SUDAN

The government of Sudan commits egregious and systematic violations of freedom of religion or belief in the areas under its control, particularly against Christians, Muslims who do not follow the government’s extreme interpretation of Islam, and followers of traditional African religions. Due to the ongoing severe human rights violations committed by the government throughout much of the country, the Commission continues to recommend that Sudan be named a “country of particular concern,” or CPC. The State Department has repeatedly adopted the Commission’s recommendation that Sudan be designated a CPC.

In the past, the Commission has identified Sudan as the world’s most violent abuser of the right to freedom of religion or belief and has drawn attention to the Sudanese government’s genocidal atrocities against civilian populations. As a result of the government’s policies of Islamization and Arabization, more than two million people were killed and four million driven from their homes in the North-South civil war from 1983 until January 2005. The civilian victims of that conflict were overwhelmingly Southern Christians and followers of traditional African religions in contrast to the Arabic-speaking Muslims dominant in Khartoum.

Since the signing of the Comprehensive Peace Agreement (CPA) on January 9, 2005, conditions for religious freedom have improved in the South and in the contested areas in central Sudan. The Commission continues to be seriously concerned, however, over severe human rights violations being committed by the Sudanese government in other regions of the country, including against both non-Muslims and Muslims who dissent from the government’s interpretation of Islam, as well as in the western region of Darfur, where the State Department has determined that acts of genocide have taken place and may still be ongoing. Continued attention and monitoring by the United States and the international community are necessary to ensure that the terms of the CPA, particularly those relating to freedom of religion or belief and other universal human rights, are implemented fully.

The CPA followed and subsumed a series of partial and preliminary agreements addressing the relationship of state and religion, the national capital, power-sharing, wealth-sharing (i.e., of oil revenue), and security. The CPA affirmed the Machakos Protocol of July 2002, which established a number of principles regarding freedom of religion or belief, and the Protocol on Power-Sharing of May 2004, which committed the parties to respecting a range of human rights. Moreover, the Protocol on Power-Sharing states explicitly that “The Republic of Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party.”

The CPA committed the parties to a number of interim measures for the governance of Sudan during a six-year Interim Period, to end in July 2011. According to the CPA:

- a referendum would be held at the end of the Interim Period to determine whether the South stays within a united Sudan or becomes independent;
- the 10 Southern states would be exempt from sharia (Islamic law), which, however, would continue to prevail in the North, and special provision would be made to protect the rights of non-Muslims in the national capital;
- the National Congress Party in power in Khartoum and the Sudan People’s Liberation Movement/Army (SPLM/A) dominant in the South would form a Government of National Unity, with the SPLM/A having a minority share of offices; the SPLM/A would assume responsibility for the government of Southern Sudan;
- local autonomy would be granted to the contested areas of the Nuba Mountains and Southern Blue Nile State, which would, however, remain part of the North, and a special administration would be established in the oil-rich area of Abyei, whose boundaries would be determined by an independent commission; a popular referendum would determine whether Abyei continues to have a special status in the North or becomes part of the South;

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nine elections for President of Sudan, President of Southern Sudan, the national legislature, state governors, and all state legislatures would be held “not later than the end of the fourth year of the Interim Period” (i.e. by July 2009); and constitutional arrangements for the Interim Period would be according to an Interim National Constitution and an Interim Constitution for Southern Sudan.

Since July 2005, Sudan’s current Government of National Unity has officially governed under the Interim National Constitution, which contains provisions guaranteeing universal human rights, including freedom of religion or belief. As of this writing, however, key institutions envisaged by the CPA and the Interim National Constitution for the protection of rights have not yet been established: e.g., the National Human Rights Commission and the Commission for the Protection of the Rights of Non-Muslims in the national capital area. In the now autonomous South, the Interim Constitution of Southern Sudan, adopted in December 2005, separates religion and state and contains provisions for freedom of religion and for equality before the law regardless of religious belief. The Government of Southern Sudan has established a human rights commission for the South, as well as a special court to prosecute crimes committed for religious reasons, including crimes against members of the South’s Muslim minority.

