

Concerning Civilians in Blue Nile and South Kordofan, an Open Letter to U.S. Special Envoy for Sudan

Princeton Lyman, U.S. Special Envoy for Sudan
Department of State
Washington, DC

Dear Ambassador Lyman:

I write to you to express my profound dismay at the character of Obama administration responses to the various political and humanitarian crises that continue to define greater Sudan. I wish in particular to express my distress at the failure of the administration you represent to respond with appropriate urgency and commitment to the vast and still-growing humanitarian crises in South Kordofan and Blue Nile states, as well as the consequent exodus of Sudanese refugees to South Sudan. These immense and geographically wide-ranging humanitarian crises must also include the more than 100,000 Dinka Ngok who fled before and after Khartoum's military seizure of Abyei in May 2011—an egregious violation of the Abyei Protocol that is key to the Comprehensive Peace Agreement (CPA).

With deep regret, I must simply note for the moment the extraordinary suffering and violence that have for almost a decade defined life for most of Darfur's civilian population, particularly the more than 2 million civilians who remain internally displaced or refugees in eastern Chad. Here again the Obama administration, including both yourself and Ambassador Dane Smith, has failed badly in using U.S. resources and influence to end violence that is now escalating and to help provide security for humanitarian operations that are steadily contracting amidst deteriorating security.

The facts about the origin of the crises in South Kordofan and Blue Nile are readily apparent, and indeed have been for many months; these facts make clear that

your own initial response to the risk of a massive civilian catastrophe was excessively skeptical and dilatory. I discuss here in some detail that response as it emerged in the wake of Khartoum's initiation of military hostilities in South Kordofan on June 5, 2011. The atrocity crimes that began in the immediate wake of these well-planned hostilities were directed overwhelmingly against Nuba tribal groups, particularly in and around Kadugli during the early weeks of conflict. And yet for your part, Ambassador Lyman, you were neither sufficiently responsive to the evidence at hand nor willing to acknowledge the well-documented crimes, even as the evidence steadily accumulated and finally became overwhelming by mid-July 2011.

In negotiations on these and other issues with the National Islamic Front/National Congress Party regime in Khartoum, I believe that you have chosen the path of expediency. My conviction derives in large part from your wholly untenable characterizations of the potential for change within this regime. Asked by the respected Arabic news outlet *Asharq Al-Awsat* about the "Arab Spring," you said last year:

"Frankly, we do not want to see the ouster of the [Sudanese] regime, nor regime change. *We want to see the regime carrying out reform via constitutional democratic measures.*" ([March 21, 2011](#))

I believe the premise here—that this regime has revealed a potential willingness to "carry out reform via constitutional democratic measures"—is simply preposterous and, further, that you are quite aware that there is not the slightest historical justification for such an assumption. The men who make up the National Islamic Front/National Congress Party (NIF/NCP) regime have successfully resisted *all* democratic change for 23 years. In the end, your views as expressed in the *Asharq Al-Awsat* interview, and subsequently, have served only to sustain the pretense that the U.S. is diplomatically engaged with an interlocutor who places value on something other than ruthless self-preservation.

Moreover, your statement was made at a time (March 2011) when it had become unambiguously [clear that Khartoum was on the verge of seizing Abyei militarily](#). You and the administration you represent did nothing of significance to warn Khartoum off its May 21, 2011 military seizure of Abyei; this failure, along with the absence of any clear signal from the rest of the international community, was all that the regime needed to proceed with what constituted an outrageous violation of the CPA, one that risked resumption of all-out war.

On October 4, 2011, during [Congressional testimony](#), you declared in characterizing the possibilities for political change in Sudan:

"[The government in Khartoum has] the opportunity to address the fundamental issues that have driven conflict in Sudan for many years, issues of power and wealth sharing, human rights, and the role of democratic institutions such as political parties and the judiciary. A broad-based national dialogue on these issues, and a clearly defined process for participatory development of the new constitution would offer the promise of a new day in Sudan—one in which all parts of the country, and all of its people, would benefit. It is the participatory nature of such a national effort that is most important, and such an enterprise must reach all sectors of Sudanese society, including civil society actors, workers, students, and representatives from all of Sudan's diverse populations."

