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S. 5327

To advance and protect the internationally recognized human rights of all Sudanese people, to hold perpetrators of war crimes, crimes against humanity, and genocide in Sudan accountable for their crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2024

Mr. COONS (for himself, Mr. RISCH, Mrs. SHAHEEN, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To advance and protect the internationally recognized human rights of all Sudanese people, to hold perpetrators of war crimes, crimes against humanity, and genocide in Sudan accountable for their crimes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Sudan Accountability Act”.

6 (b) TABLE OF CONTENTS.—This table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.
 Sec. 3. Statement of policy.
 Sec. 4. Report on gross violations of internationally recognized human rights in Sudan and the United States response.
 Sec. 5. Determination of genocide, war crimes, or crimes against humanity.
 Sec. 6. Strategy to support civilian protection and accountability in Sudan.
 Sec. 7. Support and technical assistance authorized.

1 **SEC. 2. DEFINITIONS.**

2 In this Act

3 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

4 (2) **GENOCIDE.**—The term “genocide” means an offense described in section 1091(a) of title 18, United States Code.

5 (3) **WAR CRIME.**—The term “war crime”—
 6 (A) has the meaning given such term in section 2441(c) of title 18, United States Code;
 7 and
 8 (B) includes sexual and gender-based violence.

9 **SEC. 3. STATEMENT OF POLICY.**

10 It is the policy of the United States—

11 (1) to advance and protect the internationally recognized human rights of all Sudanese people, including protections against sexual and gender-based

1 violence, regardless of ethnicity, religion, gender, or
2 geographic area of origin;

3 (2) to hold perpetrators of war crimes, crimes
4 against humanity, and genocide in Sudan account-
5 able for their crimes;

6 (3) to lead efforts to provide urgent humani-
7 tarian assistance to alleviate the suffering of the Su-
8 danese people, including those living in refugee
9 camps outside of Sudan;

10 (4) to ensure the inclusion of Sudanese women
11 in peace negotiations, atrocity prevention, and con-
12 flict resolution efforts;

13 (5) to utilize diplomatic, developmental, and
14 legal tools to help stabilize Sudan and to end the
15 terrible violence in the country;

16 (6) to promote an inclusive, civilian-led political
17 process for a peaceful, democratic, and unified
18 Sudan; and

19 (7) to counter malign foreign influence and
20 disinformation that exacerbate the conflict in Sudan.

21 **SEC. 4. REPORT ON GROSS VIOLATIONS OF INTERNATION-**
22 **ALLY RECOGNIZED HUMAN RIGHTS IN SUDAN**
23 **AND THE UNITED STATES RESPONSE.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act, and semiannually there-

1 after until the date referred to in subsection (e), the Sec-
2 retary of State, in coordination with the heads of relevant
3 Federal departments and agencies, shall submit to the ap-
4 propriate congressional committees a comprehensive re-
5 port regarding the conduct of, support for, and perpetra-
6 tors of gross violations of internationally recognized
7 human rights in Sudan since April 15, 2023.

8 (b) ELEMENTS.—The report required under sub-
9 section (a) shall include—

10 (1) a description of any atrocities and other
11 gross violations of internationally recognized human
12 rights committed by the Sudanese Armed Forces,
13 the Rapid Support Forces, associated armed actors,
14 other entities of the Government of Sudan, and
15 other individuals, including—

16 (A) recruitment of children by armed
17 groups or forces;

18 (B) use of starvation and sexual and gen-
19 der-based violence as weapons of war, including
20 systematic rape and other forms of sexual vio-
21 lence;

22 (C) denial of humanitarian access, includ-
23 ing the obstruction of humanitarian assistance
24 or the targeting of aid workers; and

1 (D) looting, occupation, or destruction of
2 civilian infrastructure, including health facilities
3 and schools, in violation of international hu-
4 manitarian law;

5 (2) a description of the weapons employed in
6 the commission of crimes described in paragraph
7 (1), to the extent possible;

