



SPECIAL ALERT REPORT:

**ERADICATION OF TERRORISM FORESTALLED BY
KHARTOUM'S GENOCIDAL POLICIES AND
OPPRESSIVE RULE**

OCTOBER-NOVEMBER 2001

**PREPARED FOLLOWING THE TERRORIST ATTACKS
ON AMERICA OF SEPTEMBER 11, 2001**

Released November 12, 2001

Executive Summary

SRI SPECIAL ALERT REPORT: ERADICATION OF TERRORISM FORESTALLED BY KHARTOUM'S GENOCIDAL POLICIES AND OPPRESSIVE RULE

Following the heinous attacks perpetrated against America on September 11, 2001, Washington and its allies have declared a "War on Terrorism." In waging this war on terrorism, the U.S. has already sought to reestablish diplomatic ties with Sudan on the ostensible premise that Khartoum has thoroughly eliminated one of bin Laden's largest operations bases. Sudan is listed as a state sponsor of terrorism in *Patterns of Global Terrorism 2000*, a recent report released by the U.S. Department of State in April 2001. And for good reason, one might add: Sudan not only once harbored Osama bin Laden, but was also reported as still shielding and providing support for bin Laden's terrorist network, Al Qaeda, and several other key radical Islamic terrorist groups also believed to be connected to bin Laden.

Sudan has recently begun to use ballistic missiles against innocent civilians and other humanitarian sites in central and southern Sudan; it is also being investigated for using chemical or biological weapons in its bombing campaign. The Sudanese People's Liberation Army (SPLA), the largest opposition force to the government of Sudan, reported that the government was producing uranium in the Kai Khong area of Al Wahda province near the Blue Nile and exporting it to China and Iran. Allegations that the government of Sudan used Iraqi-manufactured mustard gas artillery shells and nerve agents against the SPLA and civilian populations in southern Sudan, or that the government allowed Iraqis or Iranians to use WMD on Sudanese in Sudan, should be investigated with the utmost diligence and the perpetrators should be held accountable. The government of Sudan reportedly has acquired large stockpiles of Iraqi mustard gas/blister agent in violation of its obligations under the Chemical Weapons Convention. In 1997, Iraq moved weapons of mass destruction to Sudan for storage.

The U.S. recently supported the lifting of U.N. travel sanctions on Sudanese diplomats. As a result, Sudan was recently invited to travel to Russia to shop for weapons. The roots of terrorism in Sudan are embedded in its ruling military regime's overall state policy. Initially, several Iraqi and Iranian terrorist groups were invited to come train and reside in Sudan as part of the government's national security endeavors. Foreign terrorist groups were merged into Sudan's military forces in effort to bolster defense and to ensure the imposition of fundamentalist Islam. These terrorist groups, apart from operating their training grounds, also double as national defense forces and secret service working closely with the government of Sudan. All of the terrorist groups in Sudan are said to be Islamic; and given al Qaeda's immense presence and prestige bestowed on it by the government in Sudan, it is likely that bin Laden's group is still operating there. Furthermore, by the late 1990s there were many different terrorist groups from several different countries operating in Sudan.

The sustainability of any real eradication of terrorism in Sudan necessitates: the transparency of capital flow within Sudan, specifically of government funds; the elimination of unlawful state-sponsored terror and violence campaigns against its own people; the de facto protection of fundamental freedoms within a democratic system; the exposure and accountability of terrorists and other war criminals before an independent tribunal; the elimination of stockpiles of weapons of mass destruction and an international monitoring system with access to inspect sites within Sudan.

Sudan's genocidal campaign must end. Numerous government officials, human rights organizations, and religious leaders have reported on these war crimes and recognized their genocidal implications for innocent civilians in Sudan. By declaring jihad and instituting a fundamentalist Islamic government with Islam as the state religion, the war now being waged in Sudan has essentially boiled down to a struggle over religious freedom, race and political rights. If not a cause of war, oil is certainly funding the government's war on southern and central Sudan. Moreover, Sudanese government forces are launching attacks on surrounding towns and villages from oil company airstrips "to kill civilians and any persons not loyal to the Government of Sudan."

Sudan has been a longstanding safe haven for bin Laden and Al Qaeda operatives. Just as the militant Islamic regime in Sudan is using oil revenues to escalate atrocities in effort to win the "holy war" in southern and central Sudan, so too was Osama bin Laden allowed to use Sudan to raise funds, start several "cover" businesses, and operate a secure base for himself and his organization, al Qaeda. Sudan also harbors other terrorist organizations sympathetic to, or affiliated with bin Laden and his *fatwa* against the U.S. Bin Laden erected a vast network of businesses, investments and training camps in Sudan. Following the Saudi fugitive's expulsion from Sudan, al Qaeda was left free to operate in the country until shortly after the attacks. Bin Laden invested heavily in Sudan, and maintained financial accounts there. Given Sudan's established track record of funding jihad-minded terrorist organizations, particularly those engaged in "holy war" against the U.S., it would seem a logical choice for the Bush Administration to decide to investigate possible links between Sudan's oil revenue, oil partnerships, and the funding of terrorism. Capital markets sanctions as contained in the House-approved Sudan Peace Act (H.R. 2052) aims to prevent foreign companies that are partnered with Sudan in oil extraction or development from raising money from American investors. Capital market sanctions could also prohibit Sudan from possibly further funding terrorism. Sudan is an undisputed sponsor of terrorism that targets the U.S. and has strong financial, loyal, and radical Islamic ties to terrorism, not to mention a longstanding affiliation with the elusive bin Laden. Almost one month after the September 11th attacks, Sudan's National Islamic Front government appears to be shielding itself from any financial investigations or accountability in the event that it is formally charged with funding terrorism.

Khartoum proclaimed to the people of northern Sudan on June 7, 2001, that the rebels and people of southern Sudan want only to exert control over oil in Sudan, and have therefore joined ranks with the U.S. in hopes of toppling the regime, allegedly so that the U.S. would then be able to also control Sudan's oil and dominate the market; Khartoum then followed up the next day by declaring jihad against the south. By

twisting the truth and using Islam and jihad as justification for committing atrocities against innocent civilians, both the government of Sudan and bin Laden have managed to reel in a growing number of supporters.

Khartoum certainly has not changed its genocidal policy against its own civilians following September 11, 2001, and apparently is still harboring numerous terrorist groups and chemical weapons. Appeasing the Sudanese government following September 11, 2001, will give the government a green light to continue, and possibly even escalate further, its genocidal campaign against innocent civilians in central and southern Sudan.

A Special Atrocities Tribunal should be formed for Sudan. The U.S. Ambassador at Large for War Crimes, Pierre-Richard Prosper, reportedly stated that the Bush Administration was seriously considering establishing a tribunal for Sudan. Establishing an ad hoc war crimes tribunal for Sudan would send the message to Sudanese officials that the U.S. is serious in its efforts to pressure Khartoum to immediately cease the commission of atrocities against innocent civilians. Among several other vital directives designed to end the conflict in Sudan and to provide assistance in various forms to the victimized population, the Sudan Peace Act (H.R. 2052) contains provisions that direct the Administration to investigate war crimes. Sudan would greatly benefit from the formation of an independent war crimes tribunal. Moreover, experts on Sudan commonly discuss today the near complete extermination of an entire people—the Nuba of central Sudan. Justice and accountability for genocide, related crimes against humanity, and other war crimes is absolutely essential to any diplomatic initiative aimed at halting atrocities in Sudan. Any sustainable eradication of genocidal atrocities in Sudan committed by the government, or any sustainable eradication of state-sponsored terrorism in Sudan requires reliable and effective mechanisms that will establish a system of greater accountability and justice capable of independently judging perpetrators.

As the nation's war on terrorism continues unabated, any alliance with Sudan should not be forged with a blind eye, or to obtain short term gains. The United States must remain conscious of Khartoum's long history of terrorist support, despite its sudden promises to aid in global anti-terrorist efforts.

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Released November 12, 2001

**SRI ALERT REPORT:
October-November 2001**

**ERADICATION OF TERRORISM FORESTALLED BY KHARTOUM'S
GENOCIDAL POLICIES AND OPPRESSIVE RULE**

Khartoum and Terrorism:

Following the heinous attacks perpetrated against America on September 11, 2001, Washington and its allies have declared a "War on Terrorism." The justice of such a war is undisputed among much of America, and rightfully so. It is high time to rip apart the terrorist networks that have, until recently, operated with relative impunity from a select number of sympathetic host countries throughout the world. These self-styled "state sponsors" of terrorism have harbored and sustained the likes of Osama bin Laden and Al-Qaeda with funding, training grounds, and bases from which to operate. On September 29, 2001, U.S. President George W. Bush reasserted his resolve to hunt down terrorist organizations, declaring that the global anti-terror campaign would be fought "wherever terrorists hide, run, or plan."¹ In waging this war on terrorism, the U.S. has already sought to reestablish diplomatic ties with Sudan on the ostensible premise that Khartoum has thoroughly eliminated one of bin Laden's largest operations bases.² A more likely explanation for this volte-face in U.S. foreign policy is Sudan's grudging concession to share intelligence—most of it on terrorists harbored within the country for

¹ Reuters, "Bush Reasserts His Determination," *Los Angeles Times*, September 29, 2001, at http://www.latimes.com/news/nationworld/world/la-092901bush_wr.story (accessed September 29, 2001).

² Reuters, "U.N. ready to lift sanctions on Sudan: U.S. backs move, softens view that nation supports terrorism," *MSNBC News*, September 28, 2001, at <http://www.msnbc.com/news/635157.asp?0na=2356290-#BODY> (accessed September 28, 2001); Robin Wright and James Gerstenzang, "Sudan, a Bin Laden Haven, Cracks Down on Extremists," *Los Angeles Times*, September 27, 2001 at <http://www.latimes.com/news/nationworld/nation/la-092701diplo.story> (accessed September 27, 2001).

years—and Washington’s concordant willingness to reward a fundamentalist regime³ by supporting the lifting of U.N. sanctions.

