for 4 years and was chief of VOA's Amharic service for more than a decade.

Before taking on his various leadership roles, he was a writer, reporter, and editor at VOA. Mr. Mengesha studied political science at Albertus-Magnus-University in Cologne, and has practical training from the West German Broadcasting Corporation as well.

We will then hear from John Prendergast. And I would like to note parenthetically that the genesis of this hearing was a meeting that we had with him. And he brought some very startling and sobering facts to light during that meeting in my office underscoring the need for this hearing and the recommendations he and the others I know will be making to this committee, to the Congress, and to the State Department and White House as well.

John Prendergast is a human rights activist, a New York Times best-selling author, who has focused on peace in Africa for over 30 years. He is the founding director of Enough Project, an initiative to end genocide in crimes against humanities. He is also cofounder with George Clooney of the Sentry, a new investigative initiative chasing the assets of war criminals and their international facilitators.

Mr. Prendergast has worked for the Clinton administration, the State Department, two Members of Congress, and the National Intelligence Council. He can't hold a job. I am kidding. He moves on to more and better things. UNICEF, Human Rights Watch, and International Crisis Group, and U.S. Institute for Peace. He has got a very, very broad background and has made a huge contribution over the years.

He serves as the executive director of the Not On Our Watch founded by Matt Damon, Brad Pitt, George Clooney, and Don Cheadle. He appeared in the Warner Brothers motion picture "The Good Lie" starring Reese Witherspoon.

During his time in government, Mr. Prendergast was part of the facilitation team behind the successful 2-year mediation which ended in 1998-2000 war between Ethiopia and Eritrea, and was part of the peace process for Burundi led by Nelson Mandela for Sudan and for the Congo.

He has been awarded seven honorary doctorates, has been a visiting professor at more than a dozen prestigious universities, and

he has been the subject of a number of high profile media stories and, again, has been recognized repeatedly and rightfully for his humanitarian work.

Our third witness will be Steven Harris, who serves as policy director for the Ethics and Religious Liberty Commission of the Southern Baptist Convention. He holds a bachelor of science in religion from Vanderbilt, master of divinity from the Southern Baptist Theological Seminary, master of arts in religion from Yale, and is currently a Ph.D. student in the study of religion at Harvard. And having read his testimony, he makes a number of incisive recommendations that this committee needs to be looking at very, very carefully.

Then we will hear from Nanythe Talani, who is a human rights advocate and representative of the Torture Abolition and Survivors Coalition. Previously, she was an investigative journalist for *TerrAfrica*, a French magazine. She has taught journalism and law at the Institute of Technique Professional and has traveled across her home country of the Congo to instruct community broadcasters. Additionally, she is the author of *Coeur Ensanglante*, I hope I pronounced that correctly, a poetry collection. She holds a master's degree in journalism and a bachelor's degree in African literature. We welcome her to this hearing as well.

Our fourth witness will be Emerson Sykes, who is the legal advisor for the Africa Programs at the International Center for Not For Profit Law, or ICNL, where he provides technical legal assistance and training to Africa civil society to improve the legal framework protecting the freedom of association, assembly, and expression. Since joining ICNL in 2013, Mr. Sykes has managed programs in more than 12 countries in sub-Saharan Africa, and worked on the regional level with the African Commission on Human Rights and People's Rights. Previously, he was assistant general counsel to New York City Council. He also served as senior policy fellow in the office of member of the Parliament in Ghana and research U.S. foreign policy for the Century Foundation, a progressive think tank.

Mr. Sykes holds a juris doctorate from the New York University School of Law where he was a Root-Tilden-Kern scholar, and a master's in public affairs from Woodrow Wilson School in Princeton. He also earned a bachelor's degree in political science at Stanford.

So I would like to welcome all of you to this hearing.

Again, when the members do show up, we will ask them if they have any opening comments. But I would like to now go to our first very, very distinguished witness, Mr. Mengesha.

**STATEMENT OF MR. NEGUSSIE MENGESHA, DIRECTOR,  
AFRICA DIVISION, VOICE OF AMERICA**

Mr. MENGESHA. Chairman Smith, first of all, thank you so much for the kind introduction. And also, I am very thankful for the opportunity to testify today.

As you mentioned, I am the Africa division director of Voice of America, which reports in 15 languages and reaches more than 68 million Africans each week on television, radio, and digital platforms. VOA is the largest of five media networks under the Broad-



casting Board of Governors, and the only BBG network in sub-Saharan Africa.

We connect the continent with the United States in accordance with the VOA Charter. But we also serve an additional purpose of providing Africans with an independent voice in the media.

Today, I am going to focus my remarks on our work in Burundi, one of the poorest countries in the world. I don't come to you as a policy expert or a diplomat. I am a journalist and started my career in Ethiopia in 1966. I fled my country in 1980 because of political persecution, and I have seen the value of free press in times of political turmoil and conflict.

Since 2015, more than 400,000 people have fled Burundi, and its capacity to support free press is extremely weak. Voice of America's status as an international broadcaster has allowed it to remain independent, and the editorial firewall granted by Congress has been critical to maintaining our credibility.

In Burundi, the Voice of America broadcasts on AM, shortwave, television and on digital platforms. But FM radio is by far the most popular means. BBG owns the FM radio transmitters, and through a country-to-country agreement, the Government of Burundi provides access to the radio towers. They are licensed to broadcast on certain frequencies. We currently have two local FM stations in Manga Hill and in Bujumbura.

In December 2017, President Pierre Nkuruziza announced that he was calling for a referendum to amend the constitution. If this referendum succeeds, he will be eligible to sit as President beyond 2030. He has been President since 2005.

Last week, on Friday, 1 day after World Press Freedom Day, the Voice of America was informed by the National Council of Commission, the governments media regulatory body, that our broadcast and BBC's would be suspended for 6 months effective May 7, on Monday.

Radio France was given a warning. This suspension comes 2 weeks before the referendum on May 17. It was a complete shock for all of us. BBG and VOA sprung into action to address the prospect of losing our FM stations and more than 3 million audience members. BBG's Office of Technology, Services, and Innovation arranged for extra shortwave broadcasts to accommodate new programming. VOA began to run frequent promos on our FM stations to educate listeners about shortwave alternatives. We added live shows over the weekend.

VOA Director Amanda Bennett issued a public statement expressing dismay about CNC's decision. Our reporters also immediately jumped on the story. The Central Africa service launched a new digital content transmission.

On Friday, during Murisanga, a popular call-in radio show, we interviewed the legal advisor to CNC who stated that the decision to suspend VOA was not final and could be appealed in court. His comments suggested that there may be a solution to the shutdown. And BBG immediately engaged the State Department to seek diplomatic support. I would like to express my gratitude to the State Department, U.S. Embassy in Bujumbura, and Ambassador Anne Casper for their efforts to assist Voice of America.

On Sunday, the chairman of the CNC also appeared on a VOA Central Africa call-in show. The host of the show and other call-ins pushed back on his assertion for the decision. Unfortunately, the government followed through with this announcement. On Monday, our stringers throughout Burundi reported that VOA's FM frequencies were suspended. BBG technical monitors report that the shortwave signals are being received, although shortwave will never be as clear as FM, particularly in urban areas.

We are committed to addressing the concerns of the government without sacrificing our editorial independence and journalistic standards. We are also watching this situation carefully for the safety of our journalists on the ground and their families. We have contingency plans in place if need should arise.

The closure of our FM stations in Burundi is a significant loss to the citizens of that country. VOA has a measured weekly audience of 57 percent of adults in Burundi. In Bujumbura, the weekly audience is 85 percent, one of the highest, actually. The primary language for our audience is Kirundi, but we also have audiences in Swahili, French, and English. All of these languages are affected by this suspension. But the biggest impact comes to Kirundi, which reaches 55 percent weekly, more than 3.2 million adults primarily on FM radio.

What is most impressive about this service is its level of trust in Burundi. Ninety-one percent of the audience trusts the news and information VOA provides them. For this reason, it is imperative that VOA continue to present accurate, balanced, and comprehensive news and information to Burundi.

Our work is vital for providing a platform for civic engagement, maintaining the space for free speech, including civil, political discourse, and supporting accountability, all fundamental tenets of an independent press. We are grateful for the support of Congress to the Voice of America, especially to VOA in Africa.

Thank you again for the opportunity to speak.

[The prepared statement of Mr. Mengesha follows:]



**Testimony of  
Mr. Negussie Mengesha  
Director, Voice of America Africa Division  
Before the House Foreign Affairs Subcommittee on Africa, Global Health,  
Global Human Rights, and International Organizations  
May 9, 2018**

Chairman Smith, Ranking Member Bass, members of the subcommittee, thank you for the opportunity to testify today. I am the director of the Voice of America (VOA) Africa Division—a division that reports in fifteen languages and reaches more than 68 million Africans each week on television, radio, and digital platforms.

The Voice of America is the largest of five media networks under the Broadcasting Board of Governors (BBG), the U.S. agency responsible for providing news and information to overseas audiences who lack access to independent or uncensored international, regional, and local media. VOA is the only BBG network in sub-Saharan Africa. We connect the continent with the United States through professional journalism, in accordance with the VOA Charter, but we also serve an additional authorized purpose of providing Africans with an independent voice in media.

I am going to focus my remarks today on our work in Burundi and the closing space for free speech in that country. I do not come to you as a policy expert or diplomat; I am a journalist. And in this profession I seek to find and report on the truth. I started my journalism career in 1966 in Addis Ababa, Ethiopia, and was forced to flee my country in 1980 during conflict. I have seen the value of a free press in times of political turmoil and conflict, and I'm grateful to have the opportunity to share the experience of VOA in Burundi.

Burundi is one of the poorest countries in the world. Since unrest erupted in 2015, more than 400,000 Burundians have fled the country—many to the Nyarugusu, Nduta and Mtendeli refugee camps in Tanzania. Burundi's capacity to support a free press also has been significantly weakened by violence and political instability. Reporters Without Borders ranks the country 159<sup>th</sup> out of 180 countries on the World Press Freedom Index. Freedom House reports that at least 100 journalists have fled the country since 2015. Well-known journalists have been intimidated. Media outlets that have been allowed to stay open have had to toe a careful line, most often through self-censorship.

VOA's status as an international broadcaster has allowed it to remain independent, and the editorial firewall granted by Congress in our founding legislation has been critical to maintaining our credibility. While VOA also broadcasts in AM, shortwave, television and on digital platforms, FM radio is by far the most popular means of reaching people. BBG owns the radio transmitters, and through a country-to-country agreement, the government of Burundi provides access to their radio towers and permission (a license) to broadcast on certain FM radio frequencies in the country.

We currently have two local dedicated FM stations—95.2 FM in Manga Hill and 94.9 FM in Bujumbura. On Manga, the tower belongs to government and we share an antenna with Radio Scolaire (School), a local station. In Bujumbura, the tower and antenna belong to the government.

In December 2017, the President of Burundi, Pierre Nkuruziza, announced that he was calling for a referendum to amend the constitution increasing the presidential term from five to seven years, and allowing himself to stand for re-election. If the referendum succeeds, he will be eligible to sit as President beyond 2030. He has been President since 2005.

On Friday, May 4—one day after World Press Freedom Day—VOA was informed at a press conference in Bujumbura that our broadcasts and BBC's would be suspended for six months, effective May 7. Radio France was given a warning. The Conseil Nationale de la Communication (CNC)—the government's media regulatory body—claimed that this suspension was in response to “biased reporting” and cases in which the radio services interviewed people with arrest warrants.

This suspension comes two weeks before the referendum on May 17, and it was a complete shock. For a number of years, the government has pushed VOA to agree to a set of conditions that would have prevented its reporters from saying anything critical about the government or ruling party or politicians, and thus preventing VOA from reporting independently or fairly on the state of politics in Burundi. This suspension—coupled with the naming of BBC and Radio France—has raised a new level of concern about the lengths to which the government will seek to censor VOA.

BBG and VOA sprang into action to address the prospect of losing our FM stations and more three million audience members. BBG's Office of Technology, Services and Innovation—which supports all VOA transmissions—arranged for extra shortwave broadcasts to accommodate new programming. Shortwave transmissions allow for cross-border reach, although currently they are not as popular as FM or AM radio. VOA began to run frequent promos on our FM stations to educate listeners about shortwave alternatives in the event we were taken off air. We replaced our regular pre-recorded Saturday and Sunday wrap-up news shows with live 30-minute newscasts. VOA Director Amanda Bennett issued a public statement expressing dismay by the CNC decision to deprive Burundi citizens of a trusted news source.

Our reporters also immediately jumped on this story, and it was covered widely through the Africa Division's language services. The Central Africa service launched two new digital products on its website as well as covering the story on Facebook and Twitter. On Friday, during our popular live call-in radio show *Murisanga*, we interviewed the legal advisor to the CNC, Gabriel Bihumugani, who stated that the decision to suspend VOA was not final and could be appealed in court. His comments suggested there may be a solution to the May 7 shutdown, and the BBG immediately engaged the State Department to seek diplomatic support. I would like to express my gratitude to the State Department, US Embassy Bujumbura, and Ambassador Anne Casper for their efforts to assist VOA. Previously, the Embassy has been engaged on behalf of BBG and VOA, and we remain grateful for its assistance.

On Sunday, the chairman of the CNC, Karenga Ramadhan, also appeared on VOA's call-in show. He claimed that VOA had violated its agreement with the government by using frequencies of a local station that had been suspended previously. The host of the show and others calling pushed back on this assertion, questioning how this could happen.

Unfortunately, the government followed through with its announcement. Our stringers throughout Burundi reported that VOA's FM frequencies were suspended Monday morning. Portions of northern Burundi and eastern Burundi are receiving some FM signals from other transmitters across the border. BBG's technical monitors report that the shortwave signals are being received, although shortwave will never be as clear as FM, particularly in urban areas.

We are committed to addressing the concerns of the government without sacrificing our editorial independence or journalistic standards. We are also watching this situation carefully for the safety of our journalists and their families. Previously, our journalists have been threatened in Burundi, and we have needed to evacuate five journalists over the past several years, with the most recent evacuation occurring during the end of 2017. We have contingency plans in place, if the need should arise.

The closure of our FM stations in Burundi will be a significant loss to the citizens of that country. VOA has a measured weekly audience of 57 percent of adults in Burundi—the highest reach of any international broadcaster including the BBC.<sup>1</sup> In the capital of Bujumbura, 85 percent of residents consume VOA content weekly. The primary language for our audience is Kirundi, but Burundians also consume VOA news in Swahili, French, and English—who are all reporting on this story.

All of these languages would be affected by a suspension, but the greatest impact would come to VOA's Central Africa language service which reports in Kirundi and Kinyarwanda. This service targets the Great Lakes region of sub-Saharan Africa, reaching audiences in Burundi, Rwanda, eastern Democratic Republic of the Congo (DRC), southern Uganda, and eastern Tanzania. In Burundi, the Kirundi service reaches 55 percent weekly—more than 3.2 million adults—primarily on the two dedicated FM frequencies in Bujumbura. It also broadcasts on AM and shortwave, and has a smaller audience on TV and digital.

The service has led reporting on issues of children's rights, human trafficking, women's health, and governance. It has regularly hosted Burundi government officials, such as First Vice President Gaston Sindimwo, to provide their perspective as well as opposition leaders to provide balance. Through popular call-in shows, the Central Africa service provides a platform for citizens to engage these leaders directly. The service has also investigated sensitive issues in the country, such as the plight of thousands of Burundians living in camps within the country. Soon after VOA's series of reports in mid-January 2017, local government officials thanked and praised VOA

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<sup>1</sup> BBG contracts with third party vendors to conduct nationally representative surveys in all of its media markets. In Burundi, the research was carried out by Gallup with a survey sample of 1,600 interviews representative of the total population, plus an additional 400 conducted with Bujumbura residents to ensure reliable analysis in the national capital region. All results are weighted by age, education, gender, region and strata. BBG surveys ask respondents to recall their use of BBG media (on any platform) within the past week.

for the coverage. The Governor of the province along with other officials visited the sites, brought food assistance, and repaired and built new schools as well as sanitation facilities.

What is most impressive about this service is its level of trust among its audience in Burundi—91 percent trusts the news and information VOA provides. And eight in ten weekly users say that our coverage helps them form opinions on important issues.

For this reason, it is imperative that VOA continue to present accurate, balanced, and comprehensive news and information in Burundi. Our work is vital to providing a platform for civic engagement, maintaining space for free speech, including political speech; and supporting accountability—all fundamental tenets of an independent press.

This case in Burundi is purely symptomatic of the increasing difficulty we face in sub-Saharan Africa to support freedom of information, democracy, and human rights. In the past year, VOA has covered contentious elections in Kenya and Liberia and the political transition in Zimbabwe. We have faced jamming in Ethiopia. Ali Nur Siad, a cameraman working for VOA in Mogadishu, was killed in an October bombing. The threats to our independence, censorship, and the security of those working for us are daily realities for VOA.

We are grateful for the support of Congress to the Voice of America, especially to VOA in Africa. Thank you again for the opportunity to speak.

Mr. SMITH. Mr. Mengesha, thank you so much for your testimony, for your leadership.

We have been joined by Mr. Castro, serving as ranking member today.

Any comments he might have and then we will go to Dan Donovan.

Mr. Castro.

Mr. CASTRO. Thank you, Chairman Smith.

And I would also like to thank our witnesses for being here and shedding some light for us on these critical issues.

Today, human rights, civil liberties, including freedom of assembly, freedom of speech, and rule of law, are constantly under threat in many parts of the world. Opposition party members, activists, and journalists are repeatedly harassed, intimidated, and sometimes jailed across sub-Saharan Africa and the world.

Electoral commissions and courts are losing their independence as Presidents stack them with individuals favorable only to them. Governments are regularly attempting to limit the activity of civil society by enacting laws, criminalizing unregistered associational activities, imposing onerous registration requirements, and restricting access to foreign funding.

It is now the norm for repressive and autocratic governments to shut down the internet in an effort to halt mass protests. This is an affront to the freedom of speech, the bedrock of democracy, and our values and principles as Americans.

As these autocratic regimes entrench themselves, they increasingly crack down on civil society actors, especially the most vocal opposition groups. In some countries, it is democracy's activists and journalists who face the brunt of these repressive governments. In others, faith-based actors have emerged as the strongest voice for safeguarding civil liberties.

We have experience with this in our own country. The church emerged as key during our own civil rights movement decades ago. We see the same in the Democratic Republic of Congo, where the church is one of the strongest voices against democratic backsliding.

This increasing crackdown on civil society shows us that our democratic gains are now under threat. Our message to these countries must be clear: Inclusive open societies contribute to better democracies. I am certain that some will see what is happening in the United States and question our own challenges today with democracy.

