

Infrastructure Security Agency-issued security requirements and has developed and implemented a data compliance program and conducted an audit.³³ Certain types of transactions that might otherwise have been prohibited or restricted are exempted (such as those pertaining to scientific research), and applications for licenses can be made.³⁴ Civil and criminal penalties apply to violations.³⁵

Sensitive to the significance of these new prohibitions and restrictions on data transactions, the executive order reiterated the United States' continued commitment to "supporting a vibrant, global economy by promoting cross-border data flows required to enable international commerce and trade; and facilitating open investment."³⁶ The order made clear that it did "not authorize the imposition of generalized data localization requirements."³⁷ It also clarified that it did "not broadly prohibit United States persons from conducting commercial transactions . . . with entities and individuals" from countries of concern or "impose measures aimed at a broader decoupling of the substantial consumer, economic, scientific, and trade relationships that the United States has with other countries."³⁸

Though the new rule is consistent with the new Trump administration's stance on China, its future is unclear.³⁹

INTERNATIONAL CRIMINAL LAW

Secretary of State Blinken Concludes that the Rapid Support Forces Have Committed Genocide in Sudan

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In early January 2025, U.S. Secretary of State Antony J. Blinken announced his conclusion that the Rapid Support Forces (RSF) and its associated militias had committed genocide in Sudan during the civil war that has decimated that country for the past two years.¹ At the same

³³ See *id.* at 1719, 1728 (adding 28 C.F.R. §§ 202.401, 202.1001, 202.1002).

³⁴ See *id.* at 1721 (adding 28 C.F.R. §§ 202.506, 220.507).

³⁵ See *id.* at 1730 (adding 28 C.F.R. § 202.1301). The penalties are those that apply under Section 206 of IEEPA, 50 U.S.C. § 1705.

³⁶ Executive Order, *supra* note 1, Sec. 1.

³⁷ *Id.*

³⁸ *Id.*

³⁹ President Trump's regulatory freeze memorandum directed all federal departments and agencies to consider postponing rules, like the bulk sensitive data regulations, that were published in the *Federal Register* but not yet in effect. See Regulatory Freeze Pending Review, para. 3, 90 Fed. Reg. 8249 (Jan. 20, 2025). The Executive Order, *supra* note 1, that serves as the legal basis for the regulations was not among the orders rescinded by President Trump upon assuming office. See Initial Rescissions of Harmful Executive Orders and Actions, Exec. Order 14148, 90 Fed. Reg. 8237 (Jan. 20, 2025).

¹ See U.S. Dep't of State Press Release, Genocide Determination in Sudan and Imposing Accountability Measures (Jan. 7, 2025), at <https://2021-2025.state.gov/genocide-determination-in-sudan-and-imposing-accountability-measures> [<https://perma.cc/6KU9-ULQ3>] [hereinafter Genocide Determination]. An RSF spokesperson rejected the charges. See Daphne Psaledakis, David Lewis & Nafisa Elthahir, *US Determines Sudan's RSF Committed Genocide, Imposes Sanctions on Leader*, REUTERS (Jan. 8, 2025), at <https://www.reuters.com/world/us-impose-sanctions-sudan-rsf-leader-dagalo-sources-say-2025-01-07>. This is the eighth time that the U.S. government has declared a genocide subsequent to the Cold War. See Katharine Houreld, *U.S. Declares Genocide in*

time, the U.S. Treasury Department imposed sanctions on RSF commander Mohammad Hamdan Daglo Mousa (Hemedti), for leading an organization that threatens the peace, security, or stability of Sudan, and seven United Arab Emirates (UAE) companies and a Sudanese national, for providing money and weapons to the RSF.² Secretary Blinken had determined a year earlier that the Sudanese Armed Forces (SAF) and the RSF had committed war crimes during the conflict and that the RSF and allied militias had committed crimes against humanity and ethnic cleansing as well.³ Secretary Blinken's genocide determination came twenty years after Secretary of State Colin L. Powell concluded that the Government of Sudan and the Janjaweed militias (the future RSF that were then allied with the Sudanese military) committed genocide during a counterinsurgency campaign in the Darfur region.⁴

The current conflict dates to April 2023 when fighting began between Hamdan's RSF forces and the Sudanese Armed Forces, led by Abdel Fattah al-Burhan.⁵ Al-Burhan had governed the country following the ouster of Omar Hassan al-Bashir in 2019, first through a power-sharing agreement between civilians and the military and then after a coup that was undertaken in cooperation with Hamdan, who became the country's number two. Hamdan and al-Burhan's collaboration would last only eighteen months before it broke down into the fighting that continues to the present.