In government-controlled areas of the North, the religious freedom and other human rights protections agreed to in the CPA and enshrined in Sudan’s Interim National Constitution have not yet resulted in significant changes in the government’s practice of enforcing its interpretation of Islam to the detriment of those holding other views. Muslims are reported to receive preferential access to limited government services and preferential treatment in court cases involving Muslim against non-Muslim. All Sudanese in the North, including Christians and followers of traditional African religions, are subject to sharia. Corporal punishments adopted from sharia are imposed on non-Muslims and on Muslims who did not traditionally follow such practices. There is discrimination in granting governmental approvals required for the construction and use of places of worship. Although permits are routinely granted to build mosques, permission to build churches is usually withheld. Churches built without such official permission exist at the authorities’ sufferance. Church-owned properties that are legally recognized are nevertheless vulnerable to seizure in a legal atmosphere in which government action is not constrained by an independent judiciary.

Public religious expression and persuasion of non-Muslims by Muslims is allowed, but that of Muslims by non-Muslims is forbidden. In May 2006, four Sudanese Christians, including an Episcopal priest, were detained following contact with a Muslim woman who may have been interested in converting to Christianity. As the woman was estranged from her family and in hiding, the police acted under cover of a “kidnapping” investigation. Although all the detained Christians were released after a few days, three of them reportedly had been beaten while in custody.
Government policies and societal pressure favor conversion to Islam. During the North-South civil war, some children from non-Muslim families captured and sold into slavery by pro-government militias were reportedly forced to convert. Reports continue of coerced conversion in government-controlled camps for internally displaced persons, as well as among prison inmates, Popular Defense Force trainees, and children in camps for vagrant minors. The government has also allegedly tolerated the use of humanitarian assistance to induce conversion to Islam. In government-controlled areas, children who have been abandoned or whose parentage is unknown are considered by the government to be Muslims and may not be adopted by non-Muslims.

Although relative North-South peace has brought improvement in human rights conditions in the South and in the Nuba Mountains, in the western region of Darfur, government forces and “Janjaweed” (government-backed militia from Arab tribes) since 2003 have employed abusive tactics and brutal violence against African Muslim civilians, tactics similar to those used previously against non-Muslim Africans during the North-South civil war. Serious human rights abuses have included aerial bombardment of civilians, forced starvation as the result of deliberate denial of international humanitarian assistance, and the forcible displacement of civilian populations.

To date, efforts by the UN and the African Union (AU) to protect Darfur’s civilian population have been wholly inadequate. On April 16, after months of obstruction, Khartoum agreed to accept a UN “heavy support package” of troops, police officers, civilian staff, and equipment necessary to assist the AU peacekeeping mission and protect civilians. Agreements such as this have been violated several times in the past, however, and close monitoring of the Sudanese government’s compliance with the agreement by the international community is necessary. Khartoum continues to block the deployment of a full, joint UN-AU peacekeeping force, as mandated by the UN Security Council. With villages destroyed and lives at risk from further attack by government-supported Arab militias, many civilians remain in camps, unable to return home to raise crops and thus end their dependence upon international humanitarian assistance. The perpetrators of these crimes, both members of the Sudanese armed forces and allied militias, have acted with impunity. This lack of accountability and the persistent use of such methods by the government of Sudan raise serious questions about the government’s commitment to abide by the terms of the CPA.

Actions resulting in mass killings by the government of Sudan against its own citizens have been repeatedly condemned as genocide. In the Sudan Peace Act of 2002, Congress found that the Sudanese government had committed acts of genocide during the civil war. By concurrent resolution in July 2004, Congress found the atrocities being committed in Darfur to constitute genocide. In congressional testimony delivered in September 2004, then-Secretary of State Colin L. Powell announced that the State Department “had concluded that genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility—and genocide may still be continuing.” In a statement issued by the White House the same day, President Bush urged the international community to work with the United States to prevent and suppress acts of genocide in Darfur. Likewise, the State Department’s most recent annual report on human rights practices in Sudan, issued March 2007, stated “The government’s human rights record remained poor, and there were numerous serious problems, including evidence of continuing genocide in Darfur, for which the government and janjaweed continued to bear responsibility.”