Institutions in the United States remain strong and provide some checks and balances so that things don't just fall apart. We also see the President withdraw from our leadership role in the world as evidenced by this administration's foreign policy that stepped away from our partnership with Africa. This was made clear when the President suggested a 26 percent cut to State Department and USAID to Congress earlier this year.

Congress remains in solidarity with our partners in Africa, and focused on U.S. political and economic engagement with the continent. We push back against the President's cuts, and ensure that funding continues to go toward capacity building for civil society or-

ganizations, including those that work to defend human rights, strengthen independent media, and the rule of law.

Congress remains committed to encouraging governments to respect their own constituents, their constitutions, and their people, and the fundamental freedoms of assembly, association, and expression.

I look forward to hearing from all of our witness in the discussion today.

Thank you, and I yield back, Chairman.

Mr. SMITH. Thank you.

Mr. Donovan.

Mr. DONOVAN. I also look forward to hearing from our witnesses, Mr. Chairman. So I will yield all my time for the witnesses to have more time to testify and answer our questions.

Thank you.

Mr. SMITH. I would like to now yield to John Prendergast for as much time as he may consume.

**STATEMENT OF MR. JOHN PRENDERGAST, CO-FOUNDER, THE SENTRY**

Mr. PRENDERGAST. Thank you so much, Mr. Chairman. And to the other members of the subcommittee, we are all very grateful for your ongoing commitment to human rights issues in Africa and throughout the world as evidenced by your presence today and on your long-serving support for the issues that that bring us together here today.

Because my esteemed colleagues are covering a number of other issues related to the things we are covering today, I would like to focus my time specifically on how to achieve the goals of this important hearing. So my focus—my time is going to laser in on one aspect of the overall issue. The missing ingredient, I think, of the U.S. Government's approach to countering repression in Africa and throughout the world, and that is, how to build U.S. leverage needed to pressure leaders to stop brutally repressing basic freedoms of speech and assembly and religion? What possible levers of influence could the United States Government utilize to support the goals of this critical hearing topic?

So I am going to skip down to the bolded section on network sanctions and add a personal confession. As a former diplomat, a former diplomat and a reformed foreign policy expert, it took me decades to figure out what I am going to tell you in the next 5 minutes.

So let's start with something called network sanctions. Much, much more important than just using the term "sanctions" and utilizing the tool of sanctions. Why? Because those responsible for perpetrating conflict and targeting civil society in Africa have come to view sanctions as largely ineffective, an underwhelming challenge to their hold on power when only a handful of individuals without—usually without ties to the international financial system are the ones being sanctioned.

The reason is that sanction regimes focused on this region lack the necessary ingredients to make this tool effective. The idea that sanctions in Africa don't work is a product specifically of the design, the implementation of an enforcement of sanctions in Africa,



not the tool itself. To be effective, sanctions have to be levied against entire networks that enable these authoritarian regimes to oppress civil society, not just the individuals that are committing the abuses.

Deploying these network sanctions has been the strategy that the United States has used in Iran and North Korea and other places to drive them to the negotiating table. The strategy has been bipartisan; it has extended over the last two administrations, perhaps you can argue even further back, and consistently relied on leadership and direction from Congress, which is the key point. Congress has driven the train on these issues so many times.

The United States has deployed extensive sanctions, as you all know, targeting Iran's leadership and military networks in an effort to disrupt the illicit funding streams used by the country's ruling elites to maintain their grip on Iran's Government and economy.

In two cases, and this is very important because, again, we are talking about what Congress can do. In two cases, specifically using executive orders, 13606 and 13628, these sanctions specifically focused on Iran's targeting of civil society. And I think these are important models to build from in order to ensure protection for civil society in sub-Saharan Africa. They are important models because they focus on networks. Sanctions that target full networks in this way are powerful tools for changing behavior, and pressuring targeted individuals to alter their behavior or come to the negotiating table.

Network sanctions work because they affect not only the primary individuals themselves, but also those who are acting on their behalf, and the companies that they own or controlled by these primary individuals. If you go after the individuals, their networks, their companies, you sanction all of them at once, or in close succession, an individual's network doesn't have enough time to absorb and adjust to the financial impact of being cut off from the U.S. financial system.

And that is the precise outcome we are looking for. Shut them out of the international financial system. Try, if you have millions, if not billions of dollars in the international financial system, illicit gains in real estate, in banks, in shell companies, try to do business if you can't access the banks. You will not be able to do it. This is the key approach to driving and changing behavior.

We believe network sanctions would have a dramatic impact on protecting civil society in countries in Africa. And all these countries, specifically where interlocking kleptocratic networks involving political military officials, their business allies, arms dealers and international financial facilitators, particularly in the banks, they profit from mayhem, and they obtain technology from commercial partners that allow them to suppress their own populations.

The U.S. Department of the Treasury, as well as its counterparts in the European Union and elsewhere, can go much more further than what we have gone so far, escalating the financial pressures against entire networks in sub-Saharan Africa and those around world that support them.

Again, Congress leads the way. And I won't belabor the point, because you all know it, and you champion it, Congressman Smith. But the Global Magnitsky Act gives us an incredibly potent tool.

Now, the administration is overwhelmed. There is all kinds of stuff going on. They have got, now, all these new efforts that are probably going to be taking place related to Iran. They need congressional support and push and pressure to ensure that we can utilize these incredibly potent tools that are not being utilized now sufficiently for our goals—our shared goals in Africa.

Now, the second interlocking tool, because sanctions simply aren't—network sanctions aren't enough. The second interlocking tool in a sort of cocktail of more effective potential pressure and leverage that the United States could deploy in support of religious freedom and press freedom and individual freedom is the full range of anti-money laundering measures that are available to the United States Government. The increasingly effective use of these AML measures to focus on corrupt and criminal regimes around world that are also targeting civil society, we can use these AML measures in Africa, just as they have been used effectively in Iran and in North Korea and Burma and other places.

Remember, when corrupt leaders or their business associates take bribes or they otherwise divert funds into their private accounts, then place those funds into the formal international banking system, usually in U.S. dollars, which gives Treasury a direct connection and orbit, then that is money laundering. And our investigations and research have demonstrated that this is occurring across a number of countries in Africa. They route their money through neighboring countries using U.S. dollars and then into the international financial system. That means the U.S. Government can act. We have the authority.

You can use public advisories to banks. You can request through the Financial Crimes Enforcement Network at Treasury, FinCEN, you send requests from FinCEN to thousands of banks on specific targets of interest. This forces the banks suddenly to look at these issues that they otherwise have just no interest in.

So, again, if you are going to impose sanctions but no one is looking to where the money is going through the international system, they are useless. This is what we have been doing. Don't do it. It makes us look like a paper tiger just to impose sanctions without then working with the banks who are the getaway cars for all this stolen money. And this then creates that leverage that, if we went after the money and if the banks were our allies in doing that, bringing pressure to bear specifically on the people that are looting these States and repressing these people.

What is Congress' role? Well, as I said already, in many cases—look, this says 10 years. Go back as long as we have known each other, Congressman Smith, whether on Iran, Russia, North Korea, et cetera, et cetera, et cetera, some of the most effective financial pressure measures have been imposed, have been pressured and pushed and brought forth by Congress.

Congress, and, in particular, this committee, and this subcommittee of this committee, has been steadfast in its commitment to the people of countries like Sudan, like, Congo, South Sudan, many others that you mentioned in your opening statements. It is

time to bring those two elements together, anti-money laundering measures, network sanctions. And ensure that critical legislation related to these countries, and we know that there is efforts afoot right now on Congo, and that is exciting to hear that the subcommittee and the committee are thinking about how they can move forward on a place like Congo, which is so fraught right now, millions and millions of lives are at stake over what can happen in the coming year around this electoral process. So Congress getting in early on in the—on the train tracks before there is a collision is utterly critical.

The Sentry, I would just like to mention in my closing, is a piece of this. It is one of the initiatives that I am working on. You know, even if you have new authorities, and even if you use these authorities, we still don't have, within the U.S. Government, because there is so much attention now understandably on Iran and on North Korea on countering terrorism and drug trafficking, all the rest of it, what money is left to really do the kind of asset chasing, following the money, of the resources that are being stolen and looted out of Africa by the same people that are repressing these folks in the countries we are talking about today?

So we started an initiative that puts together a team of law enforcement folks, intelligence, investigative journalism, corporate security, policy experts, all jammed together. And we follow the money being looted from these resource-rich, war-torn countries in East and Central Africa. We haven't got the whole continent covered, but we are starting in the places where the conflicts are deepest. And we track where it ends up across the globe, because nobody is stuffing their money under their mattresses. They are putting it in the international banking system and buying real estate and setting up shell companies, and all the rest of it, like everyone else does when they steal money around the world.

So we are tracking that money. We building dossiers, and we are turning that information over to the U.S. Government, other governments around the world who can actually take action. And we are going to continue to do that. And we would love to work more closely with this subcommittee to be able to make that happen.

The bottom line is this: Condemning words are fine. We had a condemnation yesterday from the White House on South Sudan. That is important to put the marker out there in words, right? But the issues that we are talking about today require serious action that impose serious consequences for the kind of actions that bring us together today in this hearing. Follow the illicit money, because those people that are looting the States are the same people that are committing these human rights abuses. That is their vulnerability. Go after it. We have not done that. Follow the illicit money, block it, freeze it, and seize it, and that will be the leverage to see improved human rights, at least from U.S. Government's perspective, improved human rights in Africa today. That is our view.

Thank you very much for the time.

[The prepared statement of Mr. Prendergast follows:]

John Prendergast  
Co-Founder, The Sentry  
U.S. House of Representatives Committee on Foreign Affairs, Subcommittee on Africa, Global  
Health, Global Human Rights, and International Organizations  
“Protecting Civil Society, Faith-Based Actors, and Political Speech in Sub-Saharan Africa”  
May 9, 2018

Chairman Smith and Ranking Member Bass, thank you for the opportunity to testify on this critical and timely subject.

The ability of civil society to exercise their fundamental rights to self-expression and assembly are increasingly under siege in Sub-Saharan Africa due to the targeted violence and draconian restrictions on communication that allow autocratic rulers to suppress the voices of their people. The two interlocking and primary financial tools of pressure—network sanctions and anti-money laundering measures—can play a key role in creating actual consequences for repression and supporting civil society voices to press for freedoms throughout Africa, despite attempts by officials in those countries to stifle media, religious groups, rights advocates, and other civil society organizations.

The connection between the self-enrichment of elites through corruption and the repression of civil society is clear in the cases of Sub-Saharan African countries rich in natural resources and economic potential but lacking in basic freedoms and respect for human rights. Oil, gold, diamonds, cobalt, copper, and a variety of other mineral deposits and trafficked wildlife provide immense opportunity for those in power to line their own pockets. Brutally repressing all forms of opposition is seen as the only way to maintain control of the spoils, thus hijacking the state by profiting off of total control and unchallenged power. The U.S. government and the broader international community have the tools for financial and diplomatic pressure that can create leverage necessary to stop corrupt actors from using their forces to persecute these groups and commit human rights abuses, and yet these tools have been used sparingly in Sub-Saharan Africa. They have been applied to only a few individuals at a time, with very little enforcement, and are rarely extended to predatory commercial collaborators, both inside and outside the continent, who facilitate and enable official misdeeds.

Serious financial pressure with meaningful consequences is not only possible but critically necessary to protect civil liberties and freedoms in Sub-Saharan Africa. The key ingredients to a more effective cocktail of U.S.-led financial leverage are network sanctions and anti-money laundering measures, working hand-in-glove.

**NETWORK SANCTIONS:** Those responsible for perpetuating conflict and targeting civil society have come to view sanctions as largely ineffective and an underwhelming challenge to their hold on power when only a handful of individuals without ties to the international financial system are sanctioned. The reason is that sanctions regimes focused on this region lack the necessary ingredients to make this policy tool effective. The idea that sanctions in Africa don't work is a product of the design, implementation, and enforcement of sanctions, not the tool itself.

Sanctions must be levied against entire networks that enable authoritarian regimes to oppress civil society, not just the individuals committing the abuses. Deploying these "network sanctions" has been a strategy used by the United States in the cases of Iran, Russia, and North Korea in order to drive them to the negotiating table. This strategy has been bipartisan, extended over the last two administrations, and consistently relied on leadership and direction from Congress. The United States deployed extensive sanctions targeting Iran's leadership and military networks in an effort to disrupt the illicit funding streams used by the country's ruling elites to maintain their grip on Iran's government and economy, including by undermining

Iranian civil society. In two cases, specifically Executive Orders 13606 and 13628, these sanctions specifically focused on Iran's targeting of civil society. These are important models to build from in order to ensure protection for civil society in Sub-Saharan Africa.

They are important models because they focus on networks. Sanctions that target full networks in this way are powerful tools for changing behavior and pressuring targeted individuals to alter behavior or come to the negotiating table. Network sanctions work because they affect not only the primary individuals themselves but also those who are acting on their behalf and entities owned or controlled by the primary individuals. By sanctioning these individuals and entities at once, or in close succession, an individual's network does not have enough time to absorb and adjust to the financial impact of being cut off from the U.S. financial system.

Network sanctions would have a dramatic effect in protecting civil society in countries such as South Sudan, Sudan, the Democratic Republic of the Congo (Congo), and the Central African Republic, all places where interlocking kleptocratic networks involving political and military officials, allied businessmen, arms dealers, and international financial facilitators profit from mayhem and obtain technology from commercial partners that allow them to suppress their populations. The U.S. Department of the Treasury—as well as its counterparts in the European Union and elsewhere—should go further, escalating the financial pressures against entire networks in Sub-Saharan Africa and those around the world that support them.

Fortunately, thanks again to Congress, Treasury has an important new tool in its arsenal. The Global Magnitsky Act, championed by Chairman Chris Smith (R-NJ), is a demonstration of how problems can be successfully addressed in a bipartisan manner when both the House and Senate work together. This groundbreaking legislation empowers the U.S. government with the authority to place sanctions on corrupt public officials and their associates across the world that misappropriate state assets as well as anyone who attacks journalists and human rights defenders. The legislation provides the president standing authority, which was then enhanced through an executive order, to impose sanctions on non-U.S. citizens responsible for corruption or serious human rights abuse. It also enhances congressional and nongovernmental organization (NGO) involvement in the designation of individuals. The first round of designations announced in December of 2017 demonstrated the robustness of this tool and its ability to address corruption around the globe.

Congress must now build on this great success by continuing to ensure the tool is used, and also by ensuring the Treasury Department has the necessary resources to investigate, implement, and enforce designations. Congress set a critical marker when it focused on corruption and the targeting of civil society for sanctions, and we have all seen the impact of this congressional leadership, particularly when Treasury can impose massive financial penalties for failure to comply.

**ANTI-MONEY LAUNDERING MEASURES:** Even with Global Magnitsky, sanctions are not the only piece of the puzzle. The increasingly effective use of anti-money laundering measures to focus on corrupt and criminal regimes that are also targeting civil society must also be extended to Sub-Saharan Africa. As also used effectively in dealing with Iran, North Korea, Burma, and others, when corrupt leaders or their business associates take bribes or otherwise divert public funds into their private accounts, then place those funds in the formal banking system, that is

money laundering. Our research shows this occurring across South Sudan, Sudan, and Congo, usually routing through neighboring countries, and largely in U.S. dollars. That means the U.S. government can act, whether through such means as public advisories to banks, requests from the Financial Crimes Enforcement Network (FinCEN) to thousands of banks on specific targets of interest, or the designation of countries, institutions, or even classes of transactions as primary money laundering concerns.

In September of 2017, FinCEN took the first step and issued an advisory on the risks of money laundering when conducting business in South Sudan or with South Sudanese officials and their families, even when such activity takes place outside of the country. This move significantly raised the profile of South Sudanese corruption and money laundering, prompting regional and global banks to begin conducting long-overdue investigations and taking action against specific accounts. This action can and should be built upon, with further action on South Sudan and extending to other regimes targeting civil society and using laundered funds to do it.

**CONGRESS' ROLE:** As indicated above, in many cases over the last 10 years, whether on Iran, Russia, or North Korea, some of the most effective financial pressure measures have been imposed by Congress. Congress, and in particular this committee led by Representative Smith, has been steadfast in commitment to the people of Sudan, Congo, and beyond. It is time to bring those two elements together and ensure that critical legislation related to those countries, and more broadly to beneficial ownership that can enable implementation of financial pressures, passes during this Congress.

**THE SENTRY'S ROLE:** Finally, even with new authorities and potentially increased staffing, the U.S. government, like most governments and banks, will only be able to devote the most basic levels of resources to the collection of evidence on Africa's illicit financial flows, which means that officials and companies benefiting from them may still face little risk of getting caught.

This is where our investigative initiative, The Sentry, comes in. The Sentry is a team with decades of experience in law enforcement, intelligence, investigative journalism, corporate security, and policymaking. With this experience, we follow the money being looted from resource-rich, war-torn East and Central African countries and track where it ends up across the globe. We collect the evidence of illicit financial activity connected to conflict, human rights abuses (including where focused on targeting civil society), and corruption. Then we undertake financial and other investigations and construct dossiers that can be used by regulators, law enforcement, and prosecutors. The unique value of this approach is its precise focus on affecting disruptive action using the tools of financial pressure I have just outlined.

The reality is that there are libraries full of reports—alleging corruption or showing how civil society space is being constricted—that have no impact on policy. Disruptive action is not possible without solid evidence, a direct connection between illicit gains and the crimes they fund, and close relationships with authorities and financial institutions responsible for implementing the tools of financial pressure. We will continue to place the work of The Sentry at the disposal of this committee and other congressional committees seeking to make an impact on these issues, as well as the executive branch and banks.

### Civil Society Under Threat in the World's Deadliest Region

Before I address additional ways in which the United States can help to empower groups seeking to exercise these freedoms in repressive societies, I'd like to provide some context by giving an overview of the current situation in several of the countries that my organizations, the Enough Project and The Sentry, follow.

#### Sudan

In Sudan, the regime of President Omar Hassan al-Bashir has a deplorable record of widespread violations of the fundamental rights of its people to free expression, association, and assembly, matched only by its systemic attacks on the freedom of religion and conscience. The first quarter of 2018 has brought additional evidence that the regime does not have the political will to end its attacks on the civic space, even as it engaged in aggressive efforts to normalize its strained relations with the United States, the European Union, and the international community at large.