The war's consequences have been horrific for the people of Sudan. As of February 2025, there were 12.5 million forcibly displaced persons due to the conflict, 8.9 million internally and 2.3 million in neighboring countries, amounting to more than a quarter of the country's population of 48 million.⁶ The Integrated Food Security Phase Classification's Famine Review Committee found that by the end of 2024 there were was "Famine in at least five areas of Sudan."⁷ It also "project[ed] Famine in five additional areas [by May 2025]" and identified a risk of famine in seventeen others.⁸ Altogether, more than half of Sudan's

Sudan, Sanctions Paramilitary Leader, WASH. POST (Jan. 8, 2025), at <https://www.washingtonpost.com/world/2025/01/07/sudan-genocide-rsf-hemedti>.

² See U.S. Dep't of the Treasury Press Release, Treasury Sanctions Sudanese Paramilitary Leader, Weapons Supplier, and Related Companies (Jan. 7, 2025), at <https://home.treasury.gov/news/press-releases/jy2772> [<https://perma.cc/V484-TWWE>] [hereinafter Treasury Sanctions Sudanese Paramilitary Leader]. The sanctions were imposed pursuant to Executive Order 14098. See Imposing Sanctions on Certain Persons Destabilizing Sudan and Undermining the Goal of a Democratic Transition, Exec. Order 14098, 88 Fed. Reg. 29529 (May 4, 2023).

³ See U.S. Dep't of State Press Release, War Crimes, Crimes Against Humanity, and Ethnic Cleansing Determination in Sudan (Dec. 6, 2023), at <https://2021-2025.state.gov/war-crimes-crimes-against-humanity-and-ethnic-cleansing-determination-in-sudan> [<https://perma.cc/9LSQ-49MQ>] [hereinafter War Crimes Determination]; see also U.S. Dep't of State Press Release, Digital Press Briefing on War Crimes, Crimes Against Humanity, and Ethnic Cleansing Determination in Sudan (Dec. 14, 2023), at <https://2021-2025.state.gov/digital-press-briefing-war-crimes-crimes-against-humanity-and-ethnic-cleansing-determination-in-sudan> [<https://perma.cc/W423-RFRG>] [hereinafter Van Schaack Briefing].

⁴ See U.S. Dep't of State Press Release, The Crisis in Darfur (Sept. 9, 2004), at <https://2001-2009.state.gov/secretary/former/powell/remarks/36032.htm> [<https://perma.cc/52M8-BD6K>].

⁵ For the discussion in this paragraph, see Declan Walsh & Abdi Latif Dahir, *War in Sudan: How Two Rival Generals Wrecked Their Country*, N.Y. TIMES (Apr. 13, 2024), at <https://www.nytimes.com/article/sudan-khartoum-military.html>.

⁶ See UNHCR Press Release, Sudan Situation: External Update #100 (Feb. 2–8, 2025), at <https://data.unhcr.org/en/documents/download/114431>.

⁷ Integrated Food Security Phase Classification, Famine Review Committee: Sudan, December 2024, at 1 (Dec. 24, 2024), at https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Sudan_Dec2024.pdf [<https://perma.cc/5ML9-JYR2>].

⁸ *Id.*

population—about 25 million people—were facing acute food insecurity.⁹ Though the number of dead, directly from the war as well as from avoidable mortality, is difficult to quantify, some estimate that it may be as high as 150,000.¹⁰ In a briefing given to the Security Council in early 2025, Edem Wosornu, director of the Operations and Advocacy Division of the UN Office for the Coordination of Humanitarian Affairs, called the situation “a humanitarian crisis of staggering proportions.”¹¹