The government’s genocidal actions stem from a policy of the governing elite in Khartoum to advance an Arab and Muslim identity in all parts of Sudan. This policy effectively relegates non-Arabs and non-Muslims to a secondary status and, moreover, conflicts with the reality that Sudan is a religiously diverse country with a large minority of Christians and followers of traditional African beliefs, as well as Muslims from a variety of Islamic traditions. Opposition to this coercive policy has fueled support for armed resistance by non-Muslim and non-Arab populations in the South, the Nuba Mountains, and elsewhere. During the North-South civil war, the current regime in particular used appeals to
Islam, including calls by senior government officials for “jihad,” to mobilize northern Muslim opinion. Religious incitement by government officials contributed to the horrific human rights abuses perpetrated by government security forces and government-backed militias.

**The Plight of Sudan’s Internally Displaced Persons and Refugees**

One of the major issues facing Sudan is the situation of the refugees and internally displaced persons (IDPs). The North-South civil war and the conflict in Darfur have together driven approximately seven million people from their homes. Sudan’s total population today is just over 40 million. Although most of those displaced from the North-South civil war fled to other parts of Sudan, particularly to the North, hundreds of thousands became refugees in the Central African Republic, the Democratic Republic of Congo, Ethiopia, Egypt, Kenya, and Uganda. The overwhelming majority of those who fled as a result of the North-South civil war are Christians or followers of traditional African religions. Since 2003, the Darfur conflict has produced over two million internally displaced persons and sent another quarter million into neighboring Chad and the Central African Republic as refugees. Unlike those who fled the North-South civil war, the Darfurians are almost all Muslims, members of tribes identified as African as distinct from Arab.

The UN High Commissioner for Refugees (UNHCR) oversees refugee returns, and the UN Office for the Coordination of Humanitarian Affairs coordinates IDP returns in Sudan. Both agencies emphasize that all return of refugees and IDPs must be voluntary. Surveys indicate that most Southerners indeed wish to return to the South. IDPs living in the Khartoum area, for example, have limited access to employment or basic services and continue to face discrimination and harassment based on religious identification. Since the signing of the CPA in 2005, more than 100,000 refugees have returned to the South, 30,000 with UNHCR assistance, and an estimated one million IDPs have returned spontaneously. Returnees face major challenges, however, including logistical hurdles, lack of infrastructure and health and education services, limited employment opportunities, funding shortages, and poor security.

The capacity of Southern Sudan and the transitional areas to absorb large numbers of IDPs and refugees must be enhanced. Otherwise, significant dangers will be faced, not only by the individuals who choose to return, but also to the peace process itself and to the development prospects for the region. Without adequate preparation, large scale influxes
would likely result in additional tensions within overstretched local communities, due to competition over scarce resources and services. This could result in further conflict and diversions of funding from recovery and development to pay for emergency humanitarian assistance.

A complicating factor for returns to some areas of Southern Sudan is the continued threat posed by the Lord’s Resistance Army (LRA). Sudan’s prolonged North-South civil war became intertwined with violence in neighboring Uganda, with the Sudanese military providing support to, and receiving support from, the LRA, a violent, cult-like insurgent group that draws its support from the Acholi, an ethnic group located principally in northern Uganda and neighboring areas of Sudan. Throughout 2006, the LRA remained a security threat in the South, with reports of LRA banditry targeting civilians, humanitarian workers, and the UN. Attacks by the LRA or by Sudanese groups imitating LRA methods have delayed the return of Sudanese refugees from Uganda.

**Commission Actions on Sudan**

Sudan was one of the first countries to be a focus of attention by the Commission. Since its inception, the Commission has met with a broad range of government officials, religious leaders, human rights monitors, civil society representatives, and others knowledgeable about Sudan; has held public events to focus attention on religious freedom abuses in Sudan; has testified on Sudan at congressional hearings; and has visited Sudan to see the situation on the ground, traveling most recently to Khartoum, Kadugli in the Nuba Mountains and Juba, as well as to Nairobi and Lokichokio in Kenya in January 2006. In March 2006, the Commission issued *Policy Focus: Sudan* at a press conference with Members of Congress. In March 2007, the Commission co-sponsored a Capitol Hill event with the Hudson Institute’s Center on Religious Freedom and the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee, to highlight congressional efforts on human rights and religious freedom in Sudan, in particular the work of the Congressional Human Rights Caucus’s Task Force on International Religious Freedom. The same day, the Commission sent a letter to President Bush urging renewed U.S. leadership to achieve implementation of the Comprehensive Peace Agreement and to advance United Nations protection efforts in Darfur.