Facing widespread popular protests against steep rises in the cost of living resulting from the regime's corruption and mismanagement of the economy, national police and agents of the notorious National Intelligence and Security Services (NISS) responded with indiscriminate use of force against peaceful protesters, using tear gas, batons, rubber bullets, and live ammunition. In Darfur, police and NISS live ammunition killed a student and injured six others in El-Geneina in West Darfur on January 7, 2018. On January 20, NISS and the Sudanese army intervened against protesting displaced people in Zalingei, Central Darfur, killing at least five protesters and injuring 26, according to a joint letter sent to the United Nations' human rights bodies. Across the country, scores of rights defenders, journalists, lawyers, and opposition leaders and activists were detained by the NISS, and many were subjected to ill treatment and torture.

Indicative of the Bashir regime's hostility toward the press is the detention of 18 journalists, including international correspondents, for covering the early 2018 protests. The regime has a deplorable record of repeated detention and banning of journalists, as well as confiscation of newspapers that defy its "redlines" by reporting on rampant grand corruption and mass atrocities in conflict areas. Independent radio and TV stations fare no better, and internet services were interrupted during similar protests in September 2013.

On April 10, 2018, President al-Bashir ordered the release of all political detainees held in connection with the January and February protests against economic hardships. Some 57 detainees were released, with many having spent more than 10 weeks in arbitrary detention without charge or trial, and denied access to their families and to lawyers and doctors. The release conveniently occurred days ahead of a scheduled monitoring visit by the U.N. independent expert on the human rights situation to Sudan. However, Sudanese human rights organizations reported on hundreds of other victims of prolonged detention—a majority of them from Darfur—remaining in the regime's prisons and secret detention centers.



This incident simply illustrates the transactional behavior of an autocratic regime that believes it can deceive the world of its real intentions, which are aligned far more with the likes of Russia and North Korea, by making token concessions while remaining relentless in its repression of civil society and indeed all of its people. Congress should continue to make clear it is squarely opposed to the current trajectory of U.S. policy on Sudan, which continues toward normalization.

#### South Sudan

In South Sudan, perhaps the most extreme and blatant example of violent kleptocracy, civic space continues to be severely constrained. The National Security Service (NSS) has sweeping powers of arrest and detention and has used these powers to limit the space for civil society by arresting activists and detaining them for unspecified periods without trial, as well as banning them from foreign travel and confiscating their passports. In addition to arbitrary arrest and detention, freedom of association is severely curtailed. In February, agents from the NSS shut down a rally in Juba that was organized by youth who had participated in the ongoing peace talks in Ethiopia.

This pressure extends beyond the borders of South Sudan into the neighboring countries that continue to enable the conflict. Two leading activists, Dong Samuel and Aggrey Idri, were kidnapped in Kenya in early 2017 and have not been seen since. Many believe they are either dead or being held in South Sudan. Their cases should be prioritized, their whereabouts should be revealed, and there must be accountability for those in the Kenyan and South Sudanese governments responsible for their disappearance and abuse.

Media and humanitarian workers face similar pressures. Government and rebel attacks on humanitarian aid workers, including holding them for ransom, threaten the livelihoods of thousands of civilians in need of assistance. The U.N. also said it recorded 60 incidents between July 2016 and December 2017 in which South Sudanese journalists were “killed, beaten, detained, denied entry or fired for doing their jobs.” The government has blocked major news websites based outside the country, such as Sudan Tribune and Radio Tamazuj.

#### The Democratic Republic of Congo (Congo)

In Congo, space for independent civil society and democratic protests is shrinking as government repression continues. According to the Kabila government's own assessment, 14 civilian deaths occurred as a result of security force repression against peaceful protesters outside Catholic churches on December 31, 2017, and January 14, 2018, as security forces fired on churchgoers. Security forces continue repression tactics against civil society groups. On May 1, security forces arrested 30 activists from the pro-democracy group LUCHA. Although the activists were later released, their arrest follows a clear pattern of intimidation tactics and underscores lack of political will to facilitate a peaceful, inclusive electoral environment. On May 1, the Catholic Secular Coordination Committee (CLC) announced an end to a self-imposed moratorium on peaceful protesting and underscored the need for increased pressures, including

protests, to ensure credible elections in December 2018. The Kabila government's track record of violent repression against civil society, pro-democracy movements, and faith-based groups raises concerns that these protests will be met with a fresh wave of violent repression.

#### Central African Republic (CAR)

A recent wave of sectarian violence in Bangui, CAR, underscores the ongoing fragility of the security situation. Casualties from the most recent wave of attacks in Bangui rose to 51 deaths and 220 injured as of May 3, 2018. While the perpetrators of recent attacks remain unclear, inter-communal tensions are stoked by widespread hate speech and inflammatory rhetoric, including through local and national media outlets. Journalists are also regularly targeted, and civil society groups report restrictions on civic space as the security situation worsens.

Lack of accountability for perpetrators of serious human rights abuses remains a critical barrier to peace, particularly respect for civil society's role. Non-state armed groups continue to retain control of diamond and gold mining sites, particularly in the eastern provinces. The Special Criminal Court, the "hybrid" tribunal that has jurisdiction over grave human rights violations and serious violations of international humanitarian law committed since 2003, is taking steps to open investigations, but remains under-resourced and without clear protection mechanisms for those working with it. Strengthening the Special Criminal Court will be essential for future protection of civic space in CAR.

#### New Sanctions Tools and Better Utilizing Those We Have

Sanctions have long been an answer when considering how to respond to these situations in Sub-Saharan Africa. But it is only recently that the United States has begun to use sanctions for actual impact, rather than messaging and symbolism. Since 9/11, but particularly over the course of the last decade, the United States—in many cases initiated by Congress—has developed a smarter and more sophisticated set of tools that can actually impact the perpetrators, the oppressors, and their networks.

The use of network sanctions, as discussed earlier in this testimony, is an important approach to financial pressure that is often not fully understood. We have almost never deployed this approach to deal with the regimes in Sub-Saharan Africa that focus on undermining civil society and essentially destroying their own countries for their financial benefit. That is starting to change. In June 2017, Treasury designated a key Congolese general close to President Joseph Kabila and one of his companies, a hotel. Then, in September 2017, Treasury designated three senior South Sudanese officials and three companies owned by one general. In both cases, our investigative initiative, The Sentry, had gathered key evidence on these generals and provided it to Treasury, including information on their banking patterns.

Then came the implementation of the Global Magnitsky Human Rights Accountability Act (Global Magnitsky Act)—again, Congress leading the way with new sanctions tools. On December 21, 2017, President Donald Trump signed Executive Order 13818, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption." Executive Order 13818 implemented the Global Magnitsky Act, which had been passed by Congress and signed

into law the previous year. Executive Order 13818 allows the Treasury Department to sanction any person who is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in or has directly or indirectly engaged in corruption or the transfer or facilitation of the transfer of the proceeds of corruption, or who is responsible for or complicit in or has directly or indirectly engaged in serious human rights abuse.

Included in the Annex to Executive Order 13818 were Dan Gertler, Benjamin Bol Mel, and Sergey Kusiuk, among others. Gertler is an Israeli billionaire who maintains a close relationship with President Kabila. According to the Treasury Department, Gertler amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals in Congo. Gertler has used his close friendship with President Kabila to act as a middleman for mining asset sales in Congo, requiring some multinational companies to go through Gertler to do business with the Congolese state. As a result, between 2010 and 2012 alone, Congo reportedly lost over \$1.36 billion in revenues from the underpricing of mining assets that were sold to offshore companies linked to Gertler.

Benjamin Bol Mel is the president of ABMC Thai-South Sudan Construction Company Limited (ABMC) and has served as the chairman of the South Sudan Chamber of Commerce, Industry, and Agriculture. Bol Mel has also served as South Sudanese President Salva Kiir's principal financial advisor, has been President Kiir's private secretary, and was perceived within the government as being close to President Kiir and the local business community. Several officials were linked to ABMC in spite of a constitutional prohibition on top government officials transacting commercial business or earning income from outside the government. President Kabila and President Kiir can only hold onto power by repressing civil society because they have money to do it—and their cronies, like Gertler and Bol Mel, make that possible.

Sergey Kusiuk was not a moneyman like Gertler and Bol Mel but was himself directly involved in assaults on civil society in his role as commander of an elite Ukrainian police unit, the Berkut. Ukraine's Special Investigations Department investigating crimes against activists identified Kusiuk as a leader of an attack on peaceful protesters on November 30, 2013, while in charge of 290 Berkut officers, many of whom took part in the beating of activists. Kusiuk has been named by the Ukrainian General Prosecutor's Office as an individual who took part in killing activists on Kyiv's Independence Square in February 2014. Kusiuk ordered the destruction of documentation related to the events, and has fled Ukraine and is now in hiding in Moscow, Russia, where he was identified dispersing protesters as part of a Russian riot police unit in June 2017.

Congress and NGOs in the United States and around the world have been invited to submit names of possible sanctions designation targets to the Treasury and State Departments for consideration. A coalition of NGOs led by Human Rights First and Freedom House is indicative of a vibrant civil society serving as a key partner for a government willing to engage.

There are other executive orders that mention civil society in designation criteria. Executive Order 13692, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela," allows the Treasury Department to sanction those who engage in

actions or policies that undermine democratic processes or institutions in Venezuela; significant acts of violence or conduct that constitutes a serious abuse or violation of human rights, including against persons involved in antigovernment protests in Venezuela in or since February 2014; and/or actions that prohibit, limit, or penalize the exercise of freedom of expression or peaceful assembly. In Zimbabwe, Executive Order 13469, “Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe,” allows Treasury to sanction persons who have engaged in actions or policies to undermine Zimbabwe’s democratic processes or institutions, and/or who are responsible for or have participated in human rights abuses related to political repression in Zimbabwe.

While new power such as the Global Magnitsky Act and its accompanying executive order can have a dramatic impact in this effort, a critical opportunity exists to do even more to help the people of Sub-Saharan Africa by deploying new sanctions authorities adapted from those the United States has already used for years in other parts of the world, specifically Iran and Syria. These authorities, such as Executive Order 13606 of April 22, 2012, and Executive Order 13628 of October 9, 2012, can and should be replicated to target the support networks providing technology and equipment that enable regimes such as those of President al-Bashir, President Kiir, and President Kabila to engage in surveillance, censorship, and human rights abuses against their own people.

The sanctions authorities that allow the United States to target those engaging in or otherwise supporting surveillance, censorship, and human rights abuses in Iran and Syria should serve as a model for new powers that allow the Treasury Department to help the people of Sub-Saharan Africa express their rights in the face of increasingly sophisticated technological repression. Blocking those who engage in this activity from accessing the U.S. financial system is a classic example of the network sanctions that my organization, The Sentry, advocates for to combat human rights abuses in Sub-Saharan Africa. While the Global Magnitsky Act and Executive Order 13818 allow for the United States to sanction persons responsible for or complicit in serious human rights abuse, it is unclear whether censorship and surveillance meet the legal standard necessary to use this tool against that activity. Further, it is unclear whether under Global Magnitsky providing technology or equipment to undesigned persons involved in serious human rights abuse is sufficient for designation unless the perpetrator is sanctioned. This is where existing sanctions fall short, and why Congress and the administration should look to Executive Orders 13606 and 13628 as models.

Executive Order 13606, “Blocking the Property and Suspending Entry into the United States of Certain Persons With Respect to Grave Human Rights Abuses by the Governments of Iran and Syria via Information Technology,” also known as the GHRAVITY E.O., was pioneering in targeting a government’s ability to conduct surveillance of its people. This executive order allows the Treasury Department to sanction any person determined to have operated information and communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist in or enable serious human rights abuses by or on behalf of the governments of Iran or Syria. It also allows the sanctioning of those who have sold, leased, or otherwise provided goods, services, or technology to Iran or Syria likely to be used to facilitate computer or network disruption, monitoring, or tracking that could assist in or enable serious human rights abuses by or on behalf of the governments of Iran or Syria. Examples of those

sanctioned pursuant to this authority include Ali Mamluk, the director of the Syrian General Intelligence Directorate (GID), who oversaw a communications program in Syria that was directed at opposition groups; and Datak Telecom, an Iranian internet service provider that has collaborated with the government of Iran to provide information on individuals trying to circumvent the government's blocks on internet content, allowing for their monitoring, tracking, and targeting by the government of Iran.

Executive Order 13628, "Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Threat Reduction and Syria Human Rights Act of 2012 and Additional Sanctions With Respect to Iran," complements the GHRVITY E.O. by focusing on the transfer of technology related to serious human rights abuses and those who engage in censorship or other activities that interfere with the ability of the citizens of Iran to exercise freedom of expression or assembly. Specifically, Section 2 of Executive Order 13628 allows the Treasury Department to sanction any person determined to have knowingly—on or after August 10, 2012, when the president signed the Iranian Threat Reduction Act of 2012—transferred or facilitated the transfer of goods or technologies to Iran, to any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the government of Iran, or to any national of Iran, for use in Iran, that are likely to be used by the government of Iran or by any other person on behalf of the government of Iran to commit serious human rights abuses against the people of Iran. It also allows the Treasury Department to sanction persons who have knowingly—on or after August 10, 2012—provided services, including services relating to hardware, software, or specialized information or professional consulting, engineering, or support services, with respect to goods or technologies that have been transferred to Iran and that are likely to be used by the government of Iran or any of its agencies or instrumentalities, or by any other person on behalf of the government of Iran or any of such agencies or instrumentalities, to commit serious human rights abuses against the people of Iran. Section 3 further allows the designation of any person who has engaged in censorship or other activities with respect to Iran—on or after June 12, 2009—that prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran, or that limit access to print or broadcast media, including the facilitation or support of intentional frequency manipulation by the government of Iran or an entity owned or controlled by the government of Iran that would jam or restrict an international signal. This sanctions authority has been frequently used over the years, including as recently as this past January when the Office of Foreign Assets Control (OFAC) designated Iran's Supreme Council for Cyberspace for engaging in censorship. According to OFAC, the Supreme Council of Cyberspace oversees the Iranian regime's disruption of the free flow of information by restricting access to tens of thousands of websites, particularly those of international news sources, anti-regime outlets, ethnic and religious minorities, human rights groups, and popular social media sites.

Creating a global authority based on these sanctions programs that are narrowly targeted against Iran and Syria would allow the U.S. government to further bolster its ability to create space for civil society by using the U.S. financial system as leverage to incentivize a change in behavior by these repressive regimes.

#### Better Resourcing Current Sanctions Efforts

Equally as important is ensuring that those in our government who are already charged with implementing existing authorities such as the Global Magnitsky, South Sudan, and Congo sanctions programs are sufficiently resourced. For example, the team at OFAC responsible for identifying and developing the underlying cases for designations, as well as adjudicating petitions for delisting and numerous other tasks in these programs, requires additional staff to balance the demands of these programs with others such as Venezuela and Libya for which they are also responsible, as do the attorneys at the Treasury Department and Department of Justice who review their work for legal sufficiency. It is essential that Congress urgently provide additional funding to Treasury's Office of Terrorism and Financial Intelligence and the Department of Justice's Civil Division so that these offices can effectively and robustly administer these sanctions programs. A very small investment can create significant additional capacities at these agencies, and we hope the subcommittee will support the appropriations request for \$3.25 million dedicated to building capacity in these areas as the appropriations process moves forward.

#### Anti-Money Laundering Measures

In addition to sanctions, we should ensure that the power to disrupt money laundering is also deployed in service of protecting civil society. In cases such as South Sudan, the networks engaged in repressing civil society comprise the same people who are laundering the proceeds of corruption through neighboring countries, particularly Kenya and Uganda, and into the global financial system. Because they are using U.S. dollars to launder their money, it is banks in New York that are ultimately implicated.

Although repressing civil society is not a predicate offense for money laundering, research by The Sentry, U.N. Panels of Experts, and journalists show that the networks involved in these activities are often the same. As such, FinCEN can be encouraged to deploy tools such as Advisories, record requests from banks pursuant to 314(a) of the Patriot Act, and declarations of primary laundering concerns under 311 of the Patriot Act to counter these networks.

#### Export Controls

Export controls are another way in which regulatory mechanisms can prevent U.S. goods or technology from being used to persecute civil society. The United States is a party to the Wassenaar Arrangement, which is an international framework that agrees to control transfers of conventional arms and dual-use goods and technologies. In December 2013, the Wassenaar Arrangement ratified proposals intended to control the transfer of commercial surveillance software products and Internet Protocol (IP) network surveillance systems. Technologies subject to export restrictions that appear on the Department of Commerce's Control List include an extensive array of products that can be used by malign actors to suppress those attempting to exercise basic freedoms.

The Department of Commerce should continue to enhance its use of these tools. Recently, Commerce took an important step in addressing the crisis in South Sudan by applying licensing requirements for exports and re-exports to a wide range of public and private entities in South Sudan, from government ministries to the state-owned oil company to a range of private firms,

all of which were placed on the Entities List. Integrating Commerce's powers to prevent export of technologies harmful to civil society along with a focus on regimes like South Sudan's will enable a more proactive and integrated response to protecting civic space.

#### Final Recommendations

In addition to the need that I just outlined for more funding on sanctions, ant-money laundering, and export controls implementation, Congress and in particular the members of this subcommittee have a critical role to play in helping to shape and push for better policies in countries like CAR, Congo, South Sudan, and Sudan. As described, Congress has led the way in this area, from the focus on this region since the early 2000s, Global Magnitsky legislation, and sanctions legislation focused on Iran, Russia, North Korea, and others.

Specifically, I want to make the following recommendations:

- **We must see strong Congo legislation introduced immediately.** The Kabila regime has remained in power and continues to rob the country of its great wealth while refusing to adhere to agreements to hold free and fair elections and open political space. I know both the House and Senate have been working on introducing bills, and that cannot happen soon enough. Please do not leave for Memorial Day recess without having put a bill forward, as every moment we wait to take strong action on the Congo, the likelihood of violence and instability increases.
- **Speak out in strong opposition regarding any move to normalize relations with Sudan.** Congress has a long, bipartisan history of advocating for peace and human rights for the people of Sudan, and now is the time that we need that voice both publicly and behind the scenes. The current administration as well as the Obama administration have set the United States on a path where we will have given up the best leverage we have over Sudan at a time of deep economic crisis, and in return see the same regime—led by the same brutal leader—remain in power, engaging in largely the same activities. The committee should follow up on the recent bipartisan Sudan to Deputy Secretary of State Sullivan letter with an additional letter or statement making it clear that those in positions of oversight in Congress are squarely opposed to the current trajectory of our Sudan policy.
- **Support beneficial ownership legislation.** The United States, due to its beneficial ownership laws, is too often used to launder the proceeds of corruption. A wide coalition from across the political spectrum supports addressing beneficial ownership, and legislation has been drafted and is gaining support in the House and Senate. This subcommittee has a unique voice in demonstrating why this issue is not only good for addressing terrorist financing and tax evasion, among other critical issues, but also for addressing the rampant corruption fueling violence in places like Congo and South Sudan.
- **Increase in Attention and Pressure on South Sudan.** While having recently taken some very positive steps on South Sudan, the U.S. government needs to drastically

increase pressure on the kleptocratic elites fueling the conflict in South Sudan. If the administration is unwilling to take swift action amending Executive Order 13664 to strengthen the financial restrictions and designation criteria, as well as committing greater Treasury and Department of Justice resources to focus on utilizing these tools, then Congress should step in and fill that void.