As Washington embarks on its global hunt for bin Laden and his vast army of thugs, policymakers are already facing strong temptations to claim immediate, short-term victories over terrorism. Perhaps nowhere is this more evident than with respect to Sudan, a dubious alliance partner with whom Washington would be wise to tread cautiously. Indeed, Sudan’s ties to bin Laden—to speak nothing of the organizations associated with him—have persevered well beyond the Saudi fugitive’s 1996 expulsion from the country. They are just as enduring as the brutal war that the National Islamic Front government of Sudan has been waging against non-Arabs and non-Muslims in the Nuba Mountains and southern Sudan since seizing power in a 1989 military coup. Past efforts to moderate such outrageous behavior through a well-calibrated diet of “carrots and sticks” have not proven successful with this regime, and there is little reason to believe that following the tragic events of September 11, 2001, Khartoum can now be trusted in any diplomatic initiative with the U.S.

Sudan is listed as a state sponsor of terrorism in *Patterns of Global Terrorism 2000*, a recent report released by the U.S. Department of State in April 2001.⁴ And for good reason, one might add: Sudan not only once harbored Osama bin Laden, but was also reported as still shielding and providing support for bin Laden’s terrorist network, Al Qaeda, and several other key radical Islamic terrorist groups, such as the Egyptian Islamic Jihad, which are also believed to be connected to bin Laden. For those familiar with Sudan, this should come as no surprise.

Sudan’s current government has been committing heinous atrocities against its own civilians on a massive scale since 1989, and with the advent of oil export revenues in 1999, has further escalated atrocities through the targeting of innocent civilians.⁵ **The connection between employing genocidal policies or related crimes against humanity to destroy, control and terrorize specific identifiable groups within a state’s own society, and adopting a friendly policy towards radical terrorist groups, is an inextricable component of the fundamentalist Islamic regimes in Sudan and Afghanistan. With specific respect to Sudan, the U.S. should remain acutely mindful of the direct link between Khartoum’s use of state-commissioned violence**

³ “Coming out of the cold,” *The Economist*, October 4, 2001, at http://www.economist.com/world/africa/PrinterFriendly.cfm?Story_ID=807792 (accessed October 5, 2001).

⁴ U.S. Department of State, *Patterns of Global Terrorism - 2000*, April 2001, p.35.

⁵ See e.g. Testimony of Michael Young, Commissioner, U.S. Commission on International Religious Freedom, before a joint hearing of the Subcommittee on Africa and the Subcommittee on International Operations and Human Rights of the Committee on International Relations, U.S. House of Representatives, 107th Cong., 1st Sess., March 28, 2001, p.2; “War, Famine, and Oil in Sudan,” *The Economist*, April 12, 2001 at http://www.economist.com/world/Africa/printer-friendly.cfm?story_ID=569099 (accessed June 6, 2001).

and fierce paramilitary troops to target its own people in the name of jihad, on one hand, and its strong history of state-sponsored terrorism and sympathetic ties to extremists, on the other. When viewed in this light, it makes far more sense to refrain from placing uncompromising trust in a regime that has openly aided and abetted the very terrorists that it now proclaims to be exposing.

Since its 1989 inception, the regime of Lt. Gen. Omar Hassan Ahmad al-Bashir has been committing genocidal atrocities on Sudanese citizens under the guise of promoting Islam, having declared “holy war” against those living in the Nuba Mountains and southern Sudan.⁶ Therefore, it is not startling that Khartoum would host and form an alliance with several terrorist groups, and with bin Laden himself, that have declared “holy war” against the U.S. and are using Islam as justification for attacks. Those civilians that are now suffering at the hands of their government’s genocidal campaign of indiscriminate bombing, calculated starvation, severe religious persecution, and the toleration of slavery can only hope that the U.S. will stick to its policy of holding Khartoum directly accountable for the commission of such atrocities. To be sure, they would be disheartened if American policy were to shift overnight in exchange for Bashir’s alleged “cooperative” efforts in providing insubstantial information on terrorists or bin Laden’s whereabouts, particularly should any information prove misleading or unhelpful. Should the opposition alliances and victimized population view the newly formed anti-terrorism partnership between the U.S. and Sudan as outright abandonment—and should the Sudanese government covertly escalate atrocities and step up war efforts, in the misguided belief that the U.S. will turn a blind eye to such abuses—then this could serve to strengthen popular resolve for outright independence in the south.

⁶ See “Sudan sticks to jihad in civil war,” *Agence France-Presse*, October 4, 2001; Julie Flint, “Sudan offensive aims to starve out rebels,” *The Mail and Guardian*, June 11, 2001, at <http://www.mg.co.za/mg/za/archive/2001jun/features/11jun-sudan.html> (accessed June 12, 2001), (Flint reports on the “holy war” declared and committed against those religiously, politically and ethnically opposed to Khartoum’s radical imposition of Islamic rule, and quotes Bishop Makram Max Gassis’s appeal to the international community to intervene to force Khartoum to halt the “Holocaust” against the Nuba people.); “Text: USAID Administrator Andrew Natsios Speaks Out on Sudan,” *Washington File*, October 12, 2001, at <http://usinfo.state.gov/cgi-bin/washfile/display.pl?p=/products/washfile/latestnews/newsitem.shtm> (accessed October 15, 2001), (Natsios remarked on the near extinction of the Nuba people and Khartoum’s deliberate genocidal policy.); “President urges workers to wage war against southern rebels,” *Associated Press*, accessed at Sudan Net News, at <http://www.sudan.net.news.html>, June 7, 2001, (Sudanese President Omar el-Bashir is quoted: “Man can die for several reasons but a good death, martyrdom, is what we are looking for,” al-Bashir told about 10,000 workers at a rally organized by Sudan’s Trade Unions Federation. ‘We will go ahead on the road to jihad (holy war) and martyrdom,’” and the article also reports that “Muzamil Ibrahim Ghandour, secretary-general of the union, said the workers were ‘ready to die in defense of this religion (Islam).’”).

Khartoum's penchant for outright deception in negotiations devised to end atrocities and raise the prospect of peace,⁷ combined with the weak state of the government and its desire to avoid attacks from the U.S., gives the Bush Administration good and sufficient reason to maintain its hard line against Sudan. At the very least, such a policy is consistent with the overriding message of the anti-terror campaign—namely, one of zero tolerance. Therefore, the U.S. should tread cautiously as it forms a “cooperative” alliance with Sudan in any war against terrorism before appeasing the regime too graciously at the outset. In order to achieve a sustainable eradication of state-sponsored terrorism in Sudan, the U.S. should exert due influence over the regime to finally eradicate the commission of genocide and all forms of severe persecution. The sustainable eradication of terrorism in Sudan necessitates:

- Transparency of capital flow within Sudan, specifically of government funds;
- Elimination of unlawful state-sponsored terror and violence campaigns against its own people;
- De facto protection of fundamental freedoms within a democratic system;

⁷ See Richard Boucher, Spokesman, U.S. Department of State, Press Release, “Reports of Recent Attacks in Southern Sudan,” June 11, 2001, (This press release expresses concern over renewal of aerial bombings on civilian targets, thereby breaking Khartoum’s pledge to end such strikes.); “Washington Decries Renewed Bombings,” *UN Integrated Regional Information Network*, June 11, 2001, at <http://allafrica.com/stories/printable/200106110366.html> (accessed June 12, 2001); “U.S. concerned at reports of air raids in Sudan,” *Reuters*, June 8, 2001, at <http://www.sudan.net/news/posted/2700.html> (accessed June 11, 2001), (This news article reports on U.S. doubt over past assurances given by Khartoum that bombings of civilians would stop, and on Colin Powell’s remarks regarding the need for a considerable sustained period of a cessation of hostilities by Khartoum before it may be trusted.); Julie Flint, “Sudan offensive aims to starve out rebels,” *The Mail & Guardian*, June 11, 2001, (Flint reports renewed bombings to be the “biggest government offensive” endured by the Nuba people “since the Muslim regime in Khartoum declared a holy war against them in 1992.”); “Bombings Intensified in the South,” *UN Integrated Regional Information Network*, August 3, 2001, at <http://www.sudan.net/news/posted/3161.html> (accessed August 30, 2001); Andrew England, “US official: United States wants to see action not words from Sudanese government,” *Associated Press*, July 21, 2001, at <http://www.sudan.net/news/posted/3083.html> (accessed July 31, 2001), (Andrew Natsios is quoted as regarding U.S. demands for action from Khartoum given Khartoum’s history of issuing statements promising to halt atrocities but repeatedly failing to do so.); “Text: USAID Administrator Andrew Natsios Speaks Out on Sudan,” *Washington File*, October 12, 2001, at <http://usinfo.state.gov/cgi-bin/washfile/display.pl?p=/products/washfile/latenews/newsitem.shtm> (accessed October 15, 2001), (Statement on the humanitarian situation in Sudan delivered at the U.S. Holocaust Memorial Museum, October 12, 2001. During the question and answer session Mr. Natsios remarked, “No more rhetoric, we need to see action,” referring to the Sudanese Government’s history of untrustworthiness in diplomatic promises given to the U.S. Government regarding cooperation in halting atrocities and providing access to humanitarian assistance.).

- Exposure and accountability of terrorists and other war criminals before an independent tribunal;
- Elimination of stockpiles of weapons of mass destruction and an international monitoring system with access to inspect sites within Sudan.