8 (3) an analysis, conducted in consultation with
9 the Director of National Intelligence, of the involve-
10 ment of foreign governments (including the Govern-
11 ments of China, Egypt, Iran, Russia, United Arab
12 Emirates, and Saudi Arabia) and non-state foreign
13 entities (such as the Wagner Group) in supporting,
14 facilitating, or contributing to the conflict and atroc-
15 ities in Sudan, including information regarding—

16 (A) engagement in, or support for, drone
17 and aircraft strikes;

18 (B) the estimated amount of arms and ma-
19 teriel transferred to the conflict parties or to
20 foreign military contractors;

21 (C) significant financial support provided
22 to the conflict parties or non-state foreign enti-
23 ties operating in Sudan;

24 (D) the presence of foreign forces or
25 groups in Sudan;

1 (E) the source, frequency, and scope of
2 violations of the United Nations arms embargo;
3 and

4 (F) diplomatic efforts by the United States
5 regarding such foreign support;

6 (4) a detailed list, developed in consultation
7 with the Secretary of the Treasury, of actions taken
8 and potential future actions that may be taken to
9 hold individuals, entities, or foreign governments ac-
10 countable for their support of violations described in
11 subsection (a);

12 (5) a description, developed in consultation with
13 the Administrator of the United States Agency for
14 International Development, of current or planned
15 United States foreign assistance programs aimed at
16 supporting accountability, including efforts—

17 (A) to train investigators inside and out-
18 side of Sudan to document, investigate, and
19 identify alleged perpetrators, while ensuring the
20 anonymity of respondents and sources; and

21 (B) to provide independent, expert report-
22 ing regarding conflict activity and analysis, in-
23 cluding remote monitoring capabilities, of atroc-
24 ities and other gross violations of internation-
25 ally recognized human rights in Sudan; and

1 (6) an assessment, informed in consultation
2 with relevant Federal departments and agencies, of
3 the effectiveness, reach, and limitations of the tools
4 and programs referred to in paragraphs (4) and (5)
5 since April 15, 2023.

6 (c) FORM.—The report required under subsection (a)
7 shall be submitted by the Secretary of State in unclassified
8 form, and may include a classified annex.

9 (d) BRIEFING.—Not later than 15 days after submit-
10 ting each report required under subsection (a), the Sec-
11 retary of State, or the Secretary’s designee, shall brief the
12 appropriate congressional committees regarding the con-
13 tents of such report.

14 (e) TERMINATION.—The reporting and briefing re-
15 quirements under this section shall terminate on the date
16 on which the Secretary of State submits to the appropriate
17 congressional committees a determination that the parties
18 to the conflict in Sudan have reached a viable peace agree-
19 ment.

20 **SEC. 5. DETERMINATION OF GENOCIDE, WAR CRIMES, OR**
21 **CRIMES AGAINST HUMANITY.**

22 (a) IN GENERAL.—Not later than 30 days after the
23 date of the enactment of this Act, and every 180 days
24 thereafter until the date referred to in subsection (d), the
25 Secretary of State, in consultation with the heads of the

1 relevant Federal departments and agencies, shall submit
2 to the appropriate congressional committees an updated
3 determination on whether actions by the Sudanese Armed
4 Forces, the Rapid Support Forces, and associated military
5 forces, or associated armed actors constitute genocide, war
6 crimes, or crimes against humanity in Sudan.

7 (b) FORM.—The determination required under sub-
8 section (a) shall be submitted in an unclassified form and
9 published on the Department of State’s public website, but
10 may include a classified annex.

11 (c) BRIEFING.—Not later than 15 days after submit-
12 ting each report pursuant to subsection (a), the Secretary
13 of State, or the Secretary’s designee, shall brief the appro-
14 priate congressional committees regarding the contents of
15 such report.

16 (d) TERMINATION.—The reporting and briefing re-
17 quirements under this section shall terminate on the date
18 on which the Secretary of State submits to the appropriate
19 congressional committees a determination that the parties
20 to the conflict in Sudan have reached a viable peace agree-
21 ment.