Again, suggesting that this regime might sanction "a broad-based national dialogue" and "participatory development of the new constitution" is sheer fantasy. Leaving aside the sham national "elections" of 2010, by the time of your testimony Khartoum had seized Abyei militarily and has subsequently repeatedly claimed the region as part of the north, refusing to countenance or accept in any way the self-determination referendum for the region guaranteed by the CPA.

Abyei should be the test case for any commitment by Khartoum to what you describe as "dialogue" and the "addressing [of] fundamental issues that have driven conflict in Sudan for many years." And yet the regime has given no sign that it wishes the Abyei crisis to end, believing in fact that the unsettled status of the region still provides substantial diplomatic leverage. No one should be surprised by Khartoum's refusal to accept the recommendation on Abyei made by the African Union mediators in the most recent Addis Ababa agreement (September 27, 2012)—or by the subsequent refusal (November 1) of the regime to abide by the determination of the African Union Peace and Security Council that the Abyei proposal, which includes provision for a self-determination referendum, should be accepted, and that any further negotiations must be completed within six weeks of this decision. More [recent pronouncements](#) in the regime-controlled media reject outright the AU proposal on Abyei.

Failure in later 2010 and early 2011 by Obama administration officials and representatives—including Senator Kerry, Secretary of State Clinton, and former special envoy Gration—ensured that Abyei would become not simply the most serious military violation of the CPA, but that it would inevitably spark further large-

scale violence. Moreover, on assuming your present position, you did nothing to correct the disastrous diplomatic course set by General Graton and others. With a grim predictability, the Khartoum regime seized Abyei militarily, and two weeks later began hostilities in South Kordofan. The hostilities began because the regime felt no serious international pressure to withdraw from Abyei, or substantial criticism of the fraudulent election of Ahmed Haroun to be state governor. As you are of course aware, Haroun has been indicted by the International Criminal Court on multiple counts of crimes against humanity and war crimes in Darfur. Contriving his election in South Kordofan was transparently a means for Khartoum to ensure that Haroun's genocidal skills were fully redeployed. In turn, the hostilities initiated by Khartoum would soon spread to Blue Nile (September 1, 2011), and this violence—with Abyei as its clear point of origin—has caused untold suffering, a great many civilian casualties, displaced as many as one million people, and brought hundreds of thousands to the brink of starvation.

I am deeply troubled not only by your views of Khartoum, and your failure to anticipate the violence that would follow the military seizure of Abyei, but by your assessment of agreements to which the regime nominally commits itself. You declared in your Congressional testimony of October 2011, for example, that the June 28, 2011 "Framework Agreement" between Khartoum and the Sudan People's Liberation Movement/Army-North "created a process to address political and security arrangements for the Two Areas [South Kordofan and Blue Nile]; it was a welcome step forward and it is vital that the parties return to the principles of it."

But in fact your characterization had long been completely overtaken by events: disingenuously, you made no mention of the fact that *three days* after this "Agreement" was signed by senior presidential advisor Nafie Ali Nafie, [President Omar al-Bashir harshly renounced it, and committed firmly to a military solution](#) for Khartoum's new "southern problems"—those in South Kordofan, but which would soon extend to Blue Nile, as former governor Malik Agar, I, and a number of others had strenuously warned:

""[Al-Bashir] directed the armed forces to continue their military operations in South Kordofan *until a cleansing of the region is over*," SUNA quoted Bashir as telling worshippers during Friday [July 1, 2011] prayers."

These and subsequent developments seemed beyond your ability to control or even to assess honestly, and certainly don't square with your claim that

negotiations between Khartoum and the SPLM/A-North had "created a process to address political and security arrangements for the Two Areas."

Indeed, the [Sudan Tribune reported on September 28](#)—a week before your Congressional testimony—an especially revealing speech by al-Bashir, shortly after his after the regime had initiated hostilities in Blue Nile (September 1, 2011)

"Al-Bashir also reiterated his rejection to the Sudan People's Liberation Movement-North's demands for negotiations through a third party, saying his government is *done negotiating with 'outlaws' abroad*. 'There will be no more negotiations abroad...and we will not allow international organizations to intervene under the blanket of humanitarian assistance. Any force that wants to oppose [the government] and impose protocols of Khawajat [an Arabic word used to refer to Westerners] will not be allowed to do so,' he told the crowd."