The U.S. made no mistake in acknowledging the link between ending the war in Sudan and ending Khartoum's sponsorship of international terrorism when it named three objectives upon appointing former Missouri Senator John Danforth as the diplomatic envoy to Sudan: one, "end the killing by reaching a just and lasting peace; two, to ensure needy Sudanese who are affected by the war and drought are assisted; and third, to bring an end to support for international terrorism."⁸

When Sudan expelled bin Laden and 300 of his associates in 1996 under intense pressure from Saudi Arabia and the U.S., the Bashir regime's support of international terrorism continued unabated into the present day.⁹ To compound matters, the U.S. supported lifting U.N. sanctions on Sudan¹⁰ to send "a clear message that the United States is prepared to reward countries that cooperate in its campaign to hunt down Osama bin Laden," irrespective of the fact that Sudan only began to move against bin Laden followers in recent days.¹¹ As a result, Sudan was recently invited to travel to Russia to shop for weapons. Following the visit to Russia by Sudanese Trade Minister Abel Hamid Mussa Kasha, a recent news article reported, "[S]udan appears interested in attack helicopters and night-vision systems to fight the Sudanese People's Liberation Army in the south."¹² Unfortunately, should we fail to heed the lessons of the past then we are sure to revisit our mistakes in regard to Khartoum.

⁸ "Washington Sets Three Key Tasks for Danforth," *UN Integrated Regional Information Network*, September 10, 2001, at <http://allafrica.com/stories/200109100324.html> (accessed September 13, 2001).

⁹ David Rose, "Resentful west spurned Sudan's key terror files," *Guardian Unlimited*, September 30, 2001 at <http://www.observer.co.uk/international/story/0,6903,560624,00.html> (accessed September 30, 2001); Colum Lynch, "U.S. Will Support End of Sudan Travel Ban," *The Washington Post*, September 28, 2001, p. A20.

¹⁰ The U.N. imposed sanctions on Sudan that prevented Sudanese diplomats from traveling abroad following the assassination attempt on Egyptian President Hosni Mubarak for allegedly harboring the terrorists responsible for the attack.

¹¹ Lynch, "U.S. Will Support End of Sudan Travel Ban."

¹² "Russia Interested in Selling Arms to Sudan," *Middle East Newsline*, November 7, 2001, at http://www.menewslines.com/stories/2001/november/11_07_1.html (accessed November 7, 2001).

The roots of terrorism in Sudan are embedded in its ruling military regime's overall state policy.¹³ Initially, several Iraqi and Iranian terrorist groups were invited to come train and reside in Sudan as part of the government's national security endeavors.¹⁴ Foreign terrorist groups were merged into Sudan's military forces in effort to bolster defense and to ensure the imposition of fundamentalist Islam.¹⁵ These terrorist groups, apart from operating their training grounds, also double as national defense forces and secret service working closely with the government of Sudan.¹⁶ Many of the foreign terrorists residing and operating in Khartoum are the same people assigned to torture and murder Sudanese suspected of being subversive.¹⁷ These suspects disappear into "shadow houses" located throughout Khartoum that are designated specifically for such acts of torture and murder. As a result, many of the terrorists and training camps, as well

¹³ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001, (The interviewee explained that top government officials invited several terrorist groups to come to Sudan partly to serve as a force for national security. Most Islamic terrorist groups that came to Sudan had been part of the "Muslim Brotherhood" and had been socialists who therefore attempted to copy general security structures similar to the former Soviet Union, such as buying most of the private businesses in attempt to convert all property to the state and buying Soviet weaponry. As part of a national security effort, the government of Sudan began to harbor large groups of Iraqi and Iranian terrorists that would double as defense forces and secret service, and that could ensure the imposition of Sharia and their brand, or interpretation of Islam. For this reason, many of these terrorists were residing and training in close proximity to the capitol of Khartoum.); *See also* James Phillips, Backgrounder, "To Stop Sudan's Brutal Jihad, Support Sudan's Opposition," The Heritage Foundation, June 13, 2001, at <http://www.heritage.org/library/backgrounder/bg1449.html> (accessed July 2, 2001). To read about the nexus between bin Laden and al Qaeda's version of Islam—Wahhabism—and Marxism *see* Marvin Olasky, "Islam for terrorists," *World Magazine*, October 27, 2001, at http://www.worldmag.com/world/issue/10-27-01/cover_5.asp (accessed November 10, 2001).

¹⁴ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001; "The Iraqi WMD Challenge—Myths and Reality," U.S. House of Representatives, Task Force on Terrorism and Unconventional Warfare, February 10, 1998, accessed at http://www.fas.org/spp/starwars/congress/1998_r/980210t-fr.htm (accessed November 10, 2001), (This report details the nexus between Iraqi WMD and Khartoum, and the close relationship that Khartoum has both with Iraq and Iran despite Iraq's and Iran's contentious relationship with one another.); and *See* "Chemical Weapons," Federation of American Scientists, August 22, 1998, at <http://www.fas.org/nuke/guide/sudan/cw/index.html> (accessed November 10, 2001).

¹⁵ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001. The interviewee also reported that many Sudanese Islamic fundamentalists that support the National Islamic Front government of Sudan are volunteering to go to Afghanistan to fight in "jihad" in tandem with Taliban forces against the U.S. and its allies.

¹⁶ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001; "Chemical Weapons," *Federation of American Scientists*.

¹⁷ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001.

as weapons stockpiles, are strategically located in close proximity to Khartoum. During the late 1990s Hassan al Turabi allegedly insisted that large groups of terrorists, in the likes of 17,000, reside in areas close to Khartoum or in the capitol city itself so as to thwart potential coups.¹⁸

Many of the terrorists in Sudan had once pledged allegiance to the Muslim Brotherhood and believe they must also impose their brand of Islam on as many nations and peoples as possible.¹⁹ All of the terrorist groups in Sudan are said to be Islamic; and given al Qaeda's immense presence and prestige bestowed on it by the government in Sudan,²⁰ it is likely that bin Laden's group is still operating there. A former Sudanese government official recalled during an interview that a well-known and high-ranking Iraqi terrorist by the name of "Father of Mustaffah," who heads an Iraqi terrorist group, was living in Khartoum during the 1990s.²¹ By the late 1990s there were many different terrorist groups from several different countries operating in Sudan.²² Before Sudan is to be considered credible as a source for valuable information, or before it is publicly awarded, it should take incredible measures to root out terrorism from within its government and its borders. Recent reports that Sudan has assisted the U.S. in tracking down terrorists by providing possible "information on 30 terrorists is far too little, even for any involvement in the September 11th attacks. The message from the State Department seems to be that they are getting complacent."²³ A regime that fails to respect fundamental freedoms and the basic human right to survival—opting instead to

¹⁸ Id.

¹⁹ Id.

²⁰ See Mindy Belz, "Infighting is in," *World Magazine*, March 10, 2001, at http://www.worldmag.com/world/issue/03-10-01/international_2.asp (accessed November 10, 2001), (This article also discusses the close relationships that bin Laden has with Omar al-Turabi and Omar el-Bashir, and of promises to help one another.)

²¹ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001.

²² For an interesting article noting bin Laden's deep connections to Sudan, his use of Sudan as a safe harbor from which to train and deliver terrorist and mujahideen forces into Somalia during 1993, and the expansion of al Qaeda *see generally*, "The freeze squeeze," *World Magazine*, November 3, 2001, at http://www.worldmag.com/world/issue/11-03-01/national_2.asp (accessed November 10, 2001).

²³ Survivors' Rights International, Interview with former Sudanese government official, October 17, 2001. The interviewee stressed that Vice President Ali Osman Taha helped mastermind the 1989 military coup in Sudan. Taha is the "real ruler of Sudan. He is a very strong man and is not Bashir." Taha recently quoted by SUNA News Agency as having stated a re-committed to jihad in Sudan, proclaimed that jihad is an "absolute justice," and that Sudan would not abandon jihad; it is the "way" of Sudan. "Sudan sticks to jihad," *Agence France-Presse*, October 4, 2001.

dispense with them in the name of Islamic piety—will surely prove no ally to those elsewhere in the world who embrace freedom of religion and liberty for all, as in the U.S.

WAR CRIMES:

Sudan's Genocidal Campaign Must End

Indeed, Khartoum is engaged in a policy that can only be described as genocidal:²⁴ of indiscriminately bombing humanitarian and other civilian sites such as churches, hospitals, schools, and relief sites; deliberately withholding food from those who refuse to convert to Islam; tolerating slavery, enlisting fierce militia groups to scorch towns and kill, rape and terrorize villagers; instigating warfare amongst ethnic groups; and persecuting its people on the basis of race, religion and ethnicity. The government of Sudan is committing unspeakable atrocities upon its own citizens at an alarming rate that has only escalated in recent years. Numerous government officials, human rights organizations, and religious leaders have reported on these war crimes²⁵ and recognized their genocidal implications for innocent civilians in Sudan:²⁶

²⁴ See Convention on the Prevention and Punishment of the Crime of Genocide, U.N.T.S. No. 1021, vol. 78 (1951), p.277, Art. 1-8. The Genocide Convention demands that states act to prevent and punish genocide in times of war and peace, and applies to rulers, public officials or private individuals, for acts of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, or complicity in genocide. The Genocide Convention defines genocide as: “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious groups, as such:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

²⁵ By no means are the opposition forces of rebel leader John Garang beyond reproach when it comes to respecting human rights. The SPLA is also responsible for the commission of war crimes. Nevertheless, it is widely recognized that Khartoum bears primary responsibility for the majority of war crimes committed throughout Sudan. See U.S. Committee for Refugees, *World Refugees Survey 2000*, “Sudan”; U.S. Committee for Refugees, Press Release, “Sudan’s Military Continues Aerial Bombing of Civilian Sites; International Community Stays Mute,” March 16, 2001; U.S. Committee for Refugees, *Country Report: Sudan*, June 2001; Gaspar Biro, *Report of the Special Rapporteur*, UNHCHR, E/CN.4/1998/66, January 30, 1998; *UNHCHR 1999 Report: Situation of human rights in the Sudan*, E/CN.4/1999/38/Add.1, May 17, 1999; *UNHCHR 2000 Report: Situation of human rights in the Sudan*, E/CN.4/200/36, April 19, 2000.