#### Conclusion

I'd like to thank the committee for the opportunity to testify today on such an important issue that affects millions of people across Sub-Saharan Africa. The United States has robust financial tools to successfully address conflict in East and Central Africa, but lacks the strategic approach and political will to implement them effectively. Congress can help provide these necessary ingredients and forge a new and more effective policy approach.



Mr. SMITH. Mr. Prendergast, thank you so very much.  
I would like to now yield to Ms. Talani.

**STATEMENT OF MS. NANYTHE TALANI, REPRESENTATIVE,  
THE TORTURE ABOLITION AND SURVIVORS SUPPORT COA-  
LITION**

Ms. TALANI. I want to thank you, Chairman Smith, for holding this hearing today to give me the opportunity to discuss the lack of freedom and persecution of journalists in sub-Saharan Africa by focusing on my country, Republic of Congo, and my own story.

I am here today representing the Torture Abolition and Survivors Support Coalition, or TASSC. It is a nonprofit based in Washington, DC. It provides psychological and employment counseling, legal assistance for asylum seekers and advocacy training to almost 300 survivors of torture every year. I have over 10 years of experience as a broadcaster producer, investigative journalist, and human rights activist in Congo-Brazzaville. Like many countries in Africa, the Republic of Congo constitution guarantees freedom of speech and press. But this right is only on paper. There is widespread censorship of journalists and constant interference of government agencies in the media, especially when journalists write about sensitive subjects.

That freedom has deteriorated since President Denis Sassou Nguesso changed the constitution in 2015 removing age and term limit so he could govern indefinitely. Sassou Nguesso has ruled the country since 1979, except for 1992 to 1997.

The majority of broadcast and print media in my country belong to the family members of Denis Sassou Nguesso, or people are close to him. Most journalists and editors engage in self-censorship to avoid being targeting by the government. Congolese journalists have basically two options: To praise and promote the ruling elite or keep quiet. If you want to be a true journalist, you risk threats, at best, or humiliation or death at worst. This is what happened to journalist Bruno Jacquet Ossebi and Elie Smith. Because he is my former boss, they refused to engage in self-censorship. Ossebi was burned to death in a suspicious fire in his home. And it was in 2009, after he wrote many stories, exposing the corrupt practices in the Congo elite. In 2014, security forces invaded the home of Elie Smith, robbed him and gang-raped his sister after he reported about government folks attacking governing opposition party members.

Now, I will like to share my own personal experience, just one. In 2014, I was working for the French-based media TerrAfrica, and I wrote a story on ritual murders in the north end of Congolese city of Ouesso. These murders take place in many African countries, because people believe they can use victims' blood or organs to defeat their enemies, to become richer or more powerful. Murderers are often rich people who pay others to carry out the killings.

My cameraman and I traveled to Ouesso to interview women who had survived attacks and family members of victims. I got tremendous satisfaction from my reporting on the subject. The mayor of Ouesso was arrested because he was suspected of being connected to the killings.

My article and the gruesome photos that accompanied it put a stop to ritual murders in Congo. They did not spread to other parts of the country and become commonplace like in Liberia or other African countries.

But harassment from the authorities after my report took an enormous toll on me psychologically. The government was very angry about my report because they thought that my reporting would tarnish Congo's image in the international community and among foreign donors. Police found the people I interviewed in Ouesso and criticized them for speaking with me. Then authorities called my boss and said I should be careful about sensitive subjects like the corruption of the government. And one of my friends with connection to a secret government agent told me that my phone was being tapped. I was so afraid that I left my home to move in with my cousin and some male relatives whom I thought could protect me in case I was attacked.

Other journalists in Congo were also being harassed at this time. But thankfully, the American Embassy, the European Union, and the United Nations told the Sassou Nguesso regime to leave the journalists alone. So I think it worked. And that time, the U.S. Ambassador in my country was Stephanie Sullivan, now Deputy Assistant Secretary in the State Department Bureau of African Affairs. I really don't know what would happen if they didn't intervene.

And when you are—you know, when you are constantly afraid because you could be attacked, assaulted, raped, or even killed by people who will walk away with impunity, what kind of professionalism can you display as a journalist? What kind of daily life can you have?

I am sorry.

This is what I and other journalists are facing in Congo. Fear of reporting the truth. Fortunately, at the time, my emotional state was deteriorating, I won a Humphrey-Fulbright fellowship from the U.S. State Department. I arrived here in 2015, and started working at Voice of America when I was going to school at the same time. And I wrote a story about the government orchestrating the killings and civil war in Congo Pool region. I wrote the story to make that known. But the regime was angry with me, and I—that they knew I was reporting the killings, because I was working with the Voice of America.

And after another one of my stories was published also on the election process, I couldn't go back home because one of my friends said, "Nanythe, I know you are intelligent. I advise you not to return home." So now, I was very terrified about what could happen to me. That is why I decided to apply for asylum in the United States.

So today even now, many opposition leaders have been imprisoned. Student leaders have been jailed and tortured. Corruption, abuse, and human rights and Presidents in power for life are three of the major problems plaguing Africa. Congo has oil, and other African countries, like the DRC, Angola or Cameroon are rich in minerals. But government officials, they are using these resources just to enrich themselves and their family members instead of building schools, hospitals, roads, or paying salaries of people. These govern-

ments violate the human rights of minorities, journalists and political dissidents.

We need freedom of speech so we can write about these issues. That is why I am really proud to be an investigative journalist. I just hope that someday we have the press freedom in my country like you do in the U.S., because here, journalists, they don't have to be afraid when they investigate—when they expose the truth. And that Members of Congress can pressure Congo and other African governments to allow journalists to practice the profession without fear.

Thank you very much for listening to my testimony today.

[The prepared statement of Ms. Talani follows:]

**Protecting Civil Society, Faith-Based Actors, and  
Political Speech in Sub-Saharan Africa**

Statement by Nanythe Talani

Representative, Torture Abolition and Survivors Support Coalition (TASSC)

before the House Subcommittee on Africa, Global Health, Global Human Rights and  
International Organizations

May 9, 2018

My name is “Nanythe” Sylvanie Talani. I am a journalist, a survivor of torture and a human rights activist from Congo-Brazzaville, a small country of 4.5 million people in West/Central Africa. I want to thank Chairman Smith and Ranking Member Bass for holding this hearing today and giving me the opportunity to discuss the lack of press freedom and persecution of journalists in Sub-Saharan Africa, particularly the Republic of Congo, and to tell my own story.

I am here today representing the Torture Abolition and Survivors Support Coalition (TASSC), a non-profit in Washington DC which provides psychological and employment counseling, legal assistance for asylum seekers and advocacy training to almost 300 survivors of torture every year, mostly from Africa but also from South Asia, the Middle East and Central America.

I have over 10 years of experience as a broadcast producer, investigative journalist and human rights activist in Congo-Brazzaville. I was forced to seek asylum in the United States because of a great fear that the Congolese government will persecute me due to my work as an investigative journalist.

**Government Restrictions on Media Freedom**

Like many countries in Sub-Saharan Africa, The Republic of Congo’s constitution guarantees freedom of speech and press. But this “right” is only on paper. There is widespread censorship of journalists and constant interference by government agents in the media, especially when journalists write about what the government considers “sensitive” subjects. Media freedom has deteriorated since President Denis Sassou Nguesso changed the constitution in 2015. This change removed age and term limits for the president, who has ruled Congo continually since 1979, except for five years in the 1990s. The new constitution also guarantees impunity to the president after he leaves office for any crime he may have committed while he was president.

The majority of broadcast and print media are owned and controlled by members of the president’s family or by individuals close to him -- his daughter Claudia Lemboumba owns the TOP TV station in Brazzaville and his brother Maurice owns the TV station MNTV, where I once worked. Most journalists and editors engage in self-censorship to avoid being targeted by Sassou Nguesso. Congolese journalists have basically two options—to praise and promote the ruling elite or just keep quiet. If you want to be a true professional, you risk threats at best and humiliation or even assassination at worst.

Journalists who refuse to engage in self-censorship could even be assassinated under mysterious circumstances, which is what happened to Bruno Jacquet Ossebi in 2009.

Mr. Ossebi was a reporter for the French-based Congolese website Mwinda. He was burned to death in a suspicious fire in his home along with his girlfriends and her two children. No one ever investigated the cause of the fire. After the fire, Ossebi was taken to a military hospital and appeared to be recovering. According to Bloomberg's Elie Smith, a prominent Cameroonian journalist who was my boss when he was based in Brazzaville, it was widely believed that Congolese regime tried to burn him to death because they did not want him to recover, so they ended up killing him. Why?

Just four days before the fire, Ossébi wrote a story accusing officials with Congo's national petroleum authority (SNPC) of improperly negotiating a loan with a French bank, according to Committee to Protect Journalist (CPJ) research. Neither the government nor the officials named in Ossebi's story, including Denis Christel Sassou Nguesso, the president's son, publicly commented on the story, according to local journalists. Let me note that recently, the International Monetary Fund which is considering offering budgetary relief to the Congo discovered that the gross mismanagement Ossebi was investigating.

Elie Smith himself has devoted his life to exposing corruption and promoting free expression. In September 2014, he reported about government thugs attacking members of an opposition party gathered for a legal meeting at city hall. Shortly after Smith uploaded his report on Facebook, police and soldiers invaded his house, robbed him and gang-raped his sister, who was infected with HIV. Four days later, he was expelled from Congo. According to the Committee to Protect Journalists, free-lance journalist Sadio Kante reported on what happened to Smith. Then she herself was forced to leave the country. Elie ended up coming to the United States and in 2016 he became a Visiting Fellow at the National Endowment of Democracy here in Washington DC. Said Penda (BBC Afrique) and Morgan Palmer (Courrier International) are also among journalists who has been expelled by the Congolese authorities.

#### **Reporting on Ritual Murders, the First Lady and Government Harassment**

I would like to share a story from my own personal experience that demonstrate the danger to journalists in Congo. In 2014, I was working for the French-based magazine TerrAfrica and wrote a story on ritual murders in the Congolese city of Ouessou. These murders take place in parts of Africa because some people believe the blood and organs of victims can defeat their enemies, make them richer or more powerful. The murderers are often wealthy people who pay others to carry out the killings. We heard about ritual murders of women in Ouessou, which has a high concentration of pygmies—pygmies make up a tiny percent of the Congolese people and have been marginalized by the general population. My cameraman and I traveled to Ouessou to interview more than 10 people—women who had survived attacks and family members of victims. Often the people who were hired to carry out the ritual murders were pygmies, and they were the ones who ended up in prison.

I got tremendous professional satisfaction from my reporting on this subject. The mayor of Ouessou was arrested, although there was no trial proving his guilt perhaps because more powerful people were involved in these ritual murders. But my article and the gruesome photos that accompanied it put a stop to ritual murders in Congo. They did not spread into other parts of the country and become commonplace like they have in Liberia and other countries in West Africa.

But the harassment from the authorities after my report took an enormous toll on me personally. Police found the people I had interviewed in Ouessou and told them they should not have spoken to me. Then authorities called my boss at TerrAfrica and told him I should be careful about writing these kinds of "sensitive" stories. A friend with connections to a secret government agent told me my phone was being tapped. I was so frightened by government agents watching me, my friends and relatives that I left my home to move in with my cousin and some male relatives whom I felt could protect me.

This was when other journalists were also being harassed in my country. The United States Embassy, the European Union and the United Nations all told the Sassou Nguesso regime to leave journalists alone. The US ambassador at the time was Stephanie Sullivan, now Acting Principal Deputy Assistant Secretary in the State Department's Bureau of African Affairs. I don't what would have happened to me if the US, the EU and the UN would not have intervened.

I was also threatened when I was working at MNTV, the TV station owned by the president's brother. A car washer had been falsely accused of stealing money from a vehicle owned by the chauffeur of Antoinette Sassou Nguesso, First Lady of Congo-Brazzaville. The chauffeur brought men to beat Aristide so badly that the car washer had to be taken to the hospital where he almost died. In my TV report, I said that people like the chauffeur think they can commit any crime and not be punished because they are connected to rich, powerful people like the First Lady. After that, security police came to my office to threaten me, saying the First Lady was unhappy with my report. "You had better stop criticizing the government on TV," they said. And they told my friends and colleagues to warn me about offending high government officials.

When you are constantly afraid because you could be attacked, assaulted, raped, jailed or even killed by people who will walk away with impunity, what kind of professionalism can you display as journalist? What kind of daily life can you have? This is what I was facing in Congo. This is what journalists are facing in my country.

For instance, many journalists were beaten by the police when they went to cover the arrival of General Jean-Marie Michel Mokoko, one of the opposition leaders. Alphonse Ndongo, correspondent for the Congo of "Jeune Afrique Economie", said he was beaten by several men in civilian clothes. DRTV reporters, a private television channel in Brazzaville, also say they have been stripped of their property.

These assaults take place during the very hectic arrival in Brazzaville late Tuesday of General Jean-Marie Michel Moukoko.

According to concordant sources, the police had fired tear gas to try to disperse the dozens of supporters or journalists who came to wait for the new opponent of the Brazzaville regime.

Fear of reporting the truth has a huge negative effect on journalism and the whole society. Even now, although I have been in the United States for almost three years, I still am sometimes afraid of being attacked and always lock my bedroom door if my roommate is not home.

Fortunately for me, at a time when my emotional state was deteriorating, I won a Hubert Humphrey-Fulbright Fellowship from the U.S. State Department. I arrived in the United States in 2015 and worked as an intern then a broadcast producer at Voice of America-Afrique, or *French to Africa*. I investigated how Sessou Nguesso changed the Congolese constitution through a 2015 referendum so he could stay in power indefinitely. And I wrote about a civil war in the Pool region of Congo, which had begun in 1998 but intensified after the change in the constitution, and even more following the 2016 election when Sessou-Nguesso was elected again. Villages and schools in Pool were destroyed by government troops, and over 80,000 civilians were displaced, an enormous number for such a small country. Actually what is happening in the Pool is believed by many people to be an 'ethnic cleansing'. The case of what is called "The disappeared of the Beach" is eloquent on that.

The case of the disappeared Beach is a collective killing orchestrated by senior state officials, which took place between May 5 and May 14, 1999 at the Brazzaville river landing site said Brazzaville Beach in the Republic of Congo under the chairmanship of the General Denis Sassou-Nguesso came to power two years earlier following a violent military coup in 1997.

In April 1999, in order to appease the Congo-Brazzaville civil war, Denis Sassou announced the national reconciliation. It signs agreements with the Democratic Republic of Congo and the UNHCR for the return of thousands of refugees who fled the civil war by taking refuge in Kinshasa [1], the sword of Damocles over the power of Brazzaville.

The first return of families (adults, women, children) takes place by the "crossing of the Beach" (river shuttle which makes the connections Brazzaville-Kinshasa), and includes about 1,500 people, under the control of the UNHCR. These people are welcomed as soon as they arrive at the river port of Brazzaville Beach by dozens of governmental and military personalities (including the Minister of Health according to some witnesses) and, once this part, are questioned by soldiers belonging probably to the presidential guard, sorted, the young and able-bodied men (perhaps suspected of belonging to the Ninjas, private militia of Bernard Kolelas, opponent of Denis Sassou or originating from the region of the pool, region located in the south of the Congo) being conveyed by convoys in camps or towards the presidency of Mpila according to the concordant sources. From that moment, all traces of these people are lost. Some rumors speak of people packed alive in containers, which would have been welded and thrown into the river [1], or burned in the offices of the presidency of Mpila.

A container was found, driven by the current, at the level of cataracts.

The operations were coordinated by General Moko Hilaire, nephew of General President Denis Sassou [2].

Some people will be able to escape this tragic destiny, and will come to testify. Among other things, we are talking about a half-caste who, as soon as he arrived in Brazzaville, was allowed to leave the queue. Because of the Pool conflict, myself I lost a lot of relatives, including my two young brothers.

The government back in Congo was very aware of what I was writing for VOA, and very angry. They did not want negative publicity about oppressive government actions in Pool. And the Congolese government remembered me criticizing the First Lady back at home, writing about government corruption and ritual murders. After my Pool report was published, a friend called me to say “Nanythe, I know you are very intelligent, I advise you not to return home.” I could have gone back to Congo for an amazing job with UNESCO. But I was terrified of what might happen to me. This was when I decided to apply for asylum in the United States.

#### **Government Repression and Intimidation of Journalists Today**

Today in Congo opposition leaders (Jean-Marie Michel Mokoko, Andre Okombi Salissa, Paulin Makaya, Jean Ngouabi, Libomgo Ngouaka and other as well. These people have been in prison for almost two years without trial. Their detention is contrary to the Congolese Code of Criminal Procedure, which states that pre-trial detention may not exceed four months and that it may not be extended for more than two months (Article 121).

Four student trade unionists (Bouet Beranger, Nelson Apanga, Yobi Pagel and Amour Anaclet Singou) were arrested between 9 and 15 February 2018, illegally detained and tortured in the General Directorate of Territorial Surveillance illegally, simply for having exercised their right to freedom of expression. On February 9, 2018, they launched a call to strike in order to claim their school rights, mainly the good conditions of schooling and the payment of their scholarship. They were brought to the Brazzaville prison for complicity and attempt to disturbance of public order on 2 March 2018. They were released on 16 March 2018 following a strong mobilization of civil society organizations. But two of them are seriously sick because of the torture they endured: Bouet Beranger is paralyzed and Nelson Apanga's kidneys are in bad shape.

We can't read about these students in the press because journalists are afraid to write about them. The Congolese diaspora in France published this news on Facebook, the only reason we have access to this information. Right now, Congo is seeking financial assistance from the International Monetary Fund and other foreign donors. The IMF says Congo has to meet certain requirements including fighting corruption, which is pervasive throughout my country, especially among the presidents and his family members. But journalists are afraid to write about corruption because of the consequences for them.



What happened to Bruno Jacquet Ossebi, to Elie Smith and numerous other journalists could also happen to them.