The Commission has made a series of recommendations regarding U.S. policy toward Sudan. In September 2001, following a Commission recommendation that the U.S. government appoint a nationally prominent individual to bring about a peaceful and just settlement of the North-South civil war in Sudan, President Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan, energizing the peace process. In September 2006, President Bush appointed former USAID Administrator and Special Humanitarian Coordinator for Sudan Andrew Natsios as Special Envoy for Sudan, again following a Commission recommendation. Other U.S. actions
have followed Commission recommendations, including the Administration’s decisions to give peace in Sudan a higher priority on its foreign policy agenda, engage actively to move the warring parties toward peace, monitor progress toward implementation of a series of partial and preliminary peace agreements, and use U.S. assistance more effectively in alleviating the suffering of the Sudanese people and in aiding development in southern Sudan.

In addition to recommending that Sudan continue to be designated a CPC, the Commission urges the U.S. government to remain engaged at the highest levels in bringing about a just and lasting peace for all of Sudan. Just as this report was being prepared, President Bush announced on April 18, in a major policy address on Sudan, that should diplomacy on Darfur continue to fail to secure Khartoum’s compliance with UN Security Council resolutions, the Administration will impose stronger measures on Khartoum, several of which the Commission recommends below.
The Commission recommends that the U.S. government should take the lead in the following areas to:

1. **Coalition Building**
   - build on the Special Envoy’s efforts by lending the President’s personal prestige to enlist international support, including from the European Union, Sudan’s neighbors and nations such as China and India that have major economic investments in Sudan, to press Khartoum to end its delaying tactics on CPA implementation.

2. **CPA Verification and Follow-through**
   - continue to press for the complete and timely implementation of the CPA’s human rights, power-sharing, revenue-sharing, and security arrangements; complete compliance must include Khartoum’s unconditional acceptance of the decision of the Abyei Boundary Commission, the verifiable termination of all support for militias or elements of the Ugandan insurgent Lord’s Resistance Army operating in the South, and the lifting of restrictions on peaceful political activities throughout the country in advance of elections;
   - hold both the Northern leadership and the SPLM/A to the current schedule for elections and referenda, ensuring that these are true expressions of popular will and that their results are accepted and implemented;
   - investigate and publicly report to the Congress every six months on the status of implementation of the CPA, with a particular focus on violations, assessing responsibility and indicating what actions are to be taken by the U.S. government in response; violations to be investigated should include the role of the Sudanese Armed Forces and associated militias in the November 2006 fighting in Malakal and Khartoum’s possible continued support for the Lord’s Resistance Army; and
   - consider new sanctions as needed to respond to non-compliance with the terms of the CPA, including targeted sanctions such as asset freezes and travel bans against individuals and institutions, e.g., the National Congress Party, identified as responsible for serious human rights abuses or for impeding CPA implementation.

3. **Southern Sudan**
   - continue to support and strengthen the Government of Southern Sudan, assisting in the development of institutions and infrastructure necessary to protect human rights, to deter a resumption of civil war, to support the return of refugees and internally displaced persons, and to prepare the South for the 2011 referendum on the South’s political future;
   - remove remaining U.S. sanctions from all areas under the control of the Government of Southern Sudan and local institutions in the border areas of Abyei, Southern Blue Nile, and the Nuba Mountains, including sanctions on communications equipment; and
   - provide, well in advance of the 2011 referendum, specific security guarantees for the South in the event that Khartoum seeks to renew the North-South civil war or otherwise impose its will by force in violation of the CPA.