²⁶ See e.g., National Conference of Catholic Bishops/United States Catholic Conference, “Findings and Policy Recommendations Delegation of U.S. Catholic Bishops to Sudan, March 24-April 6,” May 10, 2001, at <http://www.nccbuscc.org/sdwp/international/sudanta.htm> (accessed June 26, 2001); U.S. Department of State, *2000 Country Reports on Human Rights Practices*, “Sudan,” February 2001, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=822> (accessed May 3, 2001);

“[T]he National Islamic Front government is deliberately and systematically committing genocide in southern Sudan, the Nuba Mountains, and the Ingessena Hills.” U.S. House of Representatives Resolution 75, June 15, 1999

“[Sudan is the] world’s most violent abuser of the right to freedom of religious belief.” U.S. Commission on International Religious Freedom, May 1, 2000 Report

“[W]e must recognize Sudan’s behavior for what it is: deliberate genocide. God help us if we ignore it.” Prison Fellowship Ministries founder Chuck Colson, January 26, 2000

“Sudan [is the] site of the world’s most long-lasting religious persecution and genocide.” Nobel Laureate and Holocaust survivor Elie Wiesel to President Clinton, July 13, 1999

“The sacred trust of memory requires us to confront and work to halt genocide today. That is why we are compelled to speak out on the continuing slaughter in Sudan, where the [Holocaust] museum’s Committee on Conscience has determined that government actions threaten genocide.” Irving Greenberg and Jerome Shestack, Holocaust Museum Officials, Washington Post, October 31, 2000²⁷

Sudan’s radical National Islamic Front military regime uses Islam as justification for the atrocities it commits on innocent Sudanese civilians, primarily in the Nuba Mountains in central Sudan and throughout the provinces of southern Sudan. The current regime is attempting to Islamicize and Arabize black Muslims, and black animists and

Report of the U.S. Commission on International Religious Freedom on Sudan, May 1, 2000, at http://www.uscirf.gov/reports/01May00/policy_Sudan.php3#A (accessed May 3, 2001), and follow-up report, March 21, 2001, at <http://www.uscirf.gov/reports/21Mar01.php3> (accessed May 3, 2001) (Reporting that atrocities and persecution worsened in Sudan.); Remarks by Elliott Abrams, Chairman and Nina Shea, Commissioner, United States Commission on International Religious Freedom, Members’ Briefing on “Sudan: The Atrocities Must Stop,” Before the Congressional Human Rights Caucus of the United States House of Representatives, April 26, 2001, at http://www.uscirf.gov/hearings/26Apr01/ftnotes_SA.php3 (accessed October 3, 2001); Flint, “Sudan offensive aims to starve out rebels,” (Bishop Makram Max Gassis is quoted: “What will the world do? Will it allow another Holocaust – this time of the Nuba people – to occur?”); and Andrew England, “US official: United States want to see action not words from Sudanese government,” (Andrew Natsios, Director, US Agency for International Development, is quoted remarking on the abhorrent and “completely unacceptable” level of atrocities being committed in Sudan by the government.).

²⁷ Quoted in “Campaign on Conscience: Sudan,” Center for Religious Freedom, Brochure.

Christians. By declaring jihad and instituting a fundamentalist Islamic government with Islam as the state religion, the war now being waged in Sudan has essentially boiled down to a struggle over religious freedom, race and political rights.²⁸ Several of the genocidal atrocities being perpetrated against innocent civilians fall disproportionately on non-Muslims and non-Arabs, opposed to the government's fundamentalist Islamic rule and terror and Arabization campaign for imposing policies of severe persecution. Numerous war crimes have targeted non-Muslims and non-Arabs in several churches and schools on the Christian holidays of Christmas and Easter. In addition, many non-Muslims are regularly forced to convert to Islam or face starvation.²⁹ Furthermore, many Christians have been "imprisoned, tortured, assassinated and even crucified for their faith" by government officials or troops.³⁰

Following the terrorist attacks on the U.S. and the formation of the new cooperative alliance with Sudan to root out terrorism, Sudan has continued to bomb civilian sites, including areas where the U.N. distributes food, and has reaffirmed its commitment to jihad.³¹ Immediately following the terrorist attacks on America of September 11th, Khartoum dropped 260 bombs in the Nuba Mountains region using Antonov bombers followed by helicopter gunships; 23 people were killed, grain fields and houses were burned, and 1000 cattle were slaughtered.³² The government has not backed down from its brutal bombing campaign over the past two years.

²⁸ See Francis Deng, "Sudan – Civil War and Genocide," *Middle East Quarterly*, Winter 2001. It is also important to note that the conflict over the equitable distribution of wealth, or oil export revenue, is not a separate issue from the conflict itself, but an element exacerbating the conflict. The government does not use this money for humanitarian or development purposes in southern or central Sudan in effort to keep these people destitute, in essence denying them fundamental subsistence such as food, medical care and education as part of the overall policy of destruction, persecution and ethnic cleansing. Furthermore, black Africans in Sudan are denied equal treatment and political rights or freedoms because of race.

²⁹ "Coming out of the cold: Sudan is co-sponsoring with America in the war on terrorism, but its other problems remain unsolved," *The Economist*, October 4, 2001; Ted Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism and U.S. Policy," Congressional Research Service *Issue Brief* No. 98043, Updated April 27, 2001.

³⁰ Nina Shea, "War on Religion," *The Wall Street Journal*, July 31, 1998, p. W11.

³¹ Survivors' Rights International, Inc., Interview with Rt. Rev. Bullen a. Dolli, Bishop of Lui (southern province), Episcopal Church of Sudan, October 2, 2001. (The government dropped 260 bombs in the civilian areas of Fangak and Raga in the Nuba Mountains region of Malakal, close to Bentiu oil fields between September 12-15, 2001.); "UN emergency relief coordinator urges Sudan to stop bombing civilian targets," *UN News*, October 9, 2001, at <http://www.un.org/News/dh/latest/page2.html#8> (accessed October 10, 2001); "Khartoum bombs south Sudan village amid WFP food drop," *Agence France-Presse*, October 8, 2001; "Sudan sticks to jihad in civil war," *Agence France-Presse*, October 4, 2001.

³² Survivors' Rights International, Inc., Interview with Rt Rev. Bullen a. Dolli, Bishop of Lui, Episcopal Church of Sudan, October 2, 2001. The Institute on Religion and Democracy, "Sudanese Bishop Awarded IRD Religious Freedom Award; Reveals Latest Khartoum Bombing

Despite its supposed commitment to several ongoing peace initiatives, Khartoum promises its people that it will not sacrifice Shari'a (harsh Islamic law requiring severe adherence and forms of punishment such as amputations) for peace in Sudan and encourages Muslims to fulfill a duty to Islam by engaging in holy war against any opposed to this form of government.³³ As recently as October 4, 2001, First Vice-President Ali Osman Taha was reported as stating, "The jihad is our way and we will not abandon it and will keep its banner high, [and w]e will never sell out our faith and will never betray the oath to our martyrs. [For Islam is] an absolute justice."³⁴ President Bashir has stated that parties seeking to participate in the government must accept Shari'a law and Islam as state religion.³⁵ Meanwhile, Bashir's domestic opponents are asking for the separation of religion and state, rights to full political participation, and/or the right to self-determination.³⁶ A sure sticking point in resolving the war remains Khartoum's unwillingness to ensure religious freedom from Shari'a or political rights to non-Muslims or Muslims opposed to the regime's fundamentalism and its radical methods of enforcement via genocide. For while the right to self-determination was previously agreed upon by Bashir in July 1997, the resulting peace initiative—the Declaration of Principles (DOP) under the Inter-Governmental Authority Development Agency (IGAD)—has since been largely ignored.³⁷ Indeed, Khartoum has repeatedly thwarted all

Raids," October 8, 2001, at <http://www.ird-renew.org/news/NewsPrint.cfm?ID=206&c=3> (accessed October 25, 2001), (This release reports that the Lui Diocese is frequently bombed and that Franklin Graham's Samaritan's Purse Hospital in Lui has been bombed numerous times. Bishop Dolli received the Religious Freedom Award on October 1, 2001, from the Institute for Religion and Democracy (IRD), presented by U.S. Department of State Under Secretary for Global Affairs, Dr. Paula Dobriansky and IRD Chairman, Thomas Oden. Bishop Dolli's cathedral was bombed December 29, 2000.).

³³ "President urges workers to wage war against southern rebels," *Associated Press*; "Coming out of the cold," *The Economist*; "President Al-Bashir: National Salvation Revolution is committed to its principles," *SUNA News Digest*, July 26, 2001, at <http://www.sudan.net/news/posted/3121.html> (accessed August 30, 2001).

³⁴ "Sudan sticks to jihad in civil war," *Agence France-Presse*, October 4, 2001. *See also* herein note 19, Vice President Taha is considered to be the "real ruler of Sudan."

³⁵ Alfred Taban, "Sudan's Bashir seen backtracking on peace proposal," *Reuters*, July 31, 2001, at <http://www.sudan.net/news/poste/3143.html> (accessed August 30, 2001).

³⁶ Salah Nasrawi, "Egyptian-Libyan peace proposals not sufficient, says Sudanese opposition," *Associated Press*, July 1, 2001, at <http://www.sudan.net/news/posted/2919.html> (accessed July 2, 2001); "Let There Be A Just and Durable Peace in the Sudan," An Appeal by the Bishops of the Catholic and Episcopal Churches of the Sudan, Nairobi, Kenya, August 17, 2001.