Corruption, abuse of human rights and presidents in power for life are three of the major problems plaguing Africa. Congo has oil and other African countries, like the Democratic Republic of Congo are rich in minerals. But government officials use these resources to enrich themselves instead of to build schools, hospitals and roads. The human rights of minorities, women, journalists and political dissidents are systematically abused. Presidents stay in power for life, some through what are called "constitutional coups" like when Sassou Nguesso changed the constitution so he could make it "legal" to remain in power.

We need journalists and a free press to write about these problems. That is why I am proud to be an investigative journalist. I just hope that someday we have press freedom in my country like you do in the United States, where journalists do not have to be afraid of exposing the truth. And that Members of Congress can pressure the Congolese and other African governments to allow journalists to practice their profession without fear.

Thank you very much for listening to my testimony today.

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Mr. SMITH. Ms. Talani, thank you so very much for your testimony and for your bravery in trying to get this story out about what is truly happening, particularly the ritual murders, the story that you just recounted to us. Thank you for that.

I would like to now turn to Mr. Harris.

**STATEMENT OF MR. STEVEN HARRIS, POLICY DIRECTOR, THE ETHICS AND RELIGIOUS LIBERTY COMMISSION, SOUTHERN BAPTIST CONVENTION**

Mr. HARRIS. Thank you, Chairman Smith, and members of the subcommittee. It is an honor to join you today and certainly to be on this panel. Thank you again for your testimony, Ms. Talani, as well.

On behalf of the Ethics and Religious Liberty Commission of the Southern Baptist Convention, I would like to express our gratitude for the ongoing efforts of this subcommittee to keep track of, and to bring visibility to, the vulnerable and the voiceless on the continent of Africa.

The Ethics and Religious Liberty Commission is the public policy arm of the Nation's largest Protestant denomination. Consistent with our focus on advocating for human dignity, religious liberty, the family, and justice issues in the United States, the Ethics and Religious Liberty Commission advances the same agenda abroad seeking to bring international awareness to human rights violations, religious persecution, and injustice around the globe.

Given today's focus on the contracting civil society space in sub-Saharan Africa in general, and my topic on religious persecution in particular, I thought it appropriate to begin my testimony by laying bare the philosophical presuppositions that give legitimacy to a concern for religious freedom at all. In other words, why does it matter that we take into account the plight of religious communities in our overall analysis concerning both the state of certain Africa governments, and the attending question of normalization with the same?

Firstly, it cannot be rehearsed enough that the right to be religiously free—that is, to worship or not worship according to the dictates of one's own conscious—is a right that stands at the heart of what it means to be human.

Secondly, as we consider whether certain democratic ideals are taking root in a particular country, it is important to remember that the consent to be governed does not, and ought not, include state ownership over the conscience. When religious freedom is not protected, myriad human rights violations, various forms of violence, and overall destabilization is usually the result. This sentiment has been expressed already by officials in our current administration. Moreover, scholars have argued that one of the effects of civil society—religious community being a significant part thereof—is the checking of state power and the resisting of corrupt authoritarian rule and overall undemocratic impulses. Therefore, thirdly, the suppression of religious freedom can be correlated not only with safety concerns for the people of a given state, but also with broader, global security concerns, including U.S. national security.

With this ideological backdrop in mind, I will now devote the balance of my testimony to the status of religious minorities in Sudan.

I would remind the members of the subcommittee that I have included in my written report information on the Democratic Republic of Congo and Rwanda. But I will speak about Sudan in particular with my commentary here today. I will conclude by offering a few principal suggestions for a relational pathway forward.

In Sudan, the human rights record in general, and religious freedom conditions in particular, remains poor. President al-Bashir and his National Congress Party have been in power for a quarter century. Attending this rule, ongoing sites of repression, restriction, multifarious governmental attacks on civilians has been normative. In February of this year, it was reported that an evangelical church building in Khartoum was demolished on the charge of public disturbances. However, reports indicate that the land itself is desired for Muslim business interests. The 29-year-old church building belonged to the Sudan Presbyterian Evangelical church, and was one of 27 churches that the Sudanese Government indicated would soon be demolished because of similar charges. Two churches on this list were demolished in 2017, one being a Sudanese Church of Christ building which served as the church's home to 300 members, and the last Christian church in the region. Since 2014, the government has prohibited the construction of new church buildings.

In addition to the destruction and confiscation of church property, government officials continue to harass and arrest church leaders. On April 4, 2017, a church elder, Mr. Yonan Abdullah, died after being stabbed during a raid of the Sudanese Presbyterian Evangelical church school. Just last month, four Christians associated with the protest of the aforementioned raid faced new charges of physical harm to police with reports of an additional 36 Christians associated with the church to stand trial in an unspecified date in the future.

The United States Commission on International Religious Freedoms 2018 report redesignated Sudan as a country of particular concern. Though the interim national constitution of Sudan includes religious freedom protections and recognizes Sudan as a multiple religious country, article 5 essentially restricts freedom of religion by privileging Islamic Sharia law and popular consensus as a leading source of government legislation. Moreover, President al-Bashir has stated a desire that Sharia be codified as constitutional law. In light of the priority of Sharia law application, the Sudanese criminal code continues to uphold apostasy laws making conversion from Islam punishable by death.

The task set before this subcommittee and the broader congressional deliberative body is the accurate interpretation and assessment of these ongoing realities. Cited increased humanitarian access, counterterrorism efforts, and even the recent recognition of the Seven Day Adventist Church as a legal religion, all have occurred within a broader trend of human rights violations, toleration of extremists, and religious intolerance—an intolerance that was on full display even as the United States was reviewing the country's behavior in view of sanction reconsideration. We believe this trend reveals that the Sudanese regime's ideological commitments are, perhaps, incompatible with the requirements of a religiously tolerant state. And any United States action ought to be directed at these core commitments.

Consistent with many of the recommendations of the United States Commission on International Religious Freedom, with its Sudan report in particular, we strongly urge that religious freedom be a serious factor taken into account as a foreign policy priority as the United States considers the nature of its relationship to Sudan and other African countries.

Governmental structures and the ideologies that undergird them must be addressed. Religious freedom cannot be expected when it is concurrently undermined by constitutional order. Targeted tools and broad diplomacy efforts ought be utilized in order to attain measurable improvements. With respect to Sudan in particular, we oppose the normalization of relations until a measurable impact on the ground for religious freedom and the help of civil society can be observed.

There are discussions about removing Sudan from the State Sponsor of Terror list, and we have significant concerns with this action absent a local improvement on human rights in general and religious liberty in particular.

Thank you.

[The prepared statement of Mr. Harris follows:]

Testimony of Steven M. Harris  
Policy Director, Ethics and Religious Liberty Commission  
House Committee on Foreign Affairs  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations  
"Protecting Civil Society, Faith-Based Actors, and Political Speech in Sub-Saharan Africa"  
May 9, 2018

Chairman Smith, Ranking Member Bass, and Members of the Subcommittee:

It is an honor to join you today. On behalf of the Ethics and Religious Liberty Committee of the Southern Baptist Convention, I would like to express our gratitude for the ongoing efforts of this subcommittee to keep track of, and bring visibility to, the vulnerable and the voiceless on the continent of Africa. The Ethics and Religious Liberty Commission is the public policy arm of the nation's largest Protestant denomination with 15.2 million members in 46, 000 churches. Consistent with our focus on advocating for human dignity, religious liberty, the family, and justice issues in the United States, the Ethics and Religious Liberty Commission advances the same agenda abroad, seeking to bring international awareness to human rights violations, religious persecution, and injustice around the globe.

Given today's focus on the contracting civil society space in Sub-Saharan Africa in general, and my topic of religious persecution in particular, I thought it appropriate to begin my testimony by laying bare the philosophical presuppositions that give legitimacy to a concern for religious freedom. In other words, "Why does it matter that we take into account the plight of religious communities in our overall analysis concerning both the state of certain African governments and the attending question of normalization with the same?" Firstly, it cannot be rehearsed enough that the right to be religiously free—to worship or not to worship according to the dictates of one's own conscience—is a right that stands at the heart of what it means to be human. Secondly, as we consider whether certain democratic ideals are taking root in a particular country, it is important to remember that the consent to be governed does not include state ownership over the conscience. When religious freedom is not protected, myriad human rights violations, various forms of violence, and overall destabilization is usually the result. This sentiment has been expressed by officials of our current administration. Moreover, scholars have argued that one of the effects of civil society—religious community being a significant part thereof—is the checking of state power and the resisting of corrupt authoritarian rule and overall undemocratic impulses. Therefore, thirdly, the suppression of religious freedom can be correlated not only with safety concerns for the people of a given state but also with broader global security concerns—including U.S. national security.

With this ideological backdrop in mind, I will now devote the balance of my testimony to the status of religious minorities in Sudan, and religious communities in the Democratic Republic of Congo and Rwanda. I will conclude by offering a few principal suggestions for a relational pathway forward.

## I. SUDAN

In Sudan, the human rights record in general, and religious freedom conditions in particular, remains poor. President al-Bashir and his National Congress Party have been in power for over a quarter-century. Attending this rule, ongoing sites of repression, restriction, and multifarious governmental attacks on civilians has been normative. In February of this year, it was reported that an evangelical church building in Khartoum was demolished on the charge of public disturbances. However, reports indicate that the land is desired for Muslim business interests. The 29-year-old church building belonged to the Sudan Presbyterian Evangelical Church, and was one of 27 churches that the Sudanese government indicated would soon be demolished because of similar charges (two churches on this list were demolished in 2017, one being a Sudanese Church of Christ building which served as the church home to 300 members and the last Christian church in the region). Since 2014, the government has prohibited the construction of new church buildings.

In addition to the destruction and confiscation of church property, government officials continue to harass and arrest church leaders. On April 4, 2017, a church elder, Mr. Yonan Abdullah, died after being stabbed during a raid on the Sudanese Presbyterian Evangelical Church school. Just last month, four Christians associated with a protest of the aforementioned raid faced new charges of physical harm to police, with reports of an additional 36 Christians associated with the church to stand trial.

The United States Commission on International Religious Freedom's 2018 report redesignated Sudan as a Country of Particular Concern. Though the Interim National Constitution of Sudan includes religious freedom protections and recognizes Sudan as a multi-religious country, article 5 essentially restricts freedom of religion by privileging Islamic Sharia law and popular consensus as a leading source of government legislation. Moreover, President al-Bashir has stated a desire that Sharia be codified as constitutional law. In light of the priority of Sharia law application, the Sudanese Criminal Code continues to uphold apostasy laws making conversion from Islam punishable by death.

The task set before this subcommittee and the broader congressional deliberative body is the accurate interpretation and assessment of these ongoing realities. Cited increased humanitarian access, counterterrorism efforts, and even the recent recognition of the Seventh Day Adventist Church as a legal religion, all have occurred within a broader trend of human rights violations, toleration of extremists, and religious intolerance—an intolerance that was on full display even as the United States was reviewing the country's behavior in view of sanction reconsideration. We believe this trend reveals that the Sudanese regime's ideological commitments are

incompatible with the requirements of a religiously tolerant state, and any United States action ought to be directed at these core commitments.

## II. DEMOCRATIC REPUBLIC OF THE CONGO

The current situation in the Democratic Republic of the Congo cannot be understood apart from the political crisis surrounding President Kabila and his refusal to step down in 2016. Since then, there have been reports of ongoing violent protests amid a rise of inter-ethnic conflict and insecurity. Human Rights Watch reports that “between August 2016 and September 2017, violence involving Congolese security forces, government-backed militias, and local armed groups left up to 5,000 people dead.” In that time, about 1.5 million people were displaced from their homes, including tens of thousands of fleeing refugees. Millions are presently facing extreme hunger and starvation.

Catholic priests and other Christians have been either murdered or detained by police for participating in protests against President Kabila. In early April, it was reported that another Catholic priest had been abducted for ransom. The church in the Democratic Republic of the Congo has been a long, outspoken proponent of democracy and freedom, historically serving as a moral voice against the corrupt consolidation of power.

It will be imperative that the United States closely follow, and continue to exert pressure for, the impending presidential elections to be held in December. Integral to the overall hope and vision of a free and flourishing Democratic Republic of the Congo is a peaceful, democratic transfer of power.

## III. RWANDA

In March of this year, it was reported that over 700 churches had been closed in Rwanda, a majority Christian country. The alleged reason for the closings were building safety, hygiene, and reports of noise violations. Six pastors were arrested and accused of masterminding a ploy to undermine the government’s plans. The closings have incited much debate concerning freedom of expression in Rwanda. While government authorities claim god-honoring motivations, others in the civil society and development space view the closings as yet another manifestation of governmental fear regarding the spread of anti-government sentiments. Critical of the closings, one commentator suggested that the churches were the indeed the last open space for “daring to imagine and talk about change.”



This subcommittee previously heard testimony in a prior hearing regarding the Rwandan government's ongoing suppression of critical opinion. Civil society groups and the media struggle to function independently and freely in an ever-shrinking societal space. Many have praised Rwanda for its remarkable economic development, and rightfully so. However, a shrinking civil society, essentially closed political space, and human rights limitations threaten the longevity of such development, as well as peace and security in Rwanda and the broader region.

#### IV. RECOMMENDATIONS

Consistent with many of the recommendations of the United States Commission on International Religious Freedom's Sudan report, we strongly urge that religious freedom be a serious factor taken into account as a foreign policy priority as the United States considers the nature of its relationships to these African countries. Governmental structures, and the ideologies that undergird them, must be addressed. Religious freedom cannot be expected when it is concurrently undermined by constitutional order. Targeted tools and broad diplomacy efforts ought to be utilized in order to attain measurable improvements.

With respect to Sudan in particular, we oppose the normalization of relations until a measurable impact on the ground for religious freedom and the health of civil society can be observed. There are discussions about removing Sudan from the State Sponsor of Terror list, and we have significant concerns with this action absent a local improvement on human rights in general and religious liberty in particular.

Mr. SMITH. Mr. Harris, thank you very much for your testimony. I would like to now yield to Mr. Sykes.

**STATEMENT OF MR. EMERSON SYKES, LEGAL ADVISOR—AFRICA, THE INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW**

Mr. SYKES. Good afternoon, Honorable Chair Smith and esteemed members. It is my great honor to be with you today on behalf of the International Center for Not-for-Profit Law. At ICNL, we work with partners in civil society, government, and the diplomatic community in over 100 countries, including 20 nations in Africa, to improve laws relating to the freedoms of association, assembly, and expression.

In line with ICNL's area of expertise, I will focus on the first theme of this hearing: Protecting civil society. I leave it to the other distinguished panelists to address specific issues related to faith-based actors and political speech, but I will use the term civil society broadly to include non-governmental organizations, people's movements, and not-for-profit media.

Why do we do this work? Because we have seen that people working together are capable of great things. From the struggle against apartheid in South Africa, to preserving urban forests in Nairobi; from insisting on peace in war-ravaged Liberia, to fighting disease and poverty throughout the continent; civil society has been at the front lines of positive change.

Unfortunately, we are in the midst of a global trend of increasing legal restrictions on civil society. Since 2012, 72 governments have proposed or enacted 144 laws restricting civil society and the rights to freedom of association and assembly. In sub-Saharan Africa, we have seen at least 38 restrictive initiatives in 19 countries. The four countries that are the focus of this hearing—Sudan, South Sudan, Democratic Republic of the Congo, and Rwanda—have not been immune to this global trend.

In Sudan, civil society organizations are regulated under the Voluntary and Humanitarian Work Act of 2006. According to this law, organizations must receive prior approval from the government before they can receive foreign funding. A 2013 policy explicitly limited foreign funding to humanitarian projects, prohibiting international support for human rights, environmental advocacy, or even economic development. Given that local funding for independent civil society groups is virtually nonexistent, restrictions on foreign funding significantly impede the viability of these groups.

In South Sudan, advocacy is not among the permissible objectives of civil society organizations making it unclear what rules apply to organizations involved in advocacy activities. The government has broad authority to deny registration if an organization is involved in "tribal and political differences in the country." In 2016, the government sent letters to several civil society organizations that are outspoken on policy issues advising them that they should, instead, register as political parties. This type of enforcement action can have a chilling effect, discouraging organizations from participating in policy-making processes.

In the Democratic Republic of the Congo, freedom of assembly has been under threat as public protests related to the delayed

Presidential elections have spread. The U.N. found that 47 protesters had been killed in the 13-month period ending January 31, 2018. According to a 1999 decree, prior government authorization is required to hold a peaceful protest, even though this requirement is contradictory to international and regional law.

The African Commission on Human and People's Rights has issued guidelines on freedom of association and assembly in Africa and emphasized that, "Participation in and organizing assemblies is a right and not a privilege and thus its exercise does not require the authorization of the state."

In Rwanda, the legal framework for a civil society is relatively enabling. But in practice, the regulatory officials often impose additional requirements and restrictions that are not in the law. The government is currently drafting amendments to the 2012 laws governing local non-governmental organizations, international organizations, and faith-based organizations, and held consultations with all three constituencies. We hope that the concerns raised by civil society organizations will be incorporated into the final drafts of the bills before they are presented in Parliament.

In the face of this negative trend, though, African civil society has shown great resilience and achieved some important victories. In 2014, the Parliament of Kenya sought to introduce a 15 percent cap on foreign funding for civil society organizations. This funding restriction would have decimated the sector. In response, civil society activists formed a broad and well-organized advocacy coalition against the proposed amendments and strategically partnered with the U.S. Embassy in Nairobi and other diplomatic missions, to pressure the Government of Kenya to change course. Eventually, the amendments were withdrawn.

Just last week, Tanzanian civil society and independent media advocates successfully challenged the so-called "Bloggers fee" in court. The Online Content Regulations, 2018 require anyone posting information online to pay a fee of over 900 U.S. dollars. On May 5, a court issued a preliminary injunction to prohibit the government from enforcing the fee.

In conclusion, I humbly offer a few recommendations for how this committee can help support more of these kinds of victories. First, Congress should preserve funding to the State Department and USAID that help safeguard legal space for civil society in Africa.

Second, Congress should conduct oversight of Federal agencies and departments, including those involved with counterterrorism, national security, anti-money laundering, defense, and international trade to assess the extent to which different parts of the government are supporting or undermining the legal space for civil society.

Third, Congress should continue to engage directly with civil society through hearings such as this one, and ensure that laws and policies support civil society and philanthropy in the United States and internationally.

I thank the subcommittee for the opportunity to testify and for its interest in these important issues.

[The prepared statement of Mr. Sykes follows:]



## Protecting Civil Society, Faith-Based Actors, and Political Speech in Sub-Saharan Africa

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON FOREIGN AFFAIRS  
Subcommittee on Africa, Global Health, Global Human Rights, and  
International Organizations**

**May 9, 2018**

**Testimony by  
Emerson Sykes, Legal Advisor – Africa  
International Center for Not-for-Profit Law**

Good afternoon, Honorable Chair Smith and Esteemed Members. It is my great honor to be here with you today on behalf of the International Center for Not-for-Profit Law.