4. **Promotion of Human Rights, including Freedom of Religion or Belief**
   - use U.S. bilateral discussions with Sudan, as well as UN mechanisms and bilateral discussions with third countries with influence in Sudan, to urge Sudan’s Government of National Unity to:
     - allow all religious groups to conduct their activities without harassment, discrimination or undue interference, including activities such as publishing or importing religious literature as well as building, repairing, and operating houses of worship and social service programs;
     - repeal laws that punish changing one’s religion or encouraging another to do so; end official accusations of blasphemy, apostasy, “offending Islam,” or similar charges used to stifle public debate or restrict the right to freedom of expression;
     - dismantle the burdensome bureaucratic obstacles the government places on international humanitarian assistance; remove the state security services from their current role in regulating humanitarian assistance;
     - establish an independent and impartial national Human Rights Commission as called for in the Interim National Constitution and in accordance with the interna-
tional standards for such bodies in terms of independence, adequate funding, a representative character, and a broad mandate that includes freedom of thought, conscience, and religion or belief;

• abandon efforts to force religious organizations to register as non-governmental organizations under regulations that give government officials effective control over their activities;

• permit relations between national religious communities and their co-religionists abroad in accordance with universal human rights norms;

• reform the state security services to be representative of all Sudanese and ensure that all national institutions such as the military, law enforcement agencies, and the highest levels of the judiciary are representative and equally protective of all Sudanese regardless of religious affiliation or belief;

• end the impunity with which members of the security forces and others acting as agents of the government have engaged in human rights abuses; urge the establishment of effective mechanisms for accountability for past abuses; and in the absence of such bodies, provide full cooperation with international institutions, including those mandated by the UN Security Council;

• cease messages of intolerance and discrimination against non-Muslims in the government-controlled media;

• exclude negative stereotyping in school textbooks; include in school curricula, in textbooks, and in teacher training the concepts of tolerance and respect for human rights, including freedom of religion or belief; history texts should reflect the religious and cultural diversity of Sudan’s past;

• undertake a comprehensive review, in collaboration with Sudanese civil society and independent international experts, to bring Sudanese law into compliance with Sudan’s international human rights obligations; and

• cooperate fully with international mechanisms on human rights issues, including inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Special Rapporteur on the Situation of Human Rights in Sudan, the UN Working Group on Arbitrary Detention, and the UN Human Rights Council’s High-Level Mission on the Situation of Human Rights in Darfur and comply with the Mission’s recommendations.

5 Personnel Resources

• ensure that the Special Envoy has the personnel and other support needed to fulfill his mandate of facilitating the implementation of the CPA and of pursuing peace in Darfur;

• appoint a high-level official to ensure that U.S. resources and influence are used effectively to assist the safe and voluntary return of Sudan’s refugees and internally displaced persons; and

• strengthen the capability of the U.S. Embassy in Khartoum to monitor implementation of the crucial human rights provisions of the CPA and to report on human rights abuses, including religious freedom in the North, as well as to advance the U.S. human rights agenda in Sudan by appointing a ranking official reporting to the Ambassador and working full-time on human rights.

6 U.S. Foreign Assistance

• ensure that USAID, the State Department’s Human Rights and Democracy Fund, and other providers of U.S. government assistance develop a strategy and fund specific programs to 1) promote implementation of the human rights and religious freedom provisions of the CPA, and 2) advance legal protections and respect for freedom of religion or belief throughout Sudan, in recognition of (a) the central role of religion as a factor in the North-South civil war, and (b) the emphasis within the CPA on religious freedom concerns; the programs funded by USAID’s Office of Transition Initiatives should be expanded;

• adopt as specific objectives for these U.S. programs:

• improved citizen awareness of and enforcement of the legal protections for human rights included in the CPA, the Interim National Constitution, the Interim Constitution of Southern Sudan, and the international human rights treaties, including the International Covenant on Civil and

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Political Rights (ICCPR), to which Sudan is a party;

- grassroots reconciliation and “peace through dialogue” among Sudanese, including building on steps USAID has already taken to promote reconciliation among Southern Sudanese, recognizing that participants in such programs must be transported, housed, and fed; participants should specifically include religious and other civil society leaders from Sudan’s diverse religious and ethnic communities;

- greater capacity of those elements of civil society throughout Sudan (i.e. the North, the South, and the transitional areas) that promote religious tolerance, respect for human rights, and the peaceful resolution of conflicts, to advance those goals on both the national and the local levels; and

- development of an independent and impartial judiciary in Southern Sudan, including through training of judges, prosecutors, and court administrators and support personnel, with the aim to ensure international standards of due process, fair trial, and non-discrimination;