The deaths, famine, hunger, destruction, and displacement were not just the side effects of the armed conflict, they were also the result of acts—atrocities—committed by both the RSF and the SAF.¹² In his finding of war crimes and crimes against humanity, Secretary Blinken gave some examples: the abuse and killing of detainees; the terrorizing of women and girls through sexual violence; and the targeting and hunting down of civilians and the destruction of their homes on the basis of their ethnicity.¹³ In his genocide finding, Secretary Blinken noted that “[t]he R.S.F. and allied militias have systematically murdered men and boys—even infants—on an ethnic basis, and deliberately targeted women and girls from certain ethnic groups for rape and other forms of brutal sexual violence.”¹⁴ He also indicated that “[t]hose same militias have targeted fleeing civilians, murdering innocent people escaping conflict, and prevented remaining civilians from accessing lifesaving supplies.”¹⁵ In

⁹ See UN Doc. S/PV.9831, at 4 (Jan. 6, 2025) (statement of Beth Bechdol) [hereinafter Sudan Security Council Meeting].

¹⁰ At a May 2024 Senate Foreign Relations Committee Hearing, U.S. Special Envoy for Sudan Tom Perriello said that “we don’t have a credible death count . . . some think it’s [as high as] 150,000.” Senate Foreign Relations Committee, Conflict and Humanitarian Emergency in Sudan: An Urgent Call to Action, at 1:18:21 (May 1, 2024), at <https://www.foreign.senate.gov/hearings/conflict-and-humanitarian-emergency-in-sudan-an-urgent-call-to-action>.

¹¹ Sudan Security Council Meeting, *supra* note 9, at 2.

¹² The United Nations and non-governmental organizations have gathered and publicized extensive documentation of the atrocities. See, e.g., Letter Dated 15 January 2024 from the Panel of Experts on the Sudan Addressed to the President of the Security Council, UN Doc. S/2024/65 (Jan. 15, 2024); Findings of the Investigations Conducted by the Independent International Fact-Finding Mission for the Sudan into Violations of International Human Rights Law and International Humanitarian Law, and Related Crimes, Committed in the Sudan in the Context of the Conflict that Erupted in Mid-April 2023, UN Doc. A/HRC/57/CRP.6 (Oct. 23, 2024); Raoul Wallenberg Centre for Human Rights, *Breaches of the Genocide Convention in Darfur, Sudan: An Independent Inquiry* (2024), at <https://raoulwallenbergcentre.org/images/reports/International-Inquiry-Breaches-of-the-Genocide-Convention-temp2.pdf> [<https://perma.cc/4G2Q-JUK9>]; Daniel P. Sullivan, *Bearing Witness: Atrocities and Looming Hunger in Darfur*, REFUGEES INT’L (Feb. 2024), at <https://d3jwam0i5codb7.cloudfront.net/wp-content/uploads/2024/02/Eastern-Chad-Report-Jan-2024-1.pdf> [<https://perma.cc/G44B-863B>]; Human Rights Watch, “Khartoum Is Not Safe for Women!”: *Sexual Violence Against Women and Girls in Sudan’s Capital* (July 28, 2024), at <https://www.hrw.org/report/2024/07/28/khartoum-not-safe-women/sexual-violence-against-women-and-girls-sudans-capital> [<https://perma.cc/ELA6-M323>]; Yale Humanitarian Research Lab, *Yale HRL Statement on U.S. State Department’s Determination of Genocide in Sudan* (Jan. 7, 2025), at <https://medicine.yale.edu/news-article/yale-hrl-statement-on-us-state-departments-determination-of-genocide-in-sudan> [<https://perma.cc/D2EM-7ZAN>]; Amnesty International, *Sudan: SAF Airstrike on Crowded Market a Flagrant War Crime* (Dec. 12, 2024), at <https://www.amnesty.org/en/latest/news/2024/12/sudan-armed-forces-saf-killed-dozens-in-an-air-strike-on-a-crowded-market-in-the-rapid-support-forces-rsf-controlled-town-of-kabkabiya-in-north-darfur> [<https://perma.cc/M2BE-AVXP>].

¹³ See War Crimes Determination, *supra* note 3.

¹⁴ Genocide Determination, *supra* note 1.