ICNL focuses on the legal environment for civil society, so I have been asked to address the first theme of this hearing “protecting civil society.” I will leave it to the other distinguished panelists to address specific issues related to faith-based actors and political speech, but I will use the term civil society broadly to include non-governmental organizations, people's movements, community-based organizations, charities, cooperatives, social and sports clubs, professional associations, faith-based organizations, and not-for-profit media.

At ICNL, we have worked with partners in civil society, government, and the diplomatic community in over 100 countries, including 20 nations in Africa, to improve laws relating to the freedoms of association, assembly, and expression. We are grateful to the United States Agency for International Development (USAID) and the State Department’s Bureau for Democracy, Human Rights and Labor for their continued support of our work in Africa and around the globe. In particular, the USAID-funded Legal Enabling Environment Program has facilitated ICNL’s rapid response interventions in more than 10 African countries when draft laws related to civil society were under consideration.

Why do we do this work? We have seen that people working together are capable of great things. From the struggle against apartheid in South Africa, to preserving urban forests in Nairobi; from insisting on peace in war-ravaged Liberia to fighting disease and poverty throughout the continent; civil society has been at the front lines of positive change.

## Global Trend

Unfortunately, we are in the midst of a global trend of increasing legal restrictions on civil society. Since 2012, 72 governments have proposed or enacted 144 laws restricting civil society and the rights to freedom of association and assembly.<sup>1</sup> In sub-Saharan Africa, we've seen at least 38 restrictive initiatives in 19 countries.

Disaggregating the data on legislation restricting the freedoms of association and assembly:

1. 47% of the restrictive initiatives limit the ability of people to form or operate civil society organizations (so-called "lifecycle legislation");
2. 28% of the restrictive initiatives limit the ability of organizations to **access funding** from the United States and other international sources; and
3. The remaining initiatives restrict the right to **peaceful assembly**.

In addition to restrictions on the freedoms of association and assembly, we are also finding countries curtailing the **freedom of expression**. For example, in Tanzania a citizen was convicted under the *Cybercrimes Act, 2015* for calling the president an "imbecile" on Facebook.<sup>2</sup>

## Africa in Focus

The four countries that are the focus of this hearing: Sudan, South Sudan, Democratic Republic of the Congo, and Rwanda, have not been immune to this global trend.

In **Sudan**, civil society organizations are regulated under the *Voluntary and Humanitarian Work Act, 2006*. According to this law, organizations must receive prior approval from the government before they can receive foreign funding. A 2013 policy explicitly limited foreign funding to humanitarian projects, prohibiting international support for human rights, environmental advocacy, or economic development. Given that local support for independent civil society groups is virtually nonexistent, restrictions on foreign funding significantly impede the viability of these groups. There are currently amendments to the Act under consideration, but they would increase the barriers to freedom of association. Among the proposed changes is an increase in the minimum number of members of an organization from 30 to 60—a change that would make it more difficult for small organizations or those that have missions disfavored by the government to form.<sup>3</sup> In

<sup>1</sup> "Infographics: Civic space explained", SUR 26 (2017), accessed May 6, 2018, <http://sur.conectas.org/en/infographics-civic-space-explained/>

<sup>2</sup> See, Republic of Isaac Ulabakuk Limly as reported by the Centre for International Civil Policy in East and Southern Africa (CIPESA), "State of Internet Freedom in Tanzania 2015," p. 11, [https://cipesa.org/wpfb\\_d/2229](https://cipesa.org/wpfb_d/2229)

<sup>3</sup> ICNL, "Civic Freedom Monitor – Sudan," <http://www.icnl.org/research/monitor/sudan.html>.

practice, the government harasses and arrests civil society advocates, media professionals, and participants in public assemblies. The most recent example is the January 2018 protest over proposed austerity measures in the national budget during which at least 8 civil society leaders were arrested and held incommunicado.<sup>4</sup>

In **South Sudan**, advocacy is not among the permissible objectives of civil society organizations, making it unclear what rules apply to organizations involved in advocacy activities. Express government approval is required for all activities carried by civil society organizations, severely limiting the independence of the sector. The commission in charge of registering civil society organizations has excessively broad authority to deny registration if an organization is involved in “tribal and political differences in the country.”<sup>5</sup> For example, in 2016 the government sent letters to several civil society organizations that are outspoken on policy issues, advising them that they should register as political parties.<sup>6</sup> This type of enforcement action can have a chilling effect, discouraging organizations from participating in policy-making processes.

In the **Democratic Republic of the Congo**, freedom of assembly has been under threat as public protests related to the delayed presidential elections have spread. The UN found that 47 protesters had been killed in the 13 month-period ending January 31, 2018.<sup>7</sup> According to a 1999 decree, prior government authorization is required to hold a peaceful protest, even though this requirement is contradictory to international and regional law.<sup>8</sup> The African Commission on Human and Peoples’ Rights has issued Guidelines on Freedom of Association and Assembly in Africa and emphasized that, “participation in and organizing assemblies is a right and not a privilege, and thus its exercise does not require the authorization of the state.”<sup>9</sup> In 2016, the Mayor of Lubumbashi in southern DRC went further and banned all public demonstrations involving civil society organizations. Meanwhile, our partners report that a new law governing civil society organizations is currently being drafted and would target human rights defenders by requiring them to be certified by the government and carry human rights defender identification cards in orders to engage in human rights promotion. Allowing the government to decide who can advocate for human rights would severely compromise civil society’s ability to hold the government accountable for rights violations.

<sup>4</sup> FIDH, “Urgent Appeal: Sudan” (February 8, 2018), <https://www.fidh.org/en/issues/human-rights-defenders/sudan-incommunicado-detention-of-human-rights-defenders-lawyer-and>

<sup>5</sup> USAID, Civil Society Sustainability Index (2015), p. 219, <https://www.usaid.gov/office-civil-society>.

<sup>6</sup> Ibid.

<sup>7</sup> United Nations, “DR Congo: freedom of assembly curtailed by force” (March 21, 2018), <https://news.un.org/en/story/2018/03/1005581>.

<sup>8</sup> ICNL, “Civic Freedom Monitor – DR Congo,” [http://www.icnl.org/research/monitor/congo\\_drc.html](http://www.icnl.org/research/monitor/congo_drc.html).

<sup>9</sup> ACHPR, “Guidelines on Freedom of Association and Assembly in Africa” (2017), para. 71,

[http://www.achpr.org/files/instruments/freedom-association-assembly/guidelines\\_on\\_freedom\\_of\\_association\\_and\\_assembly\\_in\\_africa\\_eng.pdf](http://www.achpr.org/files/instruments/freedom-association-assembly/guidelines_on_freedom_of_association_and_assembly_in_africa_eng.pdf).

In **Rwanda**, the existing legal framework for civil society is relatively enabling, but in practice regulatory officials often impose additional requirements and restrictions on organizations that are not in the law. For example, the law requires new organizations to submit four simple documents to obtain a certificate of registration.<sup>10</sup> The implementing guidelines on the government agency's website list three additional requirements including a letter of collaboration from the Mayor<sup>11</sup> and Rwandan organizations have reported being asked for many more documents, creating a significant administrative burden and leaving organizations unable to know what might be required of them. The government is currently drafting amendments to the 2012 laws governing local non-governmental organizations, international organizations, and faith-based organizations to align these laws with changes to the structure of the administrative body in charge of regulating civil society. The government has held consultations with all three constituencies over the last six months regarding the proposed amendments and we hope that the concerns raised by civil society organizations, including clarifying registration requirements, will be incorporated into the final drafts of the bills before they are presented to parliament.

A few other laws bear mention:

- In **Ethiopia**, the *Charities and Societies Proclamation, 2009* prohibits organizations working on human rights and other related areas from receiving more than 10% of their funding from international donors. This has led to the closure of all but a few rights-based advocacy organizations.
- In **Burundi**, in 2014 in preparation for a controversial election, running clubs were banned by presidential decree based on the suspicion that exercise groups were in fact unauthorized public demonstrations.
- In **Uganda**, a civil society organization is required to obtain six separate approvals from government entities before it can commence activities, posing a substantial administrative burden on organizations and contradicting the international legal principle that the freedom of association must include the right to participate in informal, unregistered organizations.

### Success Stories

In the face of this negative trend, though, African civil society has achieved some important victories. In 2014, the parliament of **Kenya** sought to introduce a 15% cap on foreign funding for civil society organizations following the model of the Ethiopian

<sup>10</sup> Article 18, Law No. 04/2012 of 17/02/2012 governing the organisation and functioning of national non-governmental organisations.  
<http://www.unhcr.org/refugees/library/ile/s/Rwanda/Rwanda%201.pdf>

<sup>11</sup> <http://ref.nw/non-governmental-and-faith-based-organisations/non-government-organisations/registration/>

proclamation. However, civil society activists formed a broad and well-organized advocacy coalition against the proposed amendments, and strategically partnered with the US embassy in Nairobi and other diplomatic partners, to pressure the government of Kenya to change course. Eventually, members of parliament were convinced that if the foreign funding cap were introduced, thousands of Kenyans receiving anti-retroviral treatments for HIV would be without medication. The amendments were withdrawn.

In **Nigeria**, a 2015 bill regulating social media would have criminalized online criticism of the government; the law's terms were so vague that they could have been read to prohibit private messages disparaging political leaders or their policies. Here again, a well-coordinated advocacy effort by Nigerian civil society, in collaboration with the diplomatic community, convinced members of parliament that the bill was ill-advised, and it was withdrawn.

Just last week, **Tanzanian** civil society and independent media advocates successfully challenged the so-called "Bloggers fee" in court. The *Online Content Regulations, 2018* require anyone posting information online to pay a fee of over \$900. After a suit was filed, the court issued a preliminary injunction to prohibit the government from enforcing the law while the case is ongoing.<sup>12</sup>

### Recommendations

I humbly offer a few recommendations for how this subcommittee can help support these kinds of victories in the effort to secure fundamental freedoms for people in Africa:

- *Appropriations and Funding.* At least 10 African countries are currently considering laws to restrict civil society. As stated in a recent Congressional Research Service Report, very little funding is invested in advancing civil society legal reform. Congress should address this issue through the appropriations process, and the starting point is to preserve current funding for democracy and governance programs, which for the past three years has included \$2.3 billion for Democracy Programs and \$170 million for the National Endowment for Democracy, and to protect enacted funds for democracy assistance from rescissions.
- *Oversight of Agencies and Departments.* Congress should conduct oversight of federal agencies and departments, including those involved with counter-terrorism, national security, defense, and international trade, to assess the extent to which different parts of the government are supporting – or undermining – the legal space for civil society.

<sup>12</sup> <http://www.bbc.com/news/1/africa-43247229>



- *Legislation and Resolutions.* Congress should include language supporting independent civil society in legislation and resolutions. An example is the “Brownback amendment,” stating that democracy and governance activities shall not be subject to prior approval by the government of any foreign country.
- *Fact-Finding and Dialogue.* Members and staff should continue to meet with civil society representatives in the United States and internationally. Congress might also consider a fact-finding mission to gather information on this issue, similar to the fact-finding mission undertaken by staff of the Senate Committee on Foreign Relations in 2006 that addressed Non-Governmental Organizations and Democracy Promotion, “Giving Voice to the People.”<sup>13</sup>
- *Engagement with Legislative Counterparts.* Members should engage on civic space issues with their parliamentary counterparts in Africa.
- *Leading by Example.* Congress should continue to engage directly with civil society through hearings such as this one and ensure that laws and policies support civil society and philanthropy both in the United States as well as internationally.

I thank the Subcommittee for the opportunity to testify and for its interest in these important issues.

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<sup>13</sup> [https://fas.org/irp/congress/2006\\_rpt/democracy.pdf](https://fas.org/irp/congress/2006_rpt/democracy.pdf)

Mr. SMITH. Mr. Sykes, thank you very, very much for your testimony and your leadership.

I would like to begin the questioning. Because we have a full group of members today, and we do have votes around 4:00, I will ask most of my questions and—right up front, please, if you wouldn't mind jotting down or just answering them as you would like.

One overarching concern that I have had—I have worked human rights issues in China since I have been in Congress. I have been in since 1981. I chaired the China Commission along with Marco Rubio. We have had multiple, multiple hearings, we have had them in this subcommittee as well, about China's growing influence in Africa which portends, I believe, bad governance and a whole lot of other misdeeds. There is no Foreign Corrupt Practices Act, for example, in China. So the buying and selling of business contracts can become even more commonplace than they already are.

But on point with what we are talking about here, we have documented in the China Commission that the NGO law that was passed by Xi Jinping passed by rubber stamp of Parliament, People's Congress, just crushes NGOs and almost completely any kind of outside funding or collaboration with those NGOs. And they have done the same thing with religion. And Xi Jinping seeks to crush religion.

And I for one, and I am sure it is shared by many of our people on the panel, are concerned about China's bad governance model which assures that those in power, the elites, are able to do as they will with very little fear of being held to account, because that is way they do it in Beijing.

So if you could speak to NGOs and the crushing of religion, this idea of no affiliations, if you would like, any of our panelists.

Secondly, Mr. Mengesha, I was wondering—I work on a case out of Baku, Azerbaijan. Had been there twice. Met with Aliyev the President there. And there was a Radio Free Europe reporter, an indigenous reporter who was a good, solid member of the team, who got 7½ years for exposing the corruption of Aliyev and his family.

I met with her. We held hearings on her. We introduced a bill. The head of Radio Free Europe came and testified on her behalf. And she got out of prison. It sent a message. One person is still one person. Some other journalists and others got out as well, because we have pushed that she is a microcosm of a larger issue in much the same way as Ms. Talani. You talk about one person yourself who was bullied because of your reporting on ritual killings. And I am wondering, if you will, Mr. Mengesha, are there any VOA reporters or any reporters that have worked with your service that are imprisoned? Are there any of their families that have been bullied, roughed up? And, of course, there is a peership. There is a common bond with all the other journalists, which I know they feel. Are they able to speak out on behalf of the other journalists, as Ms. Talani talked about, even when there is a visit of an opposition party leader, the journalists are beaten up. I mean, that is absurd. They are there to cover and to do reports, and they get their faces crushed. So if you could speak to that and, secondly, what more can we do—you know, again, Ms. Talani talked about how

Ambassador Stephanie Sullivan stepped in, as did a few other diplomats that really helped you, protected you, when you broke that horrific story about ritual killings.

So the question—I know there is self-censorship, and you talked about that. You might want to elaborate on that, if you would. But the idea of a sustained effort to say from our Government, other free countries, the AU itself ought to be—they have a human rights treaty, a compact. Where is the implementation when it comes to journalists and civil society? Are they on the scene doing work, if you could?

I would ask John Prendergast, if you would. Thank you for your work about network sanctions. I think that is transformational, especially what the Sentry Project is doing. You pointed out in your testimony that there is little risk of getting caught because there are too few resources devoted, too little personnel and resources by us, the U.S. Government, and by European governments.

What kind of buildout would there need to be on our—I mean, you are conveying actionable information. What are they doing with it? And we will have a hearing with the administration. That will be our next step in this series on this very issue.

What do they do? You give them something. Do they act on it? Do they say, “We will look into it,” and then nothing happens? And what kind of resources do you think need to be brought to bear, if you would, to make a difference?

Let me ask—I have other questions for you, but after my colleagues speak, I will get back to those.

Mr. Harris, you had devastating information about each of the countries in question. Sudan, you elaborated on. But you also pointed out that 700 churches have been closed in Rwanda.

We have had a couple of hearings on Rwanda and the human rights abuses, the extrajudicial killings ordered by its President, we believe. And I am wondering if you could elaborate on that as well. It is easy to give a pretext, “Oh, you know, they are just not sanitary, too much noise,” whatever it might be. But it seems to be when you get up to 700 churches, there seems to be a major, major problem there.

And CPC designation, my hope is—I am the author of the Frank Wolf International Religious Freedom Act, which gave additional tools to the Office of Religious Freedom, including Sam Brownback, our Ambassador-at-Large. I was with him last night. He is all into the whole-of-government approach, that if you get religious freedom right, you are more likely to have other civil society actors, better treated in a democracy that is more likely to flourish. If you might want to speak to that as well.

And again, as you pointed out in Sudan, since 2014, government has prohibited the construction of new church buildings. So not only are some being torn down and taken over and used for other purposes, they are not allowing, in that country, even that they be built.

I do have other questions, but again, in the interest of my colleagues, I will come back to those. So if you could maybe perhaps address some of those.

Mr. MENGESHA. Thank you so much, Mr. Chairman.

Our journalists consistently are under threat. A case in point is, for instance, about a few months ago, we lost a reporter in Mogadishu. He was a camera man. He worked with another stringer. Actually, he was killed by an Al-Shabaab attack in Somalia, and his name is Ali Nur Siad.

A week ago, on May 3rd, World Press Freedom Day, the dedication ceremony was done in the VOA by the BBG. John Lansing actually made the dedication ceremony. So that happened. Meaning, actually, if you take Somali in the last 20 years or so, 64 journalists have been killed. I am just giving you the worst scenario. Take Burundi, the one I just told, in the last year alone, we have actually removed five journalists from Burundi—from Bujumbura—because they were under threat.

In fact, one of them I have here, Diane, maybe she can—over there. Her house was bombed by a grenade, luckily no family member was there. The next day, I think, with the help of State Department and Freedom House, we actually moved her to Kigali. And she came here on a fellowship. And now she works with us as a contact employee with the Voice of America. That's a case. A total of five have been removed.

I mean, if you take a closer content, to be honest with you, Ethiopia, in my home country itself, so many journalists have been in jail. Now, most of them have been released. Actually, one arrived here. He is in town. Eskinder, by the name Eskinder, a blogger.

Kenya has a problem by itself. Zimbabwe is a good case, actually, to be honest. We have a program there. We have almost 19 stringers. Through Mugabe's time, there was constant harassment. People have been thrown to jail also.

So these are some examples. We can also give you on the record actually more information on that. When I go back to the office, we can give that to you later, actually.

You had mentioned China, actually. I think it is China, and NGOs, and religious suppression. I think the other person talk about it. In terms of media, actually we are facing really big difficulty because of China's involvement.

They actually trained, and also, equipped jamming, for instance. Ethiopia used to jam our broadcasts from the Horn of Africa in Amharic and Afan Oromo for the last many months, actually they have stopped jamming it now. I think the jammers have been trained in China and the jamming equipment have been given by China.