- expand the use of educational and cultural exchanges, such as the Fulbright Program, the International Visitors Program, and lectures by visiting American scholars and experts, in order to introduce more Sudanese to the experience of societies in which religious freedom and other human rights are protected by law; preference should be given to programs that bring together leaders from various religious and ethnic backgrounds from the North, South, and the transitional areas;

- expand international radio broadcasting to Sudan to provide objective sources of news and information and to improve awareness of the CPA and its implementation, including specific programming promoting grass-roots reconciliation and respect for freedom of religion; support independent television and radio broadcasting, including in the South, to the same end; and

- promptly dispense financial assistance for humanitarian purposes, to build civil society, and to promote economic development in Southern Sudan, including in the area of an independent telecommunications network.

7 Refugees and Internally Displaced Persons

- support UN agencies and their NGO partners in facilitating the spontaneous—as well as organized—voluntary return of refugees and the internally displaced, including by intensified efforts to provide safer modes of transportation, to de-mine roadways, to establish and maintain “way stations,” and to develop practical, community-based solutions to the current lack of basic infrastructure and health and education services for returnees;

- work with UN agencies and NGO partners to ensure that the populations that remain in refugee and IDP camps continue to receive at least the same level of humanitarian assistance as before, so they are not unduly pressured into making “voluntary” returns; and

- work with other resettlement countries, UNHCR, and its NGO partners to ensure that UNHCR expeditiously identifies those refugees for whom repatriation is not an appropriate or imminent solution to their displacement, including those who have suffered from past persecution; secure, as appropriate, timely local integration in countries of first asylum or resettlement to third countries for such refugees; and promptly devise a strategy to achieve this concurrent with efforts to repatriate refugees to Sudan.

8 Victims of Slavery and Human Trafficking

- urge Sudan’s Government of National Unity to prosecute strictly the crime of abduction into slavery, most of whose victims are women and children taken during the North-South civil war or in Darfur by government-sponsored militias and to ensure the speedy identification, voluntary return, and family reunification of victims, as well as measures for their rehabilitation and reparation.

9 Peace in Darfur

- closely monitor the Sudanese government’s compliance with UN Security Council Resolutions addressing the conflict in Darfur;

- support a stronger international presence in Sudan sufficient to protect civilian populations and to monitor compliance with the peace accords and Security Council resolutions, including by:
• urging the expansion of the mandate for international peacekeepers in Darfur—whether UN, African Union, or some combination of the two—explicitly to include the active protection of civilians and preventive protection;

• providing resources such as improved communications equipment, reliable vehicles and helicopters, and logistics assistance to enable peacekeepers to move quickly to places where abuses are occurring;

• bringing in advisors on civilian protection issues in armed conflict to train and work with international force commanders;

• ensuring that there is a secure environment for the delivery of humanitarian aid and the return of refugees and the internally displaced; providing an early warning system with GPS (global positioning system) capability to warn camps and villages of approaching forces;

• supporting the assignment of designated protection teams to camps for internally displaced persons;

• supporting the active enforcement of the aerial “no-fly” zone already specified in Security Council Resolution of March 29, 2005, which calls for the immediate cessation of “offensive military flights in and over the Darfur region;”

• taking measures to prevent—and providing aid to those victimized by—widespread sexual violence and rape in Darfur, including by training advisors for the international forces in Darfur and by encouraging participating nations to include female troops and female police officers in their deployment to handle rape cases effectively; and

• supporting a substantial increase in the number of human rights monitors from the UN Office of the Higher Commissioner for Human Rights and in the number of international peacekeepers deployed in Darfur;

• prevail upon the government of Sudan to provide needed humanitarian access to international relief organizations;

• continue efforts to aid the suffering civilian population of Darfur, including by seeking an end to killing, to ethnic cleansing and forced displacement, and to Sudanese government impediments to the distribution of international humanitarian assistance; assisting refugees and internally displaced persons to return home in safety; and promoting a ceasefire as well as a peaceful and just resolution of the grievances that underlie the crisis; and

• urge the Sudanese authorities to cooperate with the international prosecution of those accused of violations of international humanitarian law and human rights law in connection with the events in Darfur since July 1, 2002, in accordance with Security Council Resolution 1593 of March 31, 2005.