³⁷ Francis Deng and Stephen Morrison, *U.S. Policy to End Sudan's War: Report of the CSIS Task Force on U.S. - Sudan Policy*, Center for Strategic and International Studies, February 2001; Abel Alier, Keynote address, Conference on Peace in the Sudan, Evangelical Lutheran Church in Sudan, August 5-8, 2001, "Self-Determination," (This section of the address states that

peace initiatives, including the most recent Egyptian-Libyan track, by declaring that separation of mosque and state shall remain non-negotiable.³⁸

Oil Revenues Fund Genocidal Atrocities

Though not an a priori cause of war in the same way that religion, race or political freedom are, oil can nonetheless be considered a contributing element to the escalation of civil conflict in Sudan. At the very least, it serves as a disincentive to peace for the warring parties to the conflict.³⁹ So it was that Bashir, in calling on Muslims to uphold their supposed obligation to wage jihad against southern Sudan in June 2001, proclaimed that northern Sudanese would “fight for oil until death.”⁴⁰

If not a cause of war, oil is certainly funding the government’s war on southern and central Sudan. The Bashir government is using oil export revenues to bolster its military with heavier weaponry, and in turn use this weaponry with increasing frequency against innocent civilians in southern and central Sudan that are opposed to the government’s imposition of Islam as the supreme law of the land absent the de facto protection from severe persecution.⁴¹ Moreover, Sudanese government forces are

“[a]ll the political forces in the country have during the period between 1994 and 1999 acknowledged and endorsed the right of the people of the South to self-determination. [T]he government of Sudan and the SPLM did that at the IGAD Forum in Nairobi in July 1997.”)

³⁸ “Parties react to President Bashir’s speech on peace initiative,” *Khartoum Monitor*, August 1, 2001, at <http://www.sudan.net/news/posted/3151.html> (accessed August 30, 2001).

³⁹ Charles Omondi, “Would Buying Sudan’s Oil Undermine Peace Efforts,” *African Church Information Service*, July 16, 2001, at <http://allafrica.com/stories/200107160392.html> (accessed July 17, 2001); Karl Vick, “Oil Money is Fueling Sudan’s War,” *The Washington Post*, June 11, 2001, p. A1 and A14.

⁴⁰ Simon Apiku, “Sudanese military prepares for all-out war with rebels,” *Deutsche Press-Agentur GmbH*, June 8, 2001.

⁴¹ Christian Aid, “The Scorched Earth: Oil and War in Sudan,” March 13, 2001, at <http://www.christian-aid.org.uk/indepth/0103suda/sudanoil.htm> (accessed April 2, 2001); Amnesty International, “Sudan: The Human Price of Oil,” May 3, 2000, at <http://web.amnesty.org/ai.nsf/Index/AFR540042000?OpenDocument&of=COUNTRIES\SUDAN> (accessed July 2, 2001); Leonardo Franco, UN Special Rapporteur, “Situation of human rights in the Sudan,” 54 Sess. GA, October 14, 1999, at <http://www.unhchr.ch/huridocda/huridoca.nsf/2848af408d01ec0ac1256609004e770b/065003260f33balOpenDocument&Highlight=2,sudan> (accessed July 2, 2001); Human Rights Watch, *Report on Sudan for 2000*, December 2000, at <http://www.hrw.org/wr2k1/africa/sudan.html> (accessed July 2, 2001); Report by the Standing Commission on Anglican & International Peace and Justice Concerns, “Interim Report on Sudan & the Episcopal Church,” June 27, 2001, (Reports oil revenues as skyrocketing from 0 in 1998 to \$585 million in 2000 with military expenditures up \$80 million.); Remarks by Elliott Abrams, Chairman and Nina Shea, Commissioner, Members Briefing on “Sudan: The Atrocities Must Stop,” 2.e; National Conference of Catholic Bishops, “Findings and Policy Recommendations Delegation of U.S. Catholic Bishops to Sudan”; Julie

launching attacks on surrounding towns and villages from oil company airstrips “to kill civilians and any persons not loyal to the Government of Sudan.”⁴² At the same time, Sudan has further plans to double its oil exports over the next few years.⁴³ Thus, Sudan surely believes that one imperative element in winning this war is to continue to increase oil export revenue to purchase deadlier military weapons to kill or ethnically cleanse the remaining Sudanese population that it believes to be a threat to the hard-lined National Islamic Front rule.

Longstanding Safe Haven for Bin Laden and Al Qaeda Operatives

Just as the militant Islamic regime in Sudan is using oil revenues to escalate atrocities in effort to win the “holy war” in southern and central Sudan, so too was Osama bin Laden allowed to use Sudan to raise funds, start several “cover” businesses, and operate a secure base for himself and his organization, al Qaeda. Sudan also harbors other terrorist organizations sympathetic to, or affiliated with bin Laden and his *fatwa* against the U.S. Sudan served as a veritable safe haven for bin Laden until 1996, claiming during that period that he was merely engaged in construction operations within the country. In reality, he was establishing several front companies to raise money for terrorism and provide cover for operatives.⁴⁴ Bin Laden erected a vast network of businesses, investments and training camps in Sudan. Until the terrorist attacks of

Flint, “Oil inflames Sudan civil war,” *Channel 4 News*, Broadcast: August 4, 2001, at <http://www.sudan.net/news/posted/3282.html> (accessed August 29, 2001).

⁴² Georgette Gagnon and John Ryle, Independent Investigators Release Statement on Oil Development, Conflict and Displacement in Sudan, “Report of an Investigation into Oil Development, Conflict and Displacement in Western Upper Nile, Sudan,” May 15, 2000, (Also reports that oil revenue appears to be linked to an increase in military expenditure, and that no evidence of “economic or other benefits” from oil export revenue as “accruing to indigenous peoples in Western Upper Nile, the civilian population in Talisman’s concession, or in Southern Sudan in general”); Report of the Harker Assessment Team (Commissioned by the Canadian Foreign Ministry), “Human Security in Sudan: The Report of a Canadian Assessment Mission,” Ottawa, January 2000, at <http://www.dfait-maeci.gc.ca/foreignp/3110186-e.pdf> (accessed November 11, 2000), (This report details the use of corporate airstrips for launching attacks on civilians and of oil as an element that furthers the conflict in Sudan.).

⁴³ “KHARTOUM: Output to double,” *Energy24*, August 14, 2001, at <http://www.sudan.net/news/posted/3231.html> (accessed August 29, 2001); Dan Connell, Opinion, “Rethinking Sudan,” *Foreign Policy In Focus* (Washington, D.C.), August 10, 2001, at <http://www.sudan.net/news/posted/3202.html> (accessed August 14, 2001).

⁴⁴ “Coming out of the cold,” *The Economist*; David E. Kaplan, “How a terror network funds attacks – and hides its tracks,” *U.S. News & World Report*, October 1, 2001, pp. 20-21; “The spider in the web,” *The Economist*, September 22, 2001, p. 17. To view an excellent collection of news articles detailing bin Laden’s connections with Sudan, visit the website of ViTrade Global Financial Risk Analysis, Osama bin Laden and Sudan, at http://www.vitrade.com/osama_bin_laden.htm.

September 11th, bin Laden was able to maintain steady access to these networks from Afghanistan.

Following the Saudi fugitive's expulsion from Sudan, al Qaeda was left free to operate in the country until shortly after the attacks. Bin Laden invested heavily in Sudan, and maintained financial accounts there. A prime example is the Sudanese Al Shamal Islamic Bank, which he established in 1991 and reportedly used to transfer funds to an anonymous al Qaeda member in Texas. Thus, President Bush's recent decision to maintain U.S. sanctions and a state of national emergency with respect to Sudan is highly commendable,⁴⁵ particularly in view of the Sudanese government's use of oil export revenue to potentially fund a number of terrorist organizations whose names appear in the U.S. Department of State's most recent report, *Patterns of Global Terrorism 2000*. As the report states explicitly, "Most groups used Sudan primarily as a secure base for assisting compatriots elsewhere."⁴⁶

Given Sudan's established track record of funding jihad-minded terrorist organizations, particularly those engaged in "holy war" against the U.S., it would seem a logical choice for the Bush Administration to decide to investigate possible links between Sudan's oil revenue, oil partnerships, and the funding of terrorism. The administration has embarked on the daunting task of freezing terrorist assets and cutting off their funding throughout the world, while at the same time labeling all nations that assist terrorists as enemies of the U.S.

Subsequent to several threatened assassination plots on U.S. officials abroad and attacks on U.S. properties abroad, the Clinton Administration attempted—albeit unsuccessfully—to freeze bin Laden's Sudanese assets.⁴⁷ Capital markets sanctions as contained in the House-approved Sudan Peace Act (H.R. 2052) aims to prevent foreign companies that are partnered with Sudan in oil extraction or development from raising money from American investors. However, Bush asked lawmakers to shelve the Sudan Peace Act while tracking down sources of funding and protection for terrorist

⁴⁵ President George W. Bush, "Message to the Congress Regarding Sudan Emergency," Press Release, The White House, October 31, 2001, at <http://www.whitehouse.gov/news/releases/2001/11/print/20011101-6.html> (accessed November 7, 2001).

⁴⁶ U.S. Department of State, *Patterns of Global Terrorism 2000*. Among other groups mentioned in the report, Sudan is sponsoring Lebanese Hizbollah, Egyptian Islamic Jihad, Palestine Islamic Jihad, Hamas, and al-Gama'a al-Islamiyya.

⁴⁷ Barton Gellman, "Sudan's Offer to Arrest Militant Fell Through After Saudis Said No," *The Washington Post*, October 3, 2001, at <http://www.washingtonpost.com/ac2/wp-dyn/A61251-2001Oct2?language=printer> (accessed October 3, 2001); James Risen, "U.S. Pursued Secret Efforts to Catch or Kill bin Laden," *The New York Times*, September 30, 2001, at <http://nytimes.com/2001/09/30/international/30INTE.html?todayshadlines=&pagewanted=prin> (accessed September 30, 2001).

organizations.⁴⁸ Capital market sanctions such as these could not only provide a viable means for cutting off funding to the Government of Sudan in an attempt to stop the escalation of genocide and open the door for peace talks, but may also serve to cut off funding for Sudanese-backed terrorist organizations.⁴⁹

The U.S. Commission on International Religious Freedom released a statement on October 2, 2001, requesting that the U.S. pressure Khartoum to halt atrocities and persecution. The Commission also called on Khartoum to place oil export revenues in escrow to be used for humanitarian and development assistance in both the north and the south until the dispute over the distribution of resources or the war is resolved.⁵⁰ If the Sudanese government has truly made substantial headway against terrorism, then it should have few reservations about opening its markets to international investigations. Such queries could conceivably yield a more accurate assessment of the ultimate uses of petroleum export revenues. For the time being, however, the global campaign to root out terrorists and their sponsors remains in the very early stages. Consequently, Sudan should not be looked upon as a trustworthy partner until its anti-terrorist credentials have been thoroughly vetted.

