

have negotiated in good faith during the peace process and constructively participated in the implementation of any resulting peace agreements, and do not impede inclusive political participation;

(E) allow unfettered humanitarian access by United Nations organizations and specialized agencies and domestic and international humanitarian organizations to civilian populations in conflict-affected areas;

(F) cooperate with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to allow for the protection of displaced persons and the safe, voluntary, sustainable, and dignified return of refugees and internally displaced persons; and

(G) take constructive steps to investigate all reports of unlawful recruitment of children by Sudanese security forces and prosecute those found to be responsible.

(2) Form

The certification described in subsection (a) containing the conditions described in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Sunset

This section shall terminate on the date that is the earlier of—

(1) the date that is 2 years after January 1, 2021; or

(2) the date on which the President determines that a successful rotation of military to civilian leadership in the Sovereignty Council has occurred.

(Pub. L. 116-283, div. A, title XII, §1270A, Jan. 1, 2021, 134 Stat. 3974.)

Editorial Notes

REFERENCES IN TEXT

The National Security Act, 2010, referred to in subsec. (c)(1)(A), was passed by the National Assembly of Sudan and entered into force on Jan. 28, 2010.

The Armed Forces Act, 2007, referred to in subsec. (c)(1)(A), was passed by the National Assembly of Sudan and entered into force on Dec. 17, 2007. The Act was amended in July 2013.

§ 10011. Reports

(a) Report on accountability for human rights abuses

Not later than 180 days after January 1, 2021, and annually thereafter for 2 years, the President shall submit a report to the appropriate congressional committees that—

(1) summarizes reports of gross violations of human rights, including sexual and gender-based violence, committed against civilians in Sudan, including members of the Sudanese security and intelligence services or any associated militias, between December 2018 and the date of the submission of the report;

(2) provides an update on any potential transitional justice mechanisms in Sudan to investigate, charge, and prosecute alleged perpetrators of gross violations of human rights in Sudan since June 30, 1989, including with respect to the June 3, 2019 massacre in Khartoum;

(3) provides an analysis of whether the gross violations of human rights summarized pursuant to paragraph (1) amount to war crimes, crimes against humanity, or genocide; and

(4) identifies specific cases since the beginning of the transitional period in which members of the Sudanese security and intelligence services have been charged and prosecuted for actions that constitute gross violations of human rights perpetrated since June 30, 1989.

(b) Report on certain activities and finances of senior officials of the government of Sudan

Not later than 180 days after January 1, 2021, and 1 year thereafter, the President shall submit a report to the appropriate congressional committees that—

(1) describes the actions and involvement of any previous or current senior officials of the Government of Sudan since the establishment of the transitional government in August 2019 in—

(A) directing, carrying out, or overseeing gross violations of human rights;

(B) directing, carrying out, or overseeing the unlawful use or recruitment of children by armed groups or armed forces in the context of conflicts in Sudan, Libya, Yemen, or other countries;

(C) directing, carrying out, or colluding in significant acts of corruption;

(D) directing, carrying out, or overseeing any efforts to circumvent the establishment of civilian control over the finances and assets of the Sudanese security and intelligence services; or

(E) facilitating, supporting, or financing terrorist activity in Sudan or other countries;

(2) identifies Sudanese and foreign financial institutions, including offshore financial institutions, in which senior officials of the Government of Sudan whose actions are described in paragraph (1) hold significant assets, and provides an estimate of the value of such assets;

(3) identifies any information United States Government agencies have obtained since August 2019 regarding persons, foreign governments, and Sudanese or foreign financial institutions that knowingly facilitate, finance, or otherwise benefit from corruption or illicit economic activity in Sudan, including the export of mineral resources, and, in particular, if that trade is violating any United States restrictions that remain in place by legislation or Executive order;

(4) identifies any information United States Government agencies have obtained since August 2019 regarding senior officials of the Government of Sudan who are personally involved in the illicit trade in mineral resources, including petroleum and gold; and

(5) identifies any information United States Government agencies have obtained since August 2019 regarding individuals or foreign governments that have provided funds to individual members of the Sovereignty Council or the Cabinet outside of the Central Bank of Sudan or the Ministry of Finance.

(c) Report on sanctions pursuant to Executive Order No. 13400

Not later than 180 days after January 1, 2021, the President shall submit a report to the appropriate congressional committees that identifies the senior Sudanese government officials that President determines meet the criteria to be sanctionable pursuant to Executive Order No. 13400 (71 Fed. Reg. 25483; relating to blocking property of persons in connection with the conflict in Sudan's Darfur region).

(d) Form

The reports required under subsections (b) and (c) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 116-283, div. A, title XII, § 1270B, Jan. 1, 2021, 134 Stat. 3975.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13400, referred to in subsec. (c), is Ex. Ord. No. 13400, Apr. 26, 2006, 71 F.R. 25483, which is listed in a table under section 1701 of Title 50, War and National Defense.

§ 10012. United States strategy for support to a civilian-led government in Sudan**(a) In general**

Not later than 180 days after January 1, 2021, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a strategy to the appropriate congressional committees that includes—

(1) a clear articulation of specific United States goals and objectives with respect to a successful completion of the transitional period and a plan to achieve such goals and objectives;

(2) a description of assistance and diplomatic engagement to support a civilian-led government in Sudan for the remainder of the transitional period, including any possible support for the organization of free, fair, and credible elections;

(3) an assessment of the legal and policy reforms that have been and need to be taken by the government in Sudan during the transitional period in order to promote—

(A) human rights;

(B) freedom of religion, speech, press, assembly, and association; and

(C) accountability for human rights abuses, including for sexual and gender-based violence perpetrated by members of the Sudanese security and intelligence services;

(4) a description of efforts to address the legal and policy reforms mentioned in paragraph (3);

(5) a description of humanitarian and development assistance to Sudan and a plan for coordinating such assistance with international donors, regional partners, and local partners;

(6) a description of monitoring and evaluation plans for all forms of assistance to be provided under the strategy in accordance with

the monitoring and evaluation requirements of section 2394c of this title, including a detailed description of all associated goals and benchmarks for measuring impact; and

(7) an assessment of security sector reforms undertaken by the Government of Sudan, including efforts to demobilize or integrate militias and to foster civilian control of the armed services.

(b) Report

Not later than 1 year after January 1, 2021, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken to implement this chapter; and

(2) recommendations for legislative or administrative measures to facilitate the implementation of this chapter.

(Pub. L. 116-283, div. A, title XII, § 1270C, Jan. 1, 2021, 134 Stat. 3977.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this subtitle”, meaning subtitle G (§§ 1261–1270E) of title XII of div. A of Pub. L. 116-283, known as the Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

CHAPTER 108—GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY

Sec.

10101.	Definitions.
10102.	Authorization of imposition of sanctions.
10103.	Reports to Congress.

§ 10101. Definitions

In this chapter:

(1) Foreign person

The term “foreign person” has the meaning given that term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(2) Gross violations of internationally recognized human rights

The term “gross violations of internationally recognized human rights” has the meaning given that term in section 2304(d)(1) of this title.

(3) Person

The term “person” has the meaning given that term in section 591.308 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(4) United States person

The term “United States person” has the meaning given that term in section 595.315 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(Pub. L. 114-328, div. A, title XII, § 1262, Dec. 23, 2016, 130 Stat. 2533.)