The same thing has happened also in Zimbabwe during Mugabe's period. China plays a significant role. They are actually a really big offensive in terms of trying to capture the media environment in Africa. They train journalists, actually have started programs in the Swahili, English, French, Hausa, they might have more. I hear that they have a total of 65 languages reaching the world, I think some of them are very important languages in Africa.

Actually, we have taken that very seriously and have sent a reporter and a cameraman to Kenya to assess the impact of China on the continent.

We took Kenya as an example because they built a railway station, Mombasa to Nairobi. Plus they play a significant role, actually

in China. They broadcast in Swahili actually on the government radio station.

So very aware that is the things that we are closely following.

Mr. SMITH. Just on that same point, does that also apply to the internet surveillance that the Chinese have perfected? Have you made those repression technologies?

Mr. MENGESHA. To be honest, we get constantly blocked whenever there is civil unrest, when there is election. Ethiopia has done it. Angola has done that. Zimbabwe used to do that. I think, I can't really verify that, whether they have a direct hand. The experts should talk about it. But there is, I think, blocking of internet throughout the continent, actually.

Mr. SMITH. Thank you. Mr. Prendergast.

Mr. PRENDERGAST. So two quick things. One, is on the way that the U.S. Government responds to the information that we give them through, from The Sentry.

Over the last two administrations near the end, we have just started, sort of in, a couple years ago, so near the end of the last administration and now you are in a quarter of whatever it has been from the new administration. Great deal of interests across departments led by the Treasury Department. And we create these dossiers in the form that dossiers are used in the U.S. Government.

So we have a number of people who worked in Treasury, worked at State, worked at the NSC, so they know what people, what kind of information you need and what kind of legal vetting needs to have been done before you can actually make the case for imposing sanctions on a particular person. So that is the kind of dossier we create.

Now the problem is—and so far, they have acted on a number of things. The problem is resources, like it is everywhere. But it is very small amounts of money that can go incredibly far.

This now is the central instrument of U.S. foreign policy to leverage change related to democracy, human rights, counterterrorism, countering nuclear proliferations, the sanctions and money laundering efforts, any money laundering efforts are central to U.S. projection of power.

And you can understand that Africa is at the bottom of the priority list. And so in the context of the appropriations process, there is a request from the appropriations to enhance by \$3.25 million—not billion—million dollars, very small amount relative to the larger picture. I am not saying that this is peanuts. But to help support OFAC, the people who do the sanctions, and FinCEN, the people who do the AML work to help build their capacities to carry out their work.

So I think that if this subcommittee were supportive of that, that would be really useful, politically, as the process go forward. And just a quick point on China—

Mr. SMITH. And that would be enough or that would be a start? I mean, you would be asking for more? That is not much money.

Mr. PRENDERGAST. They have made an assessment—

Mr. SMITH. Yeah.

Mr. PRENDERGAST [continuing]. That in order to be able to do—I mean, it is not going to be all that they need to be able to deal with all of the kinds of issues that all of us around the world want

to see the United States Government work on related to human rights and democracy promotion and religious freedom, and all the other issues that would motivate.

But it is a start in enhancing that capacity to be able to do that. And we will provide more information about where that is in the process and connect you to the right people.

Just one point on the China issue, you know. It is clear that we had decades, I think, one could argue, Africanists would argue, Africans would argue, their trend line was increasingly positive with respect to democracy, the growth of democracy, and protection of human rights on the continent over the course of, from the 2000s through the early part of this decade.

We have seen a real pullback. And often when our diplomats, when U.S. diplomats go in to speak with their counterparts in Africa, the African Governments will just say, if you are going to press us on these democracy issues, if you are going to press us on these human rights and religious issues, we are just going to turn to China, because they don't make these same demands.

Okay. That is a given. That is a reality. I don't see us changing that piece of it. However, what we can change is the leverage we bring. So when you sit down in a room and have those meetings with leaders, and you are not bringing any leverage to the table, you are just saying, Gee, isn't human rights and democracy in your interest?

They are, like actually, probably not, because our interest is looting the state and staying in power. So our words and our ideals are not enough. They may have been in the past. They are not now. But the financial leverage we have, because most of these governments are using the international financial system and moving money in dollars, the leverage that we have is far greater than China. If we use that leverage and target these individuals, not talking about the kind of sanctions that existed in Sudan in the 1990s and 2000s where you have sanctioned a whole country.

No, you focus in on those people who are most responsible at the top of the chain for the destruction of their countries, for the looting of their countries, you build out an understanding of their financial networks and you go after that vulnerability.

Then you go in and have a meeting with them. And they are not saying, We are going to run to China, because they can't. Because now all their real estate in Europe and in Australia and North America, wherever they have been hiding all their assets, is potentially now locked up. And all of the people they have been working through, the cutouts, and a lot of these rulers use their children as the owners of the companies that own the real estate in the United States and Europe and other places. Once you start going after that, then they are going to start talking to you.

So, again, it is about building leverage for human rights, for the promotion of democracy, for the promotion of religious freedom.

Ms. TALANI. Thank you again. I want to say before that, that my report on ritual murders is only one of the reports I did. I did a lot of them. And so all of my reports were exposing the violation of human rights or the killings of people, everything which needs to be fixed in my country. Because I think the role of a journalist

is to target the things that are not right in the country and to get them fixed.

So when this happened to me, when the government really came to me and say, Hey, you need to be careful, we don't want you do what you are doing. At the same time, the journalist, Elie Smith, who was my boss, so I said he was attacked and his sister was gang-raped. But also another journalist Sadio Kante, she was expelled from the country. And Morgan Palmer, he was also expelled from the country.

So I remember even I said, in 2015 my boss from France, he asked me to do a report. It was on corruption. I said, No, I am afraid. I don't want to do that report. And he said, But I am afraid, too. And I said to him, You know, you are afraid, but what they can do to you is just to expel you from the country because you are French, but for me, since I am a Congolese, I cannot even imagine what they are able to do.

So the interpretation of the U.S. Ambassador, I mean Stephanie Sullivan, and the United Nations and the European Union came really on time. Because a lot of things were going on on the ground at the same time. So they hide the back and they make a lot of pressure on my government. So if they didn't do anything, I think, things would go like worse.

And I remember that, you know, the U.S. is really concerned about freedom of speech or the protection of human rights around the world, and they want my country to be like the U.S. So they are just doing what they can do.

I remember one day we had a meeting of journalists from Congo at the U.S. Embassy. They asked us what was going on. If we had some fright in my country. But I think nobody said anything because we know that among, as journalists, some have connection with the police. If you say anything, they are going to report and you can get bad. So that, they wouldn't do anything.

So I would like to say, what the U.S. can do, if you want to protect journalists in my country, for example, you don't have to gather all of them together because we are very afraid of reporting, we are frightened of the government. So it is hard, but it is better to take the journalists one by one so we can feel free to expose what the government is doing to us.

But really, I really appreciate everything the U.S. Government is doing to protect the rights in Africa and around the world.

Mr. HARRIS. Mr. Chairman, thank you for your questions. I will seek to answer them in turn. Certainly, if we conceive of religious freedom as this fundamental, inalienable right of the human conscience to decide of itself and for itself, matters of faith and/or other religious deeply-held beliefs, and to attribute particular actions or animations that accord with those convictions, then certainly when we see such efforts—you mentioned China's involvement on the continent—to suppress religious freedom, it is not in the best interest of the continent itself, a particular country of concern itself.

Ironically, if we do concede the definition or understanding of religious freedom that I just laid out, then the suppression of religion is itself a particular religious imposition, right? And so however we regard China's involvement, and I recall the particular hearing

most recently, perhaps provocatively used the term “colonialism,” I think it is attributable in this case.

We want to make sure that we are understanding a particular country’s own self-interest, particularly as it relates to religion. That suppression, in and of itself, is an imposition of a particular religious ideal that undermines a sense of freedom and a sense of self-worth and a sense of self-ownership. And I would argue that this particular freedom, because of its nature, actually serves as the kind of cornerstone of a free society. Whatever long-term interest we might regard or question even of China’s involvement on the continent, certainly the suppression of religious freedom would undermine whatever those long-term benefits are that we would be hoping to see.

On the question of Sudan, in particular, I think there is continuity here as well, particularly with the closing of churches, and with the prohibition on further building church buildings. It betrays a particular, again, understanding of religion and a particular religious ideology, which is why I think it is legitimate to question whether or not the governmental structure of the country is, itself, compatible with the ideal.

And so we just want to encourage this deliberative body to determine, as we are seeking to think about relationships with this country in particular and their own attestation of an affirmation of religious freedom, whether or not the particular practices on the ground actually bear that out.

It is our sincere belief that if this particular freedom is not safeguarded, then the hopeful efforts that we would like to see, particularly with Sudan, are going to be short-lived. And so we would just encourage, as we think about our foreign policy initiatives, that this particular ideal on the ground is commended with actual measurable results. And I think measuring the amount of church closures, and perhaps the amount of churches that are allowed to be built, is a measurable indicator, right? If the answer to that is zero, then I think that speaks to a particular problem.

Lastly, and I think, again, there is continuity across the board here on the question of Rwanda and the 700 church closures there. It is interesting, one of the commentators of that particular event actually said that the local church space, or perhaps religion in general served as the last spaces where individuals could imagine a future that they themselves would like to see put in place.

These spaces are, in many ways, incubators of democratic ideals where, rooted in the convictions of the particular community, they imagine beyond, perhaps, the horizon of the current governmental structure. And that is threatening; that is deemed threatening. Similar to the issue that journalists are facing in other countries, I think it is similar in Rwanda, a country that has seen remarkable economic development, but in many ways, it could be said, is experiencing an ever-closing political space. I think there is an identification of these local churches, not because they are primarily political in their actions, but, again, because they are ideators of particular visions of nation-building that, perhaps, are critical of the particular governmental structure in power.

And so how do you advance, or how do you close, rather, a political system? You certainly go after the spaces that are, again, kind



of incubators of these democratic ideals, which these local churches in Rwanda are.

Mr. SMITH. Before you conclude, and then I will go to Mr. Sykes, when President Obama laid out five criteria that Omor al-Bashir had to reach in order to have the sanctions lifted, human rights, in general, religious freedom, in particular, was not included.

At the time, I and others said this is outrageous. How could you not have human rights as a benchmark for the lifting of those sanctions? As Mr. Prendergast knows, when we did these sanctions originally, human rights was at the core of what our concerns were. And I am wondering now that we are seeing very poor consequences from that, and, I would add, predictable consequences, if we don't think it is important, he is not to going to put it on his list of to-dos.

What is your thought on that? Are we seeing these church closings as animosity that is being ratcheted up, in part because the can get sanctions relief pursuant to the five benchmarks without human rights or religious freedom?

Mr. HARRIS. Well, certainly I don't think it would be outside of reasonable consideration to suggest that if these particular ideals were left off of such a list, then there would be no consequences, as it were, for violating in this particular arena.

I would say as well, you know, one of the things that we have been adamant about, and I know other colleagues, panelists, have been adamant about as well, is trying to articulate why this particular ideal ought be considered in foreign policy objectives. It has been a slow-going process of trying to help individuals understand, philosophically, why this is such a pertinent issue. So we are encouraged that this is beginning to be part of the dialogue, and hopeful that it is taken seriously in policy considered ahead.

Mr. SMITH. Thank you very much.

Mr. Sykes.

Mr. SYKES. Thank you very much, Mr. Chair. I wanted to respond to your question about the China NGO law, which as you mentioned, restricts foreign funding and the independence of the sector. And also highlight a tool at the disposal of the United States that has and can be used to great effect and requires very little investment. That tool is the Lifeline Embattled CSO Assistance Fund.

This is a fund that is funded by a coalition of governments, including the U.S. State Department, and has been used in a number of countries worldwide to respond to emergency situations. And the example that I would like to highlight is actually in Congo-Brazzaville.

As we have heard, there are horrible restrictions on the press, on civil society. This is a government that is not, in general, a rights-respecting government, but even in a context like that we can have impact with relatively small investment.

In 2015, there was a draft Associations Bill introduced in Congo that was not dissimilar from the bill in China. It limited funding. It limited independence of the sector. In response to that bill, a small Lifeline grant—less than 20,000 U.S. dollars—was given to a consortium of organizations in Congo. ICNL provided them with legal analysis based on international norms and best practices, and

they created an advocacy coalition, a broad-based advocacy coalition that included human rights groups, development groups, groups working on healthcare, groups working on freedom of expression. And they came together to advocate directly with parliamentarians in their country.

As we mentioned, the utility of Americans telling folks what to do and to respect rights is limited, but when people speak to their government in a coordinated and informed way, they can have an impact, even in contexts like Congo-Brazzaville.

Eventually, that coalition through months of effort convinced their parliamentarians that this bill was a bad idea, that it would have negative impact on their constituents, in local language, and that bill was eventually withdrawn.

So, of course, it didn't fix every problem in Congo-Brazzaville, but you can have impact using specific tools like the Lifeline Fund. Unfortunately, a new bill is now pending, so we are hoping to continue to support that advocacy coalition to respond to continuing threats. Thanks.

Mr. CASTRO. Mr. Prendergast, let me ask you first, are you aware of any actions in other countries pursuing network sanctions on individuals in the countries that you have talked about and described?

Mr. PRENDERGAST. I think they are playing catchup. I have spent some time in a number of European capitals, as have my colleagues, basically preaching a bit, and educating about the limits of the current sanctions approaches.

The Brits are probably the furthest along, and they have made some quite substantial progress in the last 6 months on a number of issues related to financial transparency, and as we, most of you know, and on the sanctions stuff.

So I think we are going to see much more lockstep on the network side of things when the U.S. moves the Brit, at least. But, of course, it is always a struggle with a number of other countries on the European continent.

So we are focusing primarily on Germany and France as potential leaders in understanding this, but it is a hard slog. And I guess the reason why we, you know, after having worked in government for a number of years and then watched successive administrations after my time in government, have so much trouble building these international coalitions for second- and third-tier issues, perceived second- and third-tier issues.

We wanted to look at tools, U.S. Government tools, that when they are used unilaterally, A, other governments can come along later and support; and B, in and of themselves they can have an impact. And because of this issue of the U.S. dollar dominating international commercial transactions, the U.S. Treasury Department has a wildly outside influence when it comes to influencing these governments when they use anti-money laundering measures.

And all this infrastructure, this architecture was built up after 9/11 in the aftermath of the attacks. And so we now have global instruments for restricting the movement of illicit financing that the banks comply with, because if they don't, there are massive, billions and billions of dollars of fines.

So it is not just the government. This is what I am, I guess, I am coming in for a landing here, what is more important to us at this point is engaging and involving the international banks in whatever sanctions, regimes, network sanction regimes and money laundering efforts were undertaken. Because if they have evidence, they can just move themselves. It doesn't matter what other governments are doing, because they don't want to have these horrific fines. Because whenever there is an opening in the international financial banking system, when one of these—like we just published a report last week on a Congolese bank, that it opened up its floodgates to allowing corrupt actors to launder their money through that bank.

Well, guess who follows right away? Terrorist groups. A breach in the system. Nobody is complying with the international legal framework, let's go in.

And we found evidence, in this case, Hezbollah coming in right after the Kabila regime's illicit financial activity. And so the banks don't want anything to do with that.

And so these small regional banks all over Africa, in order to trade in U.S. dollars, in order to do business in U.S. dollars, have to create these relations called corresponding banking relationships with the banks in the United States, with the big global banks, and in Europe.

So they have to comply with these. Once they are alerted to money laundering occurring within their system, they have to take action on it. That is, to me, the key, more than the old coalition building, we would go around with our, you know, trying to get the Europeans to do this and that. But the global banks are the key on this kind of stuff.

Mr. CASTRO. Thank you. And Ms. Talani, I had a question for you.

Your organization does important work rehabilitating victims of torture that have found their way to the United States, including through refugee and asylum mechanisms. But let me ask you: How has the President's limit on U.S. intake of refugees affected those fleeing oppression in sub-Saharan Africa.

VOICE. Could we get one of our lawyers to answer that question? Could we do that?

Mr. CASTRO. If the chairman is agreeable to—

Mr. SMITH. Without objection, it will be done.

VOICE. We will get back to you on that.

Mr. CASTRO. Oh, okay. Sure. I yield back.

Mr. SMITH. Thank you. If I could, I actually wrote the Tortured Victims Relief Act, which established Tortured Victims Relief Centers in the United States. I have done four laws on that. And we do have a very robust effort. We have in excess of 500,000 people in the United States who came here as asylum seekers who have been tortured and degraded pursuant to the terms of the Convention Against Torture.

And obviously, the scars they carry are often PTSD, the physical ones may heal—may—but the psychological scars often go unattended. And that is globally as well.

I am wondering, if you could, Ms. Talani, or anyone else who might want to speak to it, have people utilized those centers, either

here in the United States, particularly some of the emigres? But overseas, we also support them there as well. We also support the U.N. Voluntary Fund For Torture, which also establishes these centers. They are an amazing resource for rehabilitation of someone who is walking with nightmares, can't sleep.

Sitting where you are, as we prepared the first bill, we heard from one person after another who had been tortured. And they all had the same, they couldn't sleep. They had nightmares. They would wake up at 2:00 in the morning in a confined situation that they lived through. And as journalists, certainly the beatings, all of that, you know, carries with it a psychological consequence.

Have any of them utilized those centers or the best practices that they utilized.

Ms. TALANI. Yes, myself I use them, or with TASSC. Because even though I am in the U.S., sometimes I don't feel safe. If my roommate is not home, it is always like someone might come in the house, so I have to lock myself in my home.

So at TASSC, I have psychological counseling, so we have like punctual meetings. So if I wanted to talk about something I—and also, you can see in my long testimony, I mentioned a lot of things. Back home, I couldn't talk about those things. So if even today I can sit here speaking with you, because I have that psychological support. If I didn't get it, I wouldn't be here talking with you. I couldn't.

But we have some new policies here, some asylum seekers, sometimes we are afraid. We consider the U.S. being really the land of freedom which can give us security, but sometimes we don't feel safe, and some asylum seekers don't feel safe. Maybe our government will pressure the U.S. Government to take us back home. But we still have hope that the government is able, the U.S. Government is able to save us.

But TASSC is really helpful to us. It has given tremendous support to us. It not only helped us on the psychological side, but also for many of us to find a job. Because you know when you leave your country and you come to a U.S., English is not your first language. For many people, they don't even speak English, so finding a job is very hard. And TASSC is helping a lot of people on that, too.

Mr. SMITH. I would like to yield to Mr. Garrett. You know, I would just note parenthetically that Congressman Garrett actually represents the area where Thomas Jefferson lived two centuries ago. And it was Jefferson who said, "Were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate to prefer the latter."