22 **SEC. 6. STRATEGY TO SUPPORT CIVILIAN PROTECTION**
23 **AND ACCOUNTABILITY IN SUDAN.**

24 (a) IN GENERAL.—The Secretary of State, in coordi-
25 nation with the Secretary of the Treasury, the Secretary

1 of Defense, the Administrator of the United States Agency
2 for International Development, and the heads of other rel-
3 evant Federal departments and agencies, shall develop a
4 comprehensive strategy to protect civilians in Sudan, uti-
5 lizing all available United States sanctions and account-
6 ability tools, and enhancing diplomatic, financial, and legal
7 measures to hold perpetrators of atrocities and other gross
8 violations of internationally recognized human rights ac-
9 countable.

10 (b) ELEMENTS.—The strategy required under sub-
11 section (a) shall include a description of the Secretary’s
12 plans—

13 (1) to coordinate with the United Nations, the
14 African Union, the European Union, and other
15 international partners to protect civilians in Sudan
16 and to hold accountable perpetrators of atrocities
17 and other gross violations of their internationally
18 recognized human rights;

19 (2) to ensure unrestricted humanitarian access
20 to vulnerable populations and implement protection
21 measures, including enforcing the United Nations
22 Security Council Resolutions 1556 and 1591, relat-
23 ing to an arms embargo in Darfur, advocating for
24 its expansion across Sudan, and preventing human

1 trafficking, sexual and gender-based violence, and
2 the recruitment of child soldiers;

3 (3) to utilize targeted sanctions under the Glob-
4 al Magnitsky Act (22 U.S.C. 10101 et seq.), the
5 International Emergency Economic Powers Act (50
6 U.S.C. 1701 et seq.), and Executive Order 14098
7 (50 U.S.C. 1701 note; relating to imposing sanctions
8 on certain persons destabilizing Sudan and under-
9 mining the goal of a democratic transition), and visa
10 restrictions under section 212(a)(3)(C) of the Immi-
11 gration and Nationality Act (8 U.S.C.
12 1182(a)(3)(C)) and section 7031(e) of the Depart-
13 ment of State, Foreign Operations, and Related Pro-
14 grams Appropriations Act, 2024 (division F of Pub-
15 lic Law 118–47; 8 U.S.C. 1182 note) as a com-
16 prehensive approach to holding accountable those re-
17 sponsible for atrocities and other severe internation-
18 ally recognized human rights violations in Sudan;

19 (4) to establish and support community-based
20 protection measures, including early warning sys-
21 tems using satellite imagery, local intelligence, and
22 open-source data, and train local peace committees
23 and protection groups to mediate disputes and
24 strengthen resilience against violence;

1 (5) to implement specific measures to protect
2 women and girls from sexual and gender-based vio-
3 lence;

4 (6) to evaluate the feasibility of and mobilize
5 support for an internationally led civilian protection
6 force to support stabilization and deter attacks on
7 civilians and humanitarian workers;

8 (7) to conduct public diplomacy campaigns to
9 raise awareness of sanctions and accountability
10 measures, counter disinformation, and support inde-
11 pendent media and civil society in documenting
12 atrocities and disseminating accurate information
13 about the conflict in Sudan; and

14 (8) to assist international judicial mechanisms
15 to prosecute individuals responsible for war crimes,
16 crimes against humanity, and genocide in Sudan.

17 (c) CONSULTATION REQUIREMENT.—The Secretary
18 of State shall consult with relevant Federal departments
19 and agencies and stakeholders, including human rights or-
20 ganizations, Sudanese civil society representatives, and
21 international partners, in developing and implementing
22 the strategy required under this section.

23 (d) REPORT.—Not later than 30 days after the date
24 of the enactment of this Act, the Secretary of State, in
25 consultation with other relevant Federal departments and

1 agencies, shall submit the report required under sub-
2 section (a) in an unclassified form, which shall include the
3 information described in subsection (b) and may include
4 a classified annex.