Sudan is an undisputed sponsor of terrorism that targets the U.S. and has strong financial, loyal, and radical Islamic ties to terrorism, not to mention a longstanding affiliation with the elusive bin Laden. Eight days following the terrorist attacks on the World Trade Center and the Pentagon, President Bashir proclaimed to the U.S. that Sudan harbored no terrorists in the country, was confident the U.S. would not strike Sudan, that the terrorist attacks should not be linked to any specific group, and “[t]herefore, any retaliation should be done under the umbrella of the United Nations.”⁵¹ Bashir’s remarks smacked of a pre-emptive attempt to characterize any unilateral use of force as illegitimate: indeed, they were made at a time when al Qaeda reportedly

⁴⁸ Steven Mufson, “New Casualty: Sudan Peace Act,” *The Washington Post*, October 5, 2001, at <http://www.washingtonpost.com/ac2/wp-dyn/A8721-2001Oct4?language=printer> (accessed October 5, 2001); David E. Sanger and Joseph Kahn, “Bush Freezes Assets Linked to Terror Network,” *The New York Times*, September 25, 2001, at <http://www.nytimes.com/2001/09/25/international/25CAPI.html?todayshadlines=&pagewanted=prin> (accessed September 25, 2001), (Reports that foreign banks that do not cooperate with these investigations will not be able to operate in the U.S.).

⁴⁹ Eric Reeves, “Don’t Coddle Terrorist Regimes to Get Intelligence,” *The Atlantic Journal-Constitution*, September 26, 2001, at <http://www.sudan.net/news/posted/3478.html> (accessed September 26, 2001).

⁵⁰ U.S. Commission on International Religious Freedom, “Commission Forwards Recommendations to Special Envoy on Sudan,” October 2, 2001.

⁵¹ Charlayne Hunter-Gault, “Sudanese leader: No connection to attacks,” *CNN*, September 19, 2001, <http://www.cnn.com/index.html&title=CNN.com%20-%20Sudanese%20leader%3A%20No%20connection%20to%9/21/01> (accessed September 19, 2001).

remained alive and well in Sudan. Once again, Sudan's statements are not to be trusted. More recently, Bashir reportedly requested, "a global battle against terrorism free of 'double standards' and under the auspices of the United Nations," thereby alluding that Sudan does not support any war on terrorism led by the U.S. and that the U.S. and its allies are not engaged in a just war.⁵²

Similarly, on October 4, 2001, the First Vice-President Ali Osman Taha addressed mujahideen forces before sending them off to an unknown destination. During the address Taha reportedly stated that the attacks on the U.S. of September 11, 2001, "could not be solved by 'demeaning Islam,' adding that ending violence and terror could be achieved only by 'respecting the sovereignty and dignity' of nations."⁵³ Taha further stated that, "[w]e want a just international order that safeguards the wealth and legitimate rights of the peoples of the world."⁵⁴ Almost one month after the September 11th attacks, Sudan's National Islamic Front government appears to be shielding itself from any financial investigations or accountability in the event that it is formally charged with funding terrorism. One can hope that Taha's statement is not a harbinger of future Sudanese intransigence—for instance, in its compliance with financial investigations or freezes connected to terrorism within its borders, or in its support of similar investigations in other countries. Such may be the case, however, in view of Khartoum's renewed commitment to jihad, as evidenced in the continuation of its civilian bombing campaigns and the deployment of mujahideen.

With U.S. lawmakers chastising European allies for maintaining financial ties with rogue states such as Iran and Libya, and with the U.N. Security Council voting to inhibit funding, freeze terrorists assets, and hinder the movement of known terrorists, it would be reasonable for the U.S. to reign any alliance with Sudan until it shows a substantial and consistent change in its genocidal policy against its own people. Further, it would equally behoove U.S. policymakers to immediately sanction Khartoum upon the first signs of any financial connection between the Sudanese government and terrorists, particularly if oil export revenue is revealed as a vital terrorist lifeline.⁵⁵ Thus, it is imperative that the U.S. government protects American markets and investors from inadvertently funding terrorist groups or states that sponsor terrorism and commit genocide.

⁵² "Sudan sticks to jihad in civil war," *Agence France-Presse*, October 4, 2001.

⁵³ "Sudan sticks to jihad in civil war," *Agence France-Presse*.

⁵⁴ Id.

⁵⁵ *Inside US Trade*, "Lawmakers Censure Allies for Economic Ties with Rogue States," Vol. 19, No. 37, September 14, 2001; Maggie Farley, "U.N. Measure Requires Every Nation to Take Steps Against Terrorism," *Los Angeles Times*, September 28, 2001, at <http://www.latimes.com/templates/misc/printstory.jsp?slug=la%2D092901sudan> (accessed September 29, 2001).

Sudan's Sponsorship of Terrorism and Weapons of Mass Destruction (WMD)

If state-sponsors of terrorism have directed their proxies to wage war on civilian populations, they have proved just as willing to equip these extremists groups with weapons of mass destruction. The Sudanese, Afghani and Iraqi military regimes have all sponsored terrorism, committed heinous and widespread atrocities on their own people using religion as justification that at times included the use of weapons of mass destruction, and sought to attain stockpiles of heavy artillery, nuclear weapons and chemical and/or biological weapons. Terrorist groups within these countries are guilty of the same, or related acts. These states and the terrorist groups they sponsor aim to harm the U.S. under the guise of jihad in the same manner in which they wage jihad against many of their own people.

STATE –SPONSORED TERRORISM

Islamic jihad is a defensive response to any threat to the freedom to practice Islam or to any direct attack against Muslims because of their faith. “And fight in the Way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not the transgressors.”⁵⁶ Clearly, jihad is not to be used to justify an offensive attack against innocent civilians. This is why much of the rhetoric from radical Islamic governments such as Sudan's, and from terrorists such as bin Laden, is framed to incite others to fight in the name of jihad against targeted groups through proclaiming that Islamic interests have been, or will be attacked. Khartoum proclaimed to the people of northern Sudan on June 7, 2001, that the rebels and people of southern Sudan want only to exert control over oil in Sudan, and have therefore joined ranks with the U.S. in hopes of toppling the regime, allegedly so that the U.S. would then be able to also control Sudan's oil and dominate the market; Khartoum then followed up the next day by declaring jihad against the south.⁵⁷ Similarly, bin Laden has convinced his supporters that the U.S. has invaded Muslim holy lands by maintaining a military presence at the request of Saudi Arabia or other Muslim countries. He builds on this argument by asserting that the U.S. will then seize oil in the Gulf from Muslim countries, and then charging al Qaeda with the task of carrying out jihad against the West and establishing a Muslim government that will fight in his jihad. By twisting the truth and using Islam and jihad as justification for committing atrocities against innocent civilians, both the government of Sudan and bin Laden have managed to reel in a growing number of supporters.

It is surely no coincidence that bin Laden had a secure base in Sudan for many years, and that al Qaeda continued to operate in Sudan with access to bin Laden's

⁵⁶ Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan, *The Noble Qur'an, English Translation of the meanings and commentary*, V. 2:190, and note 1, p. 39-40 (King Fahd Complex, Madinah Munawwarah, K.S.A. 1419 A.H.)

⁵⁷ Simon Apiku, “Sudanese military prepares for all-out war with rebels,” *Deutsche Press-Agentur GmbH*, June 8, 2001; “President urges workers to wage war against southern rebels,” *Associated Press*, June 7, 2001.

investments following his relocation to Afghanistan. On February 6, 2001, Jamal Ahmed Mohammed al-Fadl, charged with conspiring to bomb the U.S. embassies in Kenya and Tanzania in 1998, testified in District Court in New York on al Qaeda's operations, in addition to bin Laden's orders and fatwas against the U.S. Al-Fadl was questioned by Assistant U.S. Attorney Patrick Fitzgerald regarding his membership in al Qaeda and bin Laden's fatwa against the U.S.:

Can you tell us what you were told?

They (al Qaeda's ruling body, shura council) say the fatwa, it say we cannot let the American army stay in the Gulf area and take our oil, take our money, and we have to do something to take them out. We have to fight them....

Did you ever hear about a further fatwa against the United States by members of al Qaeda?

Yes. After that, also, we got another fatwa because they say the American army come to Somalia [in 1993].

Can you tell us how you learned of that fatwa?

...I was in the guesthouse and Abu Ubadiyah al-Banshiri [a member of the shura council], he talk about that. He says the American army [is] successful in Somalia, **the next thing could be south of Sudan and that's going – they going to take the Islamic countries....**⁵⁸

Moreover, once Muslims are misled into believing that they must fight in jihad, or, once a government has officially declared jihad, it is extremely difficult to retract.

Al-Jihad (holy fighting) in Allah's Cause (with full force of numbers and weaponry) is given the utmost importance in Islam and is one of its pillars (on which it stands). By *Jihad* Islam is established, Allah's word is made superior, (His Word being *La ilaha illallah* which means none has the right to be worshipped but Allah), and His religion is propagated. By abandoning *Jihad* (may Allah protect us from that) Islam is destroyed and the Muslims fall into an inferior position; their honour is lost, their lands are stolen, their rule and authority vanish. *Jihad* is an obligatory duty in Islam on every Muslim, and he who tries to escape from this duty, or does not in his innermost heart wish to fulfill this duty, dies with one of the qualities of a hypocrite.⁵⁹

⁵⁸ "Inside al Qaeda," *The Washington Post*, September 30, 2001, p. B3.