It would be difficult to imagine a more definitive rebuttal of your claim, Ambassador Lyman, about the "Framework Agreement" of June 28, 2011—that it somehow "created a process to address political and security arrangements for the Two Areas." Certainly al-Bashir has been as good as his word, and *nine months* after an international humanitarian access agreement for reaching civilians trapped in rebel-held territory was jointly proposed by the UN, the African Union, and the Arab League—and accepted immediately by the SPLA/M-North—Khartoum continues to stall and prevaricate even as people die from malnutrition and associated diseases.

You seem to have dismissed al-Bashir's remarks (reported February 2012 by al-Jazeera and widely thereafter): "President Bashir said last year that if the Nuba did not accept the results of the Southern Kordofan election [of Haroun], 'We will force them back into the mountains and prevent them from having food, just as we did before.'" Al-Bashir is of course referring to the extermination campaign against the Nuba in the 1990s, during which Khartoum embargoed all food aid to the Nuba Mountains. Here I feel obliged to recall your earlier, and again profoundly misguided assessment of Khartoum and its ambitions in the Nuba ([June 28, 2011](#)). In response to a question about whether the Nuba Mountains might become a "new Darfur," you said:

"I don't think so for two reasons. One because the Nuba Mountain people are fighting back and *I don't think the North is capable of dislodging large numbers of people on an ethnic basis from the Nuba Mountains*. That's the

reality on the ground. Second, *I'm not sure that's the objective of the government*, though local commanders may have a different point of view."

I and a great many others found this assessment astonishingly ignorant: painfully silent about the history of the Nuba, uncomprehending of what were already the clear ambitions of the Khartoum regime, and simply dishonest about the power of relentless aerial attacks to create a vast agricultural and ultimately humanitarian and refugees crisis. The views you expressed in this interview, at a critical moment, have been so thoroughly rebuked by subsequent—and entirely foreseeable—events, that I wonder how you can in good conscience continue in your role as special envoy for Sudan.

The more so since when you were asked in late June about the reports of ethnically-targeted atrocity crimes that had already emerged repeatedly and authoritatively from South Kordofan, [you would say only](#):

"We certainly have reports of [atrocity crimes]. Because we don't have a presence there, we haven't been able to investigate it fully. There are certainly reports of targeted killings. *There are some reports from the other side also*. What we've asked for is a full investigation."

This statement prevaricates about what the U.S. knew; moreover, in casually blaming the SPLA-N (*"There are some reports from the other side also"*) in the same paragraph that you speak of reports about massive atrocity crimes committed by Khartoum's regular and militia forces, you provide one of the most disgraceful examples to date of the diplomatically disabling "moral equivalence" that prevails within the Obama administration.

To the follow-up question ("By whom [should the investigation be conducted]?") you responded glibly: "Well, by the UN would be the best. The UN presence has not been sufficient to get out and stop this or to investigate it." Yet the U.S. has done *nothing* to push effectively for such a UN investigation. Moreover, you knew full well as you spoke that there was no political will at the UN to mount such an investigation or even sustain a UN presence in Kadugli—either in the Security Council, the Secretariat, or the UN High Commission for Human Rights. No one, including you, offered more than lip service to the idea of serious investigation—a telling diplomatic irresolution whose implications were not lost on Khartoum.

I am just as troubled by your [comments of June 16, 2011](#)—eleven days after the killing began in Kadugli—claiming that the United States "doesn't have

enough information on the ground to call the campaign 'ethnic cleansing.'" But *contemporaneous* reports—from civilians speaking with news organizations and to expatriate groups—should have been both chilling and compelling. Nuba were being systematically stopped at checkpoints grimly similar to those once seen in Rwanda. One aid worker who had recently escaped from South Kordofan told [McClatchy News](#), "Those [Nuba] coming in are saying, 'Whenever they see you are a black person, they kill you.'" Another Nuba aid worker reported that an Arab militia leader made clear that their orders were simple: to "just clear." Yet another [Nuba resident of Kadugli told Agence France-Presse](#) that he had been informed by a member of the paramilitary Popular Defense Forces that they had been provided plenty of weapons and ammunition, and a standing order: "He said that they had clear instructions: *just sweep away the rubbish. If you see a Nuba, just clean it up* He told me he saw two trucks of people with their hands tied and blindfolded, driving out to where diggers were making holes for graves on the edge of town."

A [June 10, 2011 Human Rights Watch report](#) spoke of "widespread abuses including extrