

August 13, 2009

Major General J. Scott Gration (Retired)
Special Envoy to Sudan
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

cc: President Barack Obama, Vice President Joseph Biden, Secretary of State Hillary Clinton, Assistant Secretary of State for African Affairs Johnnie Carson, Undersecretary of Democracy and Global Affairs Maria Otero, Members of the US Senate Committee on Foreign Relations, Members of the US House Committee on Foreign Affairs, US Ambassador to the United Nations Susan Rice

Dear Special Envoy Gration:

We write to you in response to your testimony before the Senate Committee on Foreign Relations on July 30, 2009. We appreciate your deep commitment to engaging all countries and parties concerned about peace for Sudan and your focus on working toward the successful implementation of the CPA. However, we are extremely concerned about key elements of your approach towards the continuing humanitarian crisis in Darfur and to the Government of Sudan (GoS).

We believe that your conciliatory stance and reluctance to criticize the GoS both excuses and emboldens the GoS thereby facilitating its ongoing reign of terror and well-known strategy of "divide and rule." Candidate Obama promised that if he became president he would "take immediate steps to end the genocide in Darfur by increasing pressure on the Sudanese and pressuring the government to halt the killing and stop impeding the deployment of a robust international force." We fear that your approach to Sudan is at odds with the President's promise and will quash the hopes of all Sudanese for justice, peace, and the end of the culture of impunity that has afflicted Sudan.

We implore you to consider the following aspects of your performance as Special Envoy which we consider problematic:

1. Failing to both acknowledge ongoing human rights violations by the GoS and consider these violations as another component of its genocidal campaign
2. Failing to acknowledge behavior by the GoS that demonstrates its lack of commitment to peace and justice
3. Failing to hold the GoS accountable for such aforesaid behavior
4. Failing to define and promote a strong sanctions policy
5. Downplaying Sudan as a "State Sponsor of Terror" and suggesting normalization of relations with the U.S.
6. Neglecting to adequately engage with or incorporate the priorities expressed by Darfuri civil society and the Darfuri Diaspora.

These problems are elaborated below.

- 1. Failing to both acknowledge ongoing human rights violations by the GoS and consider these violations as another component of its genocidal campaign:** Your public statements as Special Envoy have emphasized your hard work and progress in Sudan, but have glossed over the ongoing plight of Darfuris, particularly IDPs and refugees who struggle daily with conditions of despair, helplessness, and fear. In recent months, we have seen:
 - An ongoing campaign of intimidation of IDP leaders, including the arrest of thirteen IDP camp leaders between June 28 and August 9, and reports of torture and targeted assassinations;
 - The March 2009 expulsion and confiscation of over \$5 million in assets of 16 NGOs, which provided critical services to over one million IDPs;
 - Continuing harassment, restrictions and delays of humanitarian operations for the NGOs still operating in Sudan;

- The installation of Sudanese NGOs linked to Khartoum who not only fail to provide adequate aid, but use relief services to blackmail or punish the IDP camp residents who criticize Bashir's administration;
- The GoS's failure to admit the four new aid organizations as agreed in mid-June;
- Continuing restrictions and delays to the implementation of the UNAMID forces;
- A Janjaweed attack on Kalma Camp in June 2009;
- The GoS sentencing more than 110 Darfuris to death after questionable trials; and
- The GoS censoring its media and arresting and detaining human rights activists in unknown locations;

There are numerous other documented instances of human rights violations by the GoS during the past four months. However, there is scant, if any, evidence of actions by the GoS showing that it is sincerely interested in peace with Darfur, South Sudan or other marginalized Sudanese.

Furthermore, it is unacceptable that crimes such as those listed above are not considered genocidal merely because of a reduction in the number of violent, direct attacks carried out by the GoS since 2004-06. Current abuses are similar to those of the past, which are included in the State Department's reports on the Darfur genocide. Changing the nomenclature will send a signal of pardon to the GoS, damage our leverage in stopping the violence and perpetuate the impunity that has facilitated the suffering of the Darfuri civilians as a result of their own government's policies.