¹⁵ *Id.* The United States based its finding on “extensive documentary evidence . . . including eyewitness accounts, photographs, investigative work by relentless journalists, and videos by members of the RSF themselves.” USAID Press Release, *Genocide Committed in Sudan by Rapid Support Forces and Allied Militias* (Jan. 7, 2025), at <https://reliefweb.int/report/sudan/genocide-committed-sudan-rapid-support-forces-and-allied-militias> [<https://perma.cc/LC3P-EMST>].

the hands of the very forces who are meant to protect them.”²⁰ Doing so, the administration hoped, would help “rally the international community to help us end the violence, address the humanitarian crisis, and promote justice for survivors and victims. . . . [W]e will continue to track and document the scope and breadth of the belligerents’ myriad crimes.”²¹ Despite diplomatic efforts at the Security Council and in multilateral and bilateral talks, however, the United States, which does not support either side and has contributed more than \$2.3 billion in humanitarian aid to Sudan since the war began, has not been successful at negotiating a ceasefire or gaining agreement on measures to protect civilians.²²

Among some politicians and non-governmental organizations, there was hope that the finding of genocide would lead the United States to increase pressure on the UAE, the RSF’s biggest backer, to end its covert arms shipments to the group.²³ Before the genocide finding, Senator Chris Van Hollen and Representative Sara Jacobs had introduced legislation that would have paused U.S. arms sales to the UAE until the administration could certify that the UAE is not arming the RSF.²⁴ They also introduced a joint resolution that would have halted a pending U.S. sale of missiles to the UAE.²⁵ In a December 2024 letter to the president, they wrote: “The U.S. should not be sending weapons to the UAE so long as it is aiding and abetting a group that is one of the primary drivers of the humanitarian disaster in Sudan and has committed atrocity crimes.”²⁶ Deputy Assistant to the President Brett McGurk replied a couple of weeks later that “[d]espite reports we have received suggesting the contrary has occurred to date, the UAE has informed the Administration that it is not now transferring any weapons to the RSF and will not do so going forward.”²⁷ Seven UAE companies were sanctioned, though, in connection with the genocide determination.²⁸ In a statement, the UAE

²⁰ Van Schaack Briefing, *supra* note 3.

²¹ *Id.*

²² See U.S. Dep’t of State Press Release, Secretary Antony J. Blinken at a UN Security Council Meeting on Sudan (Dec. 19, 2024), at <https://2021-2025.state.gov/secretary-antony-j-blinken-at-a-un-security-council-meeting-on-sudan> [<https://perma.cc/GKJ7-DURQ>]. Russia vetoed a November 2024 draft Security Council resolution that called for a cessation of hostilities and increased protection of civilians. See Security Council Report, Sudan: Vote on a Draft Resolution (Nov. 17, 2024), at <https://www.securitycouncilreport.org/whatsinblue/2024/11/103323.php> [<https://perma.cc/JZ7Z-JBVU>].

²³ On the UAE backing on the RSF, see Declan Walsh & Christoph Koettl, *How a U.S. Ally Uses Aid as a Cover in War*, N.Y. TIMES (Sept. 21, 2024), at <https://www.nytimes.com/2024/09/21/world/africa/uae-sudan-civil-war.html>; and Declan Walsh, Christoph Koettl & Eric Schmitt, *Talking Peace in Sudan, the U.A.E. Secretly Fuels the Fight*, N.Y. TIMES (Sept. 29, 2023), at <https://www.nytimes.com/2023/09/29/world/africa/sudan-war-united-arab-emirates-chad.html>.

²⁴ See H.R. 8501, 118th Cong., 2d Sess. (May 22, 2024); S. 5376, 118th Cong., 2d Sess. (Nov. 21, 2024).

²⁵ See H.J. Res. 226, 118th Cong., 2d Sess. (Nov. 21, 2024); S.J. Res. 118, 118th Cong., 2d Sess. (Nov. 21, 2024); Defense Security Cooperation Agency Press Release, United Arab Emirates – GMLRS and ATACMS Munitions (Oct. 11, 2024), at <https://www.dsca.mil/press-media/major-arms-sales/united-arab-emirates-gmlrs-and-atacms-munitions> [<https://perma.cc/Y487-UGWG>].

²⁶ Letter of Senator Chris Van Hollen and Representative Sara Jacobs to President Joseph R. Biden, Jr. (Dec. 2, 2024), at https://www.vanhollen.senate.gov/imo/media/doc/uae_jrd_letter_to_president_biden.pdf [<https://perma.cc/6JTY-PAKM>].