5 (e) IMPLEMENTATION MONITORING.—Not later than
6 180 days after the date of the enactment of this Act, the
7 Secretary of State, in coordination with the Secretary of
8 the Treasury, the Administrator of the United State Agen-
9 cy for International Development, and the heads of other
10 relevant Federal departments and agencies, shall submit
11 a monitoring report on the implementation of the strategy
12 required under subsection (a) and the plans required
13 under subsection (b), which shall describe—

14 (1) diplomatic efforts and international coordi-
15 nation to protect civilians and hold perpetrators of
16 atrocities and other gross violations on internation-
17 ally recognized human rights accountable, with a
18 clear delineation of the United States role and re-
19 sponsibilities in such efforts;

20 (2) foreign assistance provided, including types,
21 amounts, and beneficiary reach;

22 (3) any sanctions imposed under relevant au-
23 thorities and the impact of such sanctions on tar-
24 getted individuals and entities;

1 (4) the frequency and severity of atrocities and
2 other gross violations of internationally recognized
3 human rights violations reported and United States
4 responses to such violations;

5 (5) the effectiveness of mechanisms in pre-
6 venting and mitigating violence, including sexual and
7 gender-based violence and violence against children;

8 (6) the number of local civilian protection meas-
9 ures established and their impact on conflict dynam-
10 ics, including support to advance warning initiatives
11 and local peace committees;

12 (7) the progress made towards the feasibility
13 and resource mobilization for an internationally led
14 protection force;

15 (8) outcomes of public diplomacy initiatives to
16 raise awareness, counter information manipulation,
17 and support independent media and civil society;

18 (9) assistance provided to international mecha-
19 nisms to investigate and prosecute perpetrators of
20 atrocities in Sudan; and

21 (10) efforts towards greater protection of the
22 Sudanese people and accountability for perpetrators
23 of violence against them, including recommendations
24 for future actions.

1 (f) BRIEFING.—Not later than 15 days after submit-
2 ting each of the reports required under subsections (d)
3 and (e), the Secretary of State, or the Secretary’s des-
4 ignee, shall brief the appropriate congressional committees
5 regarding the contents of such report, including—

6 (1) the status of the implementation of the
7 strategy; and

8 (2) any changes or updates based on evolving
9 conditions in Sudan.

10 **SEC. 7. SUPPORT AND TECHNICAL ASSISTANCE AUTHOR-**
11 **IZED.**

12 (a) IN GENERAL.—Subject to relevant provisions of
13 the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
14 seq.), the President, in coordination with the Secretary of
15 State and the Administrator of the United States Agency
16 for International Development, is authorized to provide as-
17 sistance, including technical assistance, to promote ac-
18 countability, support victims of atrocities, and facilitate
19 conflict resolution in Sudan, including—

20 (1) medical, legal, and psychosocial assistance
21 to victims of atrocities and displaced persons, with
22 a specific focus on women, children, and other vul-
23 nerable groups;

24 (2) capacity-building support to local organiza-
25 tions, including resistance committees and emer-

1 agency response rooms, to implement civilian protec-
2 tion, monitoring, and public education programs to
3 prevent atrocities;

4 (3) financial, technical, and diplomatic assist-
5 ance to the African Union and other regional enti-
6 ties to resolve conflicts and empower civil society, es-
7 pecially marginalized communities, in peacebuilding
8 and reconciliation; and

9 (4) support mechanisms for accountability, dia-
10 logue, and transitional justice, including evidence
11 preservation and strengthening legal and investiga-
12 tive capacities.

13 (b) IMPLEMENTATION.—The Secretary of State, in
14 consultation with the Administrator of the United States
15 Agency for International Development, shall coordinate
16 with international organizations, nongovernmental organi-
17 zations, and local civil society groups in Sudan and neigh-
18 boring countries to implement the programs authorized
19 under subsection (a).

20 (c) NOTIFICATION.—No funds appropriated for as-
21 sistance authorized under subsection (a) may be obligated
22 or expended without prior notification to the appropriate
23 congressional committees.

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