2. **Failing to acknowledge behavior by the GoS that demonstrates its lack of commitment to peace and justice:** The policies of the GoS against its people, whether in Darfur or South Sudan or other marginalized areas, have been deliberately established, well-entrenched, and ruthlessly pursued over decades. It is a mistake to believe that friendly talk will convince the GoS to change its policies. Indeed, it was only because of powerful multi-lateral and multi-dimensional pressures that the GoS agreed to the CPA, ending the 22 year conflict between the GoS and the South. The GoS has a longstanding record of making agreements, but not abiding by the agreements. Partial performance, delayed performance, and non-performance are common results of solemn commitments from the GoS. The CPA is a critically important example of all three performance types.

In Darfur, the GoS has frequently entered into ceasefire agreements and bombed Darfur within days. In February 2009, the GoS and JEM signed an agreement to take "good faith" measures to negotiate for peace; before the negotiations could resume, the GoS expelled the 16 humanitarian aid organizations. The UN Security Council has issued 30 resolutions regarding Sudan since 2003, several of them because the GoS violated previous UNSC resolutions. The UNSC first ordered disarming the Janjaweed in Resolution 1556 on July 30, 2004. The GoS repeatedly agreed to disarm the Janjaweed, but has made no efforts to do so.

The U.S. cannot assume that the GoS will keep its commitments. Instead, specific negative consequences for non-performance must be made clear and imposed if necessary.

3. **Failing to hold the GoS accountable:** You have spoken publicly of incentives for the GoS, but avoid talk of or planning for increased pressure. Given the long history of crimes against humanity by the GoS, the ongoing human rights violations, and the ICC warrants for the arrest of senior members of the GoS, U.S. policy must not simply ignore history and start "fresh" with the GoS with "no preconceptions." Instead, U.S. policy must be tough-minded, and define specific benchmarks for significant improvements by the GoS if it wishes to avoid substantial new pressures being applied, let alone pressures being relieved.
4. **Failing to define and promote a strong sanctions policy:** We welcomed your recent self-correction, published on August 10 in your "This I Believe" statement on Sudan, in which you state that sanctions against the Government of Sudan should not be lifted now. We are glad that you

agree that the products and services needed for development in South Sudan should be enabled by administration of appropriate exceptions rather than by lifting economic sanctions on the GoS.

The SPLM Secretary General, Pa'gan Amum Okiech, in his recent House testimony, gave an excellent framework for lifting sanctions:

“...the lifting of sanctions should be linked to the full implementation of the CPA and to the resolution of the conflict in Darfur, and any steps by the United States Government towards that end should be conditioned on the achievement of specific actions and concrete steps in building peace and transition to democracy. The following, among others, can be identified as concrete steps forward – the demarcation of borders; the adoption of the referendum law and a National Security Act that respects freedoms; the lifting of press censorship; the institution of a transparent oil sector; the implementation of the CPA decision of Abyei, and the achievement of a monitored Ceasefire in Darfur.”

We look forward to seeing you adopt a similarly strong sanctions policy, which should include imposing additional punitive measures if the GoS continues human rights abuses or fails to meet its obligations to peace, justice, and safety of its citizens.

5. Downplaying Sudan as a “State Sponsor of Terror” and normalization of relations with U.S.:

We were deeply troubled by your assertion that there is “no evidence” to support that Sudan is a state sponsor of terror. Although the facts may be classified regarding exactly what assistance Khartoum has provided to the U.S. in the war against terror, it is public knowledge, reflected in Department of State reports on terrorism, that weapons from Iran intended for Hamas travel through Sudan. In March 2009, Sudan acknowledged a January 2009 aerial attack on a convoy near the Sudan border with Egypt. Furthermore, Chadian rebel forces supported by the GoS have repeatedly attacked Chadian government officials and property as well as civilians. These are obvious examples that Sudan is a state sponsor of international terrorism, as defined by U.S. law.

Furthermore, apart from the evidence that Sudan is a state sponsor of international terrorism, normalization of relations with the GoS is incompatible with the fact that the GoS continues to support wide-spread abuses that meet the definition of terrorism against millions of its own people.

6. Neglecting to adequately engage with or incorporate the priorities expressed by Darfuri civil society and the Darfuri Diaspora: We respectfully request that you take into account the priorities and problems expressed by Darfuri civilians in IDP and refugee camps and in the Diaspora.

In particular, note their clear and consistent desires:

- For justice and the end of the culture of impunity in Sudan,
- For safety and protection, the prerequisites for IDPs and refugees to be able to return to their home villages, and
- For strong pressures to be brought to bear on the GoS.