²⁷ Letter of Brett McGurk to Senator Van Hollen (Dec. 18, 2024), at https://www.vanhollen.senate.gov/imo/media/doc/mcgurk_letter_to_cvh_signed.pdf [<https://perma.cc/36NP-MSGQ>].

²⁸ See Treasury Sanctions Sudanese Paramilitary Leader, *supra* note 2. In a subsequent press release, Senator Van Hollen said: “based on my conversations with the Biden Administration [during its final days in office], it’s clear that the UAE is continuing to provide weapons to the murderous RSF, violating the assurances provided to the former Administration. It is imperative that the United States not provide weapons to countries that are in turn providing military support to the RSF and complicit in its genocidal actions.” Senator Chris Van Hollen Press

Foreign Ministry said that it took “its role in protecting the integrity of the international financial system extremely seriously. We remain committed to combating financial crime globally.”²⁹

USE OF FORCE, ARMS CONTROL, AND NON-PROLIFERATION

The United States and France Facilitate Cessation of Hostilities Between Israel and Hezbollah
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The United States and France have facilitated an “arrangement” for the cessation of hostilities between Hezbollah and Israel and the implementation of Security Council Resolution 1701.¹ The agreement committed Lebanon to “prevent Hezbollah and all other armed groups in the territory of Lebanon from carrying out any operations against Israel.”² And it committed Israel “not [to] carry out any offensive military operations against Lebanese targets, including civilian, military, or other state targets, in the territory of Lebanon by land, air, or sea.”³ The phased withdrawal of the Israel Defense Forces (IDF) from southern Lebanon and the deployment of the Lebanese Armed Forces (LAF) in their place were to be completed within sixty days, effectively creating a buffer zone between Israel and Hezbollah, which would no longer operate in that territory.⁴ The United States and France indicated to the Security Council that they were “working with both countries . . . to ensure that [the agreement] is fully implemented and enforced.”⁵ Reportedly, the United States, in an undisclosed side letter, also provided security-related assurances to Israel in connection with its withdrawal from Lebanon.⁶

Release, Van Hollen, Jacobs Confirm UAE Providing Weapons to RSF in Sudan, in Contradiction to Its Assurances to US (Jan. 24, 2025), at <https://www.vanhollen.senate.gov/news/press-releases/van-hollen-jacobs-confirm-uae-providing-weapons-to-rsf-in-sudan-in-contradiction-to-its-assurances-to-us> [<https://perma.cc/GGN3-Z4Z2>].

²⁹ Basillioh Rukanga & Mohanad Hashim, *US Accuses RSF of Sudan Genocide and Sanctions Its Leader*, BBC (Jan. 8, 2025), at <https://www.bbc.com/news/articles/c8j9j72lvdvo>.

¹ See Announcement of a Cessation of Hostilities and Related Commitments on Enhanced Security Arrangements and Toward the Implementation of UNSCR 1701 [hereinafter Cessation of Hostilities Agreement], reprinted in Letter Dated 29 November 2024 from the Permanent Representatives of France and the United States of America to the United Nations Addressed to the President of the Security Council, UN Doc. S/PRST/2024/870, Annex (Dec. 2, 2024) [hereinafter Letter to the Security Council].

² Cessation of Hostilities Agreement, *supra* note 1, para. 2.

³ *Id.*

⁴ *Id.*, para. 12. “Southern Lebanon” refers to what the agreement calls the “Southern Litani Area.”

⁵ Letter to the Security Council, *supra* note 1. In a presidential statement, the Council “welcome[d]” the arrangement, “expresse[d] its concerns about the reported violations,” “call[ed] on the parties to faithfully implement [its] provisions,” and “call[ed] for the full implementation of resolution 1701” and related resolutions. UN Doc. S/PRST/2025/1 (Jan. 16, 2025).

⁶ See 13 חדשות המלא, ומכתב הערבויות האמריקני המלא, פרטי הסכם הפסקת האש בצפון – *Details of the Ceasefire Agreement in the North – and the Full American Letter of Guarantees*, NEWS 13] (Nov. 26, 2024), at <https://13tv.co.il/item/news/politics/security/opy0g-904354623> [<https://perma.cc/Q2VA-EVSZ>] [hereinafter U.S. Side Letter].