⁵⁹ The Noble Qur'an, V. 2: 190, note 1, p. 39.

In this context, it seems highly unlikely that Khartoum has suddenly had a change of heart in its relations with the U.S., sympathies towards radical terrorists, or eradicated terrorism from within its borders in a matter of days following September 11, 2001.

Mechanisms of appeasement did not work with the Milosevic regime, and would not have worked with the Taliban or Saddam Hussein. Following the vote to lift U.N. sanctions against Khartoum in exchange for apparently arresting 30 al Qaeda terrorists, the Bush Administration should spare its “carrots” and heed further rewards or announcements of success in its dealings with Khartoum while Khartoum denies assisting the U.S. Khartoum certainly has not changed its genocidal policy against its own civilians, and apparently is still harboring numerous terrorist groups and chemical weapons.⁶⁰ Appeasing the Sudanese government following September 11, 2001, will give the government a green light to continue, and possibly even escalate further, its genocidal campaign against innocent civilians in central and southern Sudan. Should Khartoum continue to harbor terrorists aware of the fact that the U.S. has knowledge of such activities then this will send a message to other state-sponsors of terrorism that they will be able to continue to do so as well without repercussion. Appeasement should not be used by the U.S. as a diplomatic tool in its policy toward Khartoum given that our government will always work to ensure that we operate with the utmost morality, the Sudanese government is not trustworthy in its diplomatic endeavors, and that “[t]errorists and their protectors must be deterred from instigating aggression through the threat of the punishment they will suffer should they persist.”⁶¹

Numerous attacks, and attempted or planned attacks on U.S. officials and sites were masterminded or carried out from Sudan, and have even involved Sudanese government officials.⁶² In 1998, for instance, Sudan agreed to use embassy staff abroad to raise funds for bin Laden, to arrange for diplomatic credentials for bin Laden followers to travel throughout the world, and to recruit operatives for bin Laden.⁶³ Sudan once

⁶⁰ See Alan Sipress, “Sudan Provides Intelligence to U.S.,” *The Washington Post*, September 29, 2001, p. A21, (Colin Powell is quoted as stating, “It’s a change in attitude that we called for, and we had indicated to the Sudanese government if we saw these sorts of changes in attitude, we would acknowledge them in a substantial way.”); Michail Rubin, “Uncivil,” *The New Republic*, October 11, 2001, at www.thenewrepublic.com/102201/rubin102201.html (accessed October 11, 2001), (Reports on several terrorist camps still operating in Sudan, chemical weapons sites, and bombings following September 11, 2001.).

⁶¹ Philip Meilinger, “War is agonizing,” Commentary, *The Washington Post*, September 30, 2001, p. B5.

⁶² See U.S. Department of State, *Patterns of Global Terrorism 2000*, Sudan, April 2001; Michael Rubin, “Uncivil,” *The New Republic*; Barton Gellman, “Sudan’s Offer to Arrest Militant Fell Through After Saudis Said No,” *The Washington Post*, October 3, 2001, p. A01.

⁶³ Report from Canadian Security Intelligence Service, *National Post*, Canada, September 28, 2001; *Hindustan Times*, India, September 20, 2001.

aligned with Iran to export terrorism and the Islamic revolution, Iran having sent hundreds of Revolutionary Guards to terrorist training camps in Sudan, and sought to undermine several Arab countries together with Islamic militants.⁶⁴ In addition to harboring al Qaeda, and possibly funding bin Laden, Sudan also harbored and possibly funded the Egyptian Islamic Jihad and the al gamaa al Islamiya; both groups are active partners with al Qaeda. The head of Egyptian Islamic Jihad, Abdel Moez Ayman al Zawahiri, is one of al Qaeda's top leaders and is close to bin Laden, having moved to Sudan with him in 1991 and then to Afghanistan in 1996, and having religiously and militarily trained fighters in both countries.⁶⁵ Al gamaa al Islamiya's goal is to oust Egyptian President Mubarak and to institute an Islamic government in Egypt.⁶⁶

WEAPONS OF MASS DESTRUCTION

Sudan has recently begun to use ballistic missiles against innocent civilians and other humanitarian sites in central and southern Sudan; it is also being investigated for using chemical or biological weapons in its bombing campaign.⁶⁷ The Sudanese People's Liberation Army (SPLA), the largest opposition force to the government of Sudan, reported that the government was producing uranium in the Kai Khong area of Al Wahda province near the Blue Nile and exporting it to China and Iran.⁶⁸ Allegations that the government of Sudan used Iraqi-manufactured mustard gas artillery shells and nerve agents against the SPLA and civilian populations in southern Sudan, or that the government allowed Iraqis or Iranians to use WMD on Sudanese in Sudan, should be investigated with the utmost diligence and the perpetrators should be held accountable.⁶⁹

⁶⁴ James Phillips, Backgrounder, "To Stop Sudan's Brutal Jihad, Support Sudan's Opposition."

⁶⁵ Walter Pincus, "Bin Laden Seeks Instability In Mideast, Ex-Agent Says," *The Washington Post*, September 30, 2001, p. A31.

⁶⁶ Id.

⁶⁷ Julie Flint and Julian Borger, "Sudan uses missiles against rebels," *The Guardian*, August 14, 2001, at <http://www.sudan.net/news/posted/3215.html> (accessed August 29, 2001); Ted Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism and U.S. Policy," Congressional Research Service, *Issue Brief* No. 98043, Updated April 27, 2001.

⁶⁸ "Khartoum Claims Recapture of Oil Region," *Middle East Newslines*, July 7, 2001, at http://www.menewslines.com/stories/2001/july/07_31_6.html (accessed August 1, 2001).

⁶⁹ E.g. "Chemical Weapons," *Federation of American Scientists*, August 22, 1998, at <http://www.fas.org/nuke/guide/sudan/cw/index.html> (accessed November 10, 2001). For discussion of the deployment and testing, or further use of Iraqi WMD in Sudan see "The Iraqi WMD Challenge—Myths and Reality," U.S. House of Representatives, Task Force on Terrorism and Unconventional Warfare, February 10, 1998, accessed at http://www.fas.org/spp/starwars/congress/1998_r/980210t-fr.htm (accessed November 10, 2001). See also Director of Central Intelligence, "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions,"

The government of Sudan reportedly has acquired large stockpiles of Iraqi mustard gas/blister agent in violation of its obligations under the Chemical Weapons Convention.⁷⁰ Commander Taib Musba is alleged to have used WMD in southern Sudan and to be responsible for the commission of numerous and unspeakable war crimes perpetrated against POWs and scores of innocent Uduk Christian civilians in Ulu and Chali, Blue Nile/Upper Nile region in 1986-7, and in 1999 based on race, ethnicity, and religion.⁷¹

Similarly, the Courier-Mail reported on September 24, 2001, that bin Laden, Iraq and Sudan formed a secret pact to wage a terrorist war against the U.S. in 1998; since

Nonproliferation Center, Sudan, Report, September 2001, accessed at http://www.fas.org/irp/threat/bian_sep_2001.htm (accessed November 10, 2001); and Michael Barletta, "Chemical Weapons in the Sudan: Allegations and Evidence," Conclusions, *The Nonproliferation Review*, Fall 1998, accessed at <http://cns.miis.edu/pubs/npr/vol06/61/barlet.61.pdf> (accessed November 10, 2001).

⁷⁰ See e.g. "Chemical Weapons," *Federation of American Scientists*; "The Iraqi WMD Challenge—Myths and Reality," U.S. House of Representatives, Task Force on Terrorism and Unconventional Warfare; Director of Central Intelligence, "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions," Sudan, *Nonproliferation Center*.

⁷¹ See Mindy Belz, "Daniel of the Year," *World Magazine*, December 16, 2000, accessed at http://www.blue-nile.org/daniel_of_the_year.htm (accessed November 10, 2001), (Belz reports that CDR Musba committed atrocities in the mid-late 1980s, and then returned again recently to the region terrorizing and killing again in the mid-late 1990s. CDR Musba "ordered [that] pastors [be] killed in their churches, tortured prisoners by squeezing their heads between poles [and] killed civilians by rolling over them in a truck." This article also reports that government troops regularly force Christians to convert to Islam or be killed, impose Sharia on non-Muslims, destroy churches, induce severe hardship such as refusing to grant access to humanitarian relief and failing to provide education following the destruction of schools, and carry out military offensives (notes the Christian Mabaan tribe in Wadega) in effort to forcibly expel Christians from their homes and away from oil fields.); Mindy Belz, "We have nothing, but we have everything," *World Magazine*, June 17, 2000, at http://www.worldmag.com/world/issue/06-17-00/international_1.asp (accessed November 10, 2001), (Belz reports that Uduks usually refuse to convert to Islam, accept the imposition of Sharia, or to send their children to Koranic schools. Thus, government forces have been specifically targeting the Uduks for destruction and severe persecution since 1986 because of their religion. In Chali, the Uduks' school and church were purposefully bombed by government forces who then destroyed crops and livestock, gang raped villagers ("Sex was 'compulsory' and gang rapes of women and girls were regularly committed in the church), killed most of the men, "some of them crucified," forced civilians into a church and then proceeded to burn it to the ground trapping the civilians inside, individual pastors and missionaries were forced to flee or were killed, and destroyed Bibles by ripping out pages and thereafter using the pages for food wrapping in local markets and cigarette paper.); "Chemical Weapons," *Federation of American Scientists*, August 22, 1998, at <http://www.fas.org/nuke/guide/sudan/cw/index.html> (accessed November 10, 2001).