Darfuris are eager to engage with you and have reached out in a variety of ways. Communications from Darfuris are sent in various forms daily to the Sudan Desk at the Department of State. IDP camp leaders met with the African Union Panel on Darfur in June, and their requests are public knowledge. Letters from Darfuri expatriates in the U.S. were delivered to the White House and State Department on July 22nd. Please, take advantage of these opportunities and take additional steps to reach out and engage with Dafuris.

We thank you for your hard work to help resolve the many complex conflicts in Sudan. We believe the root cause is the oppression and marginalization of the majority of the people by the minority NCP party, which is intent on remaining in power by any means. Our hope is that the suggestions in this letter will be valuable in the difficult work ahead to bring to fruition the goal of peace in Darfur and all of Sudan.

Very truly yours,

Americans Against the Darfur Genocide

Nikki Serapio, Director
San Francisco, CA

Buddhist Peace Fellowship

Zenju Earthlyn Manuel, Executive Director
Oakland, CA

CANDLES Holocaust Museum and Education Center

Kiel Majewski, Museum Coordinator
Terre Haute, Indiana

Colorado Coalition for Genocide Awareness and Action

Roz Duman, Founder/Director
Denver, Colorado

Damanga Coalition for Freedom and Democracy

Mohamed Yahya, Founder/ Executive Director
Washington, DC

Darfur Alert Coalition

Kat Harrison, Executive Director
Philadelphia, PA

Darfur and Beyond

Cory Williams, Co-Founder
Phoenix, Arizona

Darfur Leaders Network

Ibrahim Hamid, President

Darfur People's Association of New York

Motasim Adam, Director
Brooklyn, New York

Darfur Reconciliation and Development

Adeeb Yousif, Founder & Chairperson
Zalingei, West Darfur, Sudan

Darfur Renaissance

Ismail Omer, Executive Director
Dallas, Texas

Darfur Urgent Action Coalition of Georgia

Melanie Nelkin, Chair
Atlanta, Georgia

Dear Sudan, Love Marin

Gerri Miller, Founder
Tiburon, California

Defend Darfur Dallas

Laura McCarthy, Director
Dallas, Texas

Eunice Malath

Miss South Sudan 2009/2010
Omaha, Nebraska

Fur Cultural Revival

Mansour Ahmed, President
Portland, Maine

Genocide No More--Save Darfur

Marv Steinberg, Coordinator
Redding, California

Headwaters Relief Organization

Angela Thomley, Program Administrator
Minneapolis, MN

i-ACT

Katie-Jay Scott, Director
Los Angeles, California

Idaho Darfur Coalition

Younis Haroun, Leading Darfuri Member
Boise, Idaho

Investors Against Genocide

Eric Cohen, Chairperson
Boston, Massachusetts

Jewish World Watch

Tzivia Schwartz-Getzug, Executive Director
Los Angeles, California

Kentuckiana Interfaith Taskforce On Darfur

Bob Brousseau, Chair and Founder
Louisville, Kentucky

Massachusetts Coalition to Save Darfur

Susan Morgan, Director of Communications
Boston, Massachusetts

Mia Farrow

Sudan Advocate, Actor

New York City Coalition for Darfur

Sharon Silber, Co-founder
New York, New York

New York Darfur Vigil Group

Helga Moor, Founder
New York, New York

San Antonio Interfaith Darfur Coalition

Susan Smylie, SAIDC Advocacy Coordinator
San Antonio, Texas

San Francisco Bay Area Darfur Coalition

Martina Knee, Member, Executive Committee
San Francisco, California

Shine A Ray of Hope for Darfur

Carmen Paolercio, Coordinator
New Rochelle, New York

**South Sudan Institute for Women's
Education and Leadership (SSIWEL)**

Sunday Taabu Wani, Chair of the Board
Greensboro, North Carolina

Stanford STAND

Angie McPhaul, Coordinator
Stanford, CA

Stop Genocide Now

Gabriel Stauring, Director
Los Angeles, California

Sudan Unlimited

Esther Sprague, Founder
San Francisco, CA

Use Your Voice to Save Darfur RI

Sandra Hammel, Director
Providence, Rhode Island

Voices for Sudan

White Joshua Walla, Founding Member
Washington, DC