I yield to my good friend and colleague, Mr. Garrett.

Mr. GARRETT. There is nothing like getting called away and coming back in and immediately having your name called.

I want to apologize to you all on the panel, sincerely, for being in and out of the room. The challenge, I think, that I most lament is the degree of bandwidth required to try to effectively function here.

But I want to thank you all for being here and tell you that these are the sort of hearings that I really love and live for. As a first-

year member, the frustration as it relates to the difficulty of passing legislation is beyond anything I could comprehend in advance.

Having said that, as a member of this committee, and specifically, this subcommittee, I sort of found a reason for being. Thomas Jefferson also said that “Sunlight is the best disinfectant.” And it has been probably the pinnacle of my achievement in my limited time here to have traveled on an unsanctioned trip to the Republic of the Sudan to secure the release of two gentlemen, Pastor Hassan and Seminarian Abdulmonem (ph), as well as seven family members, and ultimately secure refugee status for them in this country, which allowed me the opportunity to cross paths with some much amazing folks, the people at Jubilee, Middle East concern, VOM, a young lady named Courtney Gates, who works religious freedom missions issues at the U.S. Mission in Sudan who is remarkable.

And having had the opportunity as well to have dinner with the former head of NIST Mohammed Atta, which is an interesting name, as well as having dined in the home of Ibrahim Ahmed Omer, who is the speaker of the assembly. And the reason why I started with the Jefferson quote, “that sunlight is the best disinfectant,” is while everything you say as it relates to the human rights record of Omar al-Bashir is absolutely and unequivocally true.

And having heard, particularly you, Mr. Harris, mention the destruction of churches, being able to say that I have actually been to a couple of those churches and met with some of the religious leaders, I think the Sudanese and many other nations tend to behave better when they know that the United States is actually looking and gives a darn.

And it is interesting from a political standpoint to hear from people who generally tend to agree with me who lament our engagement in foreign affairs and international aid, et cetera, as something that is not physically prudent, because nothing in life is linear ultimately, and you never reap your harvest when you sow your proverbial crop.

And I think it was Mattis who said, we can either invest money in foreign aid or in bullets and bombs. And having worn the uniform of the United States military, I can assure you I would much rather help individuals prosper and have self-determination than send young men and women, whether American or foreign nationals, into harm’s way. It should always be a last resort.

And so I believe in everything you speak about today—and I am encouraged candidly by the 2016 actions to extend Magnitsky to a global scale. I think that it is an amazing—and I am not just going to soliloquy but it will be mostly that, because I am in a hurry, you all are in a hurry, and the chairman. But there is going to be an imploration/request at the end.

But is it an amazing new tool. And if we can empower the entities in this country to do their jobs with Magnitsky, with FinCEN, et cetera, I think we really can move the proverbial needle.

Having said that, as I said when I came in, I will come full circle. In order to have a Ph.D, you have to know everything about something. In order to effectively serve in this body, you have to know something about everything, right? Literally at some point today,

I will cover a K-12 ed, we will do higher ed, we will talk about healthcare. And, literally, I have today.

Iran obviously is in the news, et cetera. But folks like yourselves can tell stories to us, and those stories can help us understand what is going on. And by understanding what is going on, then we can impact a difference.

I will speak to this by way of breaking my arm, patting myself on the back. With the Sudanese, as a freshman member, we got engaged with a number of other members, I believe, to include Chairman Smith in an effort to help secure the release of a Czech national Pastor Petr Jasek, who was aided by these two gentleman, Pastor Hussan and Abdulmonem, from the Sudan.

The Sudanese had worked with the Chinese a number of years, really as a result of the Draconian sanctions that we placed upon that nation in the 1990s. And the rail infrastructure had broken down, and they wanted to work with the Americans because the Chinese couldn't fix it. So what we identified was an arena wherein we had something they wanted. And that was really the technical expertise of engineers at General Electric, of all things, right?

And so where we are able to identify areas that are essentially soft spots, and impact positive change as it relates to the arena of global human rights, we should do it.

Having said that, yet much remains to be done. And I am asking if each of you would kindly consider reaching out to Tripp Grant from our staff after this meeting concludes with your contact information. And I am going to have Tripp come down, and if you have time to stay, share his contact. And if you can get by our office, I would love to have you over and listen.

And the reason is simple. There are two foreign aid paradigms in the world. There is the U.S. foreign aid paradigm which largely seeks to give money to human beings, and empower human beings to empower themselves, whether it is programs to help women start venture enterprise wherein women involved in the economy and the education realm creates a world where radicalization is less prevalent, and expands opportunity really across the population. Or whether it is simply food.

When I was a soldier deployed in the Balkans, every candy bar I got—which we didn't get candy bars—but every pack of Charms, every pack of M&M's I got out of my MREs went to a local national child because my feeling was that their interaction with the United States would be that somebody gave them some M&M's they would have never gotten otherwise. And maybe when that young person, and they are old now in their 30s, which scares me, thought about the United States down the road, they would have a positive memory. But there is value there.

That is our paradigm. And it works in societies where people are free to have self-determination. That is what people want. They want help, or they want care.

The Chinese paradigm is give money to the autocrats and the kleptocrats, build soccer stadiums, build Presidential palaces. I personally witnessed a Presidential palace that probably rivals the Cannon House Office Building in size that was paid for entirely by the Chinese Government. And ours is better than theirs as long as

people can have some sort of self-determination, but ultimately they never will.

If you look at the foundations of civil societies, the Bill of Rights prioritizes the First Amendment first. Speech, assembly, religion. And then understanding in the religion context, the establishment clause shall make no law establishing religion nor prohibiting the free practice thereof.

We cannot, at the barrel of a gun, or by shaking our hands in hegemonic manner, foist American values onto the world. But what we can and should do is say to the world, We will do business with people who share the basic modicum of our values. And if we do that and we mean it—and I say that with emphasis because we have had paradigms, the Iran Sanctions Act of the 1990s, wherein we turned a blind eye while people undercut sanctions, because why? Money. And when you put money ahead of human life, then don't be surprised when bad things continue to happen.

But if we do that, we can beget good. So here is the imploration again, and I apologize for the rambling. Please come to us and let us know what we don't know. And specifically, Mr. Harris, as it relates to the Sudan, the things that are going on that we might have missed because there is a lot of other stuff going on. So that we can reach out and exploit in a positive manner the relationships we have established with people who were sure not perfect but who I think if they know we are paying attention, might be able to be able to be nudged in the right direction.

And please let us know where there are opportunities that we can advocate on behalf of a better world for human being within the purview of the role of the United States Government. Which, again, is not to be dictatorial, but we should promulgate policy that helps people who help people.

So I thank you. And again, I apologize for the nature of this. I am running around like every day, but genuinely, apologize for being in and out. And I appreciate what you all do, and please stay long enough for us to exchange contact information.

Thank you, Mr. Chairman.

Mr. SMITH. I want to thank our distinguished witnesses for your leadership, your commitment. You inspire. And you have given us a lot to act on, and I thank you for that.

If there is anything you would like to add before we go or in the hearing? Okay. Then this hearing is adjourned. And I thank you so very much.

[Whereupon, at 3:28 p.m., the subcommittee was adjourned.]





## A P P E N D I X

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MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations**  
**Christopher H. Smith (R-NJ), Chairman**

May 7, 2018

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held by Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

**DATE:** Wednesday, May 9, 2018

**TIME:** 1:30 p.m.

**SUBJECT:** Protecting Civil Society, Faith-Based Actors, and Political Speech in Sub-Saharan Africa

**WITNESSES:**

**Panel I**

Mr. Negussie Mengesha  
Director  
Africa Division  
Voice of America

**Panel II**

Mr. John Prendergast  
Co-Founder  
The Sentry

Ms. Nanythe Talani  
Representative  
The Torture Abolition and Survivors Support Coalition

Mr. Steven Harris  
Policy Director  
The Ethics and Religious Liberty Commission  
Southern Baptist Convention

Mr. Emerson Sykes  
Legal Advisor – Africa  
The International Center for Not-for-Profit Law

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

# COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Wednesday Date May 9, 2018 Room 2172

Starting Time 1:44pm Ending Time 3:27pm

Recesses    (    to    ) (    to    ) (    to    ) (    to    ) (    to    ) (    to    )

Presiding Member(s)

*Chairman Smith*

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☐

Electronically Recorded (taped) ☐

Stenographic Record ☒

TITLE OF HEARING:

*Protecting Civil Society, Faith-Based Actors, and Political Speech in Sub-Saharan Africa*

SUBCOMMITTEE MEMBERS PRESENT:

*Rep. Castro, Rep. Donovan, Rep. Garrett*

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

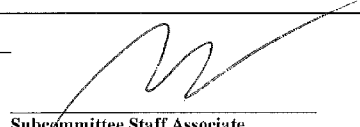
STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

*-Smith: Threats Against VOA Africa Division Journalists: January 2017- May 2018*

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED \_\_\_\_\_

  
Subcommittee Staff Associate

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-  
NATIONAL ORGANIZATIONS

Response for the Record submitted to  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, Global Human Rights, and International  
Organizations  
Hearing on Protecting Civil Society, Faith-Based Actors, and Political Speech in  
Sub-Saharan Africa  
May 9, 2018

**Threats Against VOA Africa Division Journalists: January 2017- May 2018**

**2017**

**February 23:** A VOA Hausa journalist spent weeks traveling through Nigeria's Borno, Yobe and Adamawa states during the height of Boko Haram terror attacks in early 2015. He faced considerable danger after extremists condemned his reporting, forcing him never to sleep in the same place twice while on the lengthy assignment. Following the release of VOA's four-part multimedia series about Boko Haram, this journalist received multiple death threats on Facebook. The journalist traveled to Nigeria to bring his wife and child out of the country out of concern for their safety. His wife and daughter arrived in the United States in April 2018.

**February 26:** A VOA Somali contributing reporter was arrested by Hir-Shabelle State authorities in South-Central Somalia for mistakenly misreporting the titles of two members of the local parliamentary assembly in a radio package he filed. Although the VOA Somali Chief apologized for the mistake in a phone call to the President of the Hir-Shabelle State and the service corrected the mistake on the air, the reporter was kept at the police station until the next morning, when he was released.

**February 27 (and ongoing):** A VOA English to Africa reporter and South Sudanese citizen has not been able to renew his South Sudanese passport. This reporter has been a permanent resident in the United States since 2012, and his South Sudanese passport expired on January 26, 2017. He applied for renewal in December 2016 at the South Sudan Embassy in Nairobi, Kenya. No official reason or explanation was provided, and he has not received his new passport to date. A source within the South Sudan government told the reporter the reason his passport has not been renewed is because the South Sudan government is unhappy with his work as a journalist. The United Nations mentioned this incident in an official published document as an example of media harassment in South Sudan.

**March 3:** The VOA South Africa Bureau Chief reported her stringer in Cameroon was harassed and faced pressure not to report on a strike. Around the same time, the government in Cameroon jailed several journalists in a move denounced by the Committee to Protect Journalists. VOA's stringer filed reports when felt safe to do so, but continued to face threats.

**March 9:** The VOA Nairobi Bureau Chief was refused a visa by the South Sudan government. Officials refused to issue paperwork stating the reason for the denial but made comments suggesting their disagreement with VOA's reporting. South Sudan has become an increasingly repressive media environment, making it difficult for VOA journalists to work on the ground.

**March 17:** A VOA English to Africa stringer was harassed by security forces in South Sudan for his reporting. The stringer was advised to take caution in his reporting, and travel with others from the office while doing his work. He returned to work March 20th. This reporter faced threats in 2016 as well, and was temporarily evacuated to Nairobi for his safety.

**June 2:** The VOA Portuguese to Africa Service Chief reported that VOA staff working on special programming ahead of the Angolan national elections on August 23 were harassed and threatened by government officials. In their view, authorities wanted to stop VOA's election programming. For example, a conference room booked for programming purposes suddenly lost power, and could not be used. Police and undercover agents met a VOA producer and questioned him for six hours. Police arrived hours before the program was to be recorded and intimidated guests, organizers and producers. The U.S. Embassy sent a representative to observe recording of this special VOA program, which was largely funded by the U.S. State Department.

**July 13:** A VOA South Sudan stringer reported being detained and threatened by National Security in Juba while working on a story. Security officers told the stringer they did not like journalists and international media (VOA and others) had "destroyed South Sudan." The stringer was relocated to Kenya. The journalist returned to South Sudan after several weeks and is now working again for VOA in Juba.

**August 10:** A VOA Nairobi correspondent and Nairobi bureau TV producer were taken to the Killimani police station on the outskirts of the Kenyan capital. They were out reporting ahead of the announcement of poll results. A car with four plain-clothed men who claimed to be police officers from the Criminal Investigation

Division stopped their vehicle and accused them of handing out money to youth to start trouble. Police told the correspondent that an informant had called to report her and the producer. After discussions with the police chief and his deputy, the two were released and able to continue with their reporting. The entire incident lasted about an hour. The Public Affairs Officer at the U.S. Embassy in Nairobi later informed the correspondent that the Ambassador raised the issue with Kenya's foreign minister, Amina Mohamed.

**August 17:** A VOA Swahili video stringer in Dar es salaam, Tanzania was arrested and beaten by police while trying to cover a story of a traffic standoff between police and drivers in downtown Dar es salaam. The stringer twice identified himself as a VOA journalist to police but he was arrested along with the drivers involved in the traffic row. He says he was beaten while in the police van being taken to Central Station, and his phone was damaged. He was held there for nearly one hour.

**September 27:** A VOA Portuguese to Africa stringer was beaten and detained while working on an assignment for VOA Portuguese in Angola about recurrent fainting episodes in Uige schools. He was taking photos of students being taken away to the hospital. The police questioned him, then beat him and detained him for a few hours before being released. He was told that the issue of recurrent fainting is not to be reported.

**October 12:** A VOA Swahili stringer was robbed outside his Kampala home by men who took his VOA iPhone, reporting equipment, and wallet. At first he thought it was a mugging. The following day he learned that four other local journalists reporting on parliamentary resistance to removing presidential age limits were also attacked and robbed at about the same time, all near their homes.

A VOA Swahili stringer was held by police in Uvira, Democratic Republic of Congo for four hours while covering fighting between government forces and Mai Mai rebels. Police demanded that he produce his foreign media accreditation since he is working for VOA. He explained that he is a Congolese national and produced all credentials including a United Nations pass. He was eventually released with the assistance of the presidential spokesman. He was neither harmed nor lost any of his equipment.

**October 14:** A VOA Somali freelance cameraman was killed in a bombing in Mogadishu. A VOA Somali stringer was injured in the same weekend bombing. He sustained a broken right hand with shrapnel to his head and neck, severe burns

throughout his body, several stitches to his face. He was evacuated to Turkey, where he received medical treatment.

**October 26:** The pro-government online site Igihe.com Tuesday published an article by Gadi Munyabuntu asking the Rwandan parliament to look closely into VOA content and, if necessary, review the government's agreement with VOA. The writer praised the parliament on the recommendation they submitted to the government last week to cease cooperation with Human Rights Watch. In the same reasoning, he asked parliament to do the same with VOA Kinyarwanda. In addition, the writer questioned local media outlets including VOA affiliates City Radio and the online Hooza site as to why they would rebroadcast VOA programs that he said are aimed at “taking Rwanda backwards, to sow divisionism based on ethnic groups, and give a platform to people who don’t want any good for Rwanda and genocide denials.”

**November 15:** A VOA News Center stringer in Harare was assaulted by government soldiers while attempting to cover a news conference on the military coup. When the reporter arrived at the conference, soldiers said the event was for state media only and demanded how they knew about it. They told the reporters to lie on the ground while the soldiers searched their car for weapons. They found nothing but started beating the reporters (still lying on the ground) with batons and sticks and kicking them. The soldiers then asked for their press cards and wallets. The soldiers also took the stringer’s cell phone. Then he was allowed to leave.

**December:** A VOA Central Africa stringer in Burundi reported to the BBG that he learned from a security source he had been put on a “kill list,” and because he was under threat, sought to depart Burundi. The stringer found a safe house in Burundi until travel arrangements could be made for him to travel to Nairobi. The Programming Office connected him with an NGO, in order to apply for living funds that would assist him while settling in Nairobi, where he now continues his work as a stringer for VOA.

## 2018

**March 2:** The wife and son of a VOA Hausa reporter were kidnapped on February 28 and when attackers stormed the family home in Kaduna, Nigeria. A neighbor of the reporter who tried to stop the kidnappers was killed in the process. The wife and son were released a few days later. The reporter confirmed the release of his family, saying he paid the kidnapers 2 million Naira (the local currency) as ransom.

A VOA Zimbabwe service reporter says she was harassed by members of the opposition Movement for Democratic Change during events surrounding the burial of party leader Morgan Tsvangirai. She was blocked from attending several events including a church service and a party news conference where other reporters were present. A bodyguard for Tanzanian President John Magufuli followed VOA reporters from a public event in Dar es Salaam and lingered outside the video production house where they work.

**May:** Burundi security forces blocked a VOA Central Africa reporter at a ruling-party rally and seized his equipment. Officials apologized and returned his equipment, but he was again prevented from reporting, this time at an event where violence was reported between the youth from the ruling party CNDD/FDD and the main opposition coalition Amizero y'Abarundi in Ntega commune in the Kirundo province. The local commune administrator and the leader of the pro-ruling party Imbonerakure ordered the reporter to leave the premises and warned him not to return.

Another VOA Central Africa stringer in Burundi was forced by local security officials to give up his camera while covering the location of an attack that took the lives of 26 Burundians on Monday in the Cibitoke province. He refused to do so, and was taken to the local police station, where the memory card of the camera was retrieved and sent to the police spokesman in Bujumbura. The reporter was told that the spokesman is the only one who can provide the memory card. He has yet to receive it.

A VOA Central Africa stringer in Rwanda has been receiving unidentified threatening messages after he covered the protests of the Congolese refugees from Kiziba camp in the western province of Rwanda in March 2018. Local security forces and the national police spokesman have warned him that he may face consequences without knowing where they originate from. Some sources informed him that he may be accused of “inciting Congolese refugees to disrespect Rwandan authorities.”

A VOA Portuguese to Africa reporter in Benguela, Angola is being sued in civil court by the daughter of former Angolan President and Africa’s richest woman, for an article published in December 2017 on corruption at the Angolan Red Cross. Isabel dos Santos was then the president of the Angolan Red Cross, but a few months after the publication of the report, she quit her position citing “family reasons.” The reporter has answered several questions about the report sent to him by the court in



preparation for trial. The case also cites the VOA Portuguese to Africa service as the carrier of the report, but no legal documents have been formally served to VOA.