then, officials from all three parties have had numerous meetings.⁷² The pact entailed the assistance of Iraqi experts in building chemical weapons factories in Sudan, one especially to be used by bin Laden's terrorists in Sudan. Just three years ago in Kafuri, a factory was built to produce chemical weapons, nerve agents and biological weapons; and in the Mayu area a factory was built to produce warheads, bombs and canisters for chemical weapons. In 1997, Iraq moved weapons of mass destruction to Sudan for storage. Evidence of the pact emerged in 1999 when "[w]estern diplomatic and security sources had warned in secret reports that Iraq, Sudan and bin Laden were co-operating to build several chemical and germ weapons factories in Sudan financed by bin Laden and supervised by Iraqi experts and technicians."⁷³

The Need for Justice and Accountability

A SPECIAL ATROCITIES TRIBUNAL FOR SUDAN SHOULD BE FORMED

Among several other vital directives designed to end the conflict in Sudan and to provide assistance in various forms to the victimized population, the Sudan Peace Act (H.R. 2052) contains provisions that direct the Administration to investigate war crimes. Sudan would greatly benefit from the formation of an independent war crimes tribunal. Most of the atrocities committed by the government of Sudan in the south since 1986 were in the name of jihad and have been perpetrated so as to effectively eliminate masses of civilians. Moreover, experts on Sudan commonly discuss today the near complete extermination of an entire people—the Nuba of central Sudan. As recently as 2000, Khartoum dropped over 167 bombs, doubling that of the previous year; and it is foreseeable that the number of bombs dropped on civilian sites throughout 2001 could well surpass that of 2000.⁷⁴ Recent massacres such as those ordered by Commander Taib Musba, who presently remains a high ranking military official in the Sudanese Government, against the Uduk and Jumjum Christians in Chali, Blue Nile, between 1986-1987, and from the late 1990s to the present; the alleged use of weapons of mass destruction under CDR Musba in Ulu, Blue Nile in April 1999, on captured Sudanese People's Liberation Army (SPLA) prisoners of war (POWs); mass killings of civilians by government troops in Guffa in April 2000, and in Northeastern Upper Nile and Southern

⁷² Chris Griffith, "Unholy trinity in chemical weapons pact," *The Courier-Mail*, September 24, 2001, at <http://www.thecouriermail.news.com.au/printpage/0,5942,2919891,00.html> (accessed September 24, 2001).

⁷³ Id. The article further reports that the "Baghdad-Khartoum-bin Laden deal was regarded as the biggest act of co-ordination between extremist Islamic organizations and Baghdad 'for confronting the US, the common enemy'."

⁷⁴ See Roger Winter, "America's Sudan Policy: A New Direction?" Testimony submitted to the U.S. House of Representatives, Committee on International Relations, Subcommittee on Africa, March 28, 2001, at http://www.house.gov/international_relation/wint0328.htm (accessed March 29, 2001).

Blue Nile in April-May 2001, should be investigated and indicted by an independent war crimes tribunal.⁷⁵

There are several other present government officials alleged to have been involved in numerous massacres that should be held accountable for crimes of genocide, crimes against humanity, and/or other war crimes. Some particularly noted massacres that should be investigated specifically for alleged individual accountability under the principle of command responsibility are the 1965 Wau Massacre, the 1987 Al Dhaein Massacre,⁷⁶ the 1989 Al Jebelien Massacre, the 1992 Juba Massacre, as well as many other more recent massacres and other war crimes committed throughout the southern provinces and the Nuba Mountains that “shock the conscience of mankind.” Furthermore, allegations that key individuals holding government positions should be investigated for command responsibility for the executions of international and U.S. officials⁷⁷ during the 1992 Juba Massacre and any proven perpetrators should be held accountable before a war crimes tribunal.

Justice and accountability for genocide, related crimes against humanity, and other war crimes is absolutely essential to any diplomatic initiative aimed at halting atrocities in Sudan. The lack of accountability for these crimes serves as an incentive to

⁷⁵ Mindy Belz, “Blue Nile Blackout II,” *World Magazine*, July 29, 2000, at http://www.worldmag.com/world/issue/07-29-00/inernational_1.asp (accessed November 10, 2001), (Belz reports that the “black out” (an area denied access to international humanitarian relief organizations that provide assistance such as food, because the Government of Sudan prohibits such entries to select regions) effects have manifested as mass starvation for those within the Blue Nile region. The humanitarian situation in Blue Nile is exacerbated by an influx of fleeing refugees and internally displaced persons from conflict in other regions surrounding Blue Nile province. The number of displaced persons in Blue Nile reached 80,000 by the end of June 2000. Belz also reports that the government continues to commit atrocities aimed at killing, ethnically cleansing the region of indigenous black Africans, and confiscating their land. Belz interviewed displaced persons from Guffa, Blue Nile, who reported that “food stocks were rounded up into the center of town, soaked in diesel fuel, and burned by government forces before the residents were chased out.” Belz reports in another article that Commander Tiab Musba commands the local government military forces and that he has ordered the commission of many atrocities against local non-Muslim tribes specifically because they are non-Muslims, and that he has ordered that all Uduks convert to Islam or be killed. Mindy Belz, “Daniel of the year,” *World Magazine*; and See Mindy Belz “We have nothing, but we have everything,” *World Magazine*.)

⁷⁶ Ushari Ahmad Mahmud and Suleyman Ali Baldo, “The Al Diein Massacre: Human Rights Violations in the Sudan,” University of Khartoum, 1987, accessed at <http://www.anti-slavery.org/pages/reports/diein.html> (accessed November 10, 2001). This report discusses the re-ignition of slavery in Sudan as being orchestrated by the Government of Sudan in connection to this massacre.

⁷⁷ The following individuals were allegedly executed in furtherance of the events surrounding the 1992 Juba Massacre: U.S. Agency for International Development officials Andrew Tombe and Aboudan Talle, European Commission official Mark Lobo Jenner, and UN official Michael Muto Atai.

Khartoum to continue to orchestrate state-commissioned violence against protected groups of the population in furtherance of a genocidal policy to destroy non-Muslims and non-Arabs. Before any substantial cessation of atrocities on behalf of Khartoum may be attained, substantial mechanisms of justice must be formed to effectively deter government-sponsored violence. Similarly, terrorist groups such as al Qaeda have felt virtually no repercussion for their crimes, and few have been held accountable, amounting to a lack of any effective deterrent against the commission of the heinous attacks of September 11, 2001. Therefore, the shameful lack of impunity or related deterrent measures aimed at halting the commission of genocide in Sudan has led to an escalation of attacks in recent years. Any sustainable eradication of genocidal atrocities in Sudan committed by the government, or any sustainable eradication of state-sponsored terrorism in Sudan requires reliable and effective mechanisms that will establish a system of greater accountability and justice capable of independently judging perpetrators.

The U.S. Ambassador at Large for War Crimes, Pierre-Richard Prosper, reportedly stated that the Bush Administration was seriously considering establishing a tribunal for Sudan.⁷⁸ Prosper reiterated that amnesty for heinous atrocities was no longer a viable option for these criminals under international law. Establishing an ad hoc war crimes tribunal for Sudan would send the message to Sudanese officials that the U.S. is serious in its efforts to pressure Khartoum to immediately cease the commission of atrocities against innocent civilians. With two million dead and four million internally displaced in the world's longest running civil war, predictions that the war will further escalate with continued oil development, government rhetoric and broken promises in diplomatic efforts, and a sustained and prolonged history of sponsoring terrorism, an ad hoc tribunal would be an excellent step in the right direction.

Conclusion:

“It is sometimes said that an unjust peace is better than a just war. This may have merit in the short term, when anything that ends the killing is welcome. Over the long term, however, an unjust peace is impossible to sustain, for injustice carries with it the seeds of the next rebellion.

This is precisely what happened with the Taliban. When they seized Kabul five years ago, many people accepted them because they brought a kind of peace to a worn and weary people. But look at what they wrought.” -- Andrew Natsios, Director, USAID⁷⁹

⁷⁸ Norman Kempster, “U.S. May Back Creation of Special Atrocity Tribunals,” *L.A. Times*, August 2, 2001, at <http://www.sudan.net/news/posted/3155.html> (accessed August 30, 2001).

⁷⁹ U.S. Department of State, “Text: USAID Administrator Andrew Natsios Speaks Out on Sudan,” *Washington File*, October 12, 2001, at <http://usinfo.state.gov/cgi-bin/washfile/display.pl?p=/products/washfile/latestnews/newsitem.shtm> (accessed October 15, 2001). Andrew Natsios, Director, U.S. Agency for International Development, is also the Special

As the nation's war on terrorism continues unabated, any alliance with Sudan should not be forged with a blind eye, or to obtain short term gains. The United States must remain conscious of Khartoum's long history of terrorist support, despite its sudden promises to aid in global anti-terrorist efforts. Likewise, the ongoing religious-based genocide inflicted by the Government of Sudan on its civilian populations, stemming from a desire to Islamicize and Arabize the country, must temper any talk of partnership with the United States; indeed, the promise of freedom from religious persecution was the United States' founding principle, and remains a hallmark of the Constitution. Nor should U.S. sanctions that prohibit American businesses or oil firms from operating in Sudan be suspended or lifted in the future as a reward for Sudan's claimed opposition to terrorism until Sudan can be trusted not to use oil proceeds to fund religious crimes; the threat of such sanctions should remain until Khartoum provides unconditional guarantees that its unspeakable war crimes cease permanently, and that it will permit the United Nations to monitor and assess Sudanese weapons. Regardless of such sanctions, a United Nations war crimes tribunal still should be formed to investigate and prosecute the architects of Sudan's unforgivable mass atrocities, bringing justice to the country's many victims and deterring future violence. Only after ceasing its persecution, allowing weapons inspections, and acceding to a war crimes tribunal should Sudan be treated as worthy of the prestige of partnership with the United States, and as a full participant in the world economy.

Humanitarian Coordinator for Sudan. Mr. Natsios delivered this speech at the U.S. Memorial Holocaust Museum on October 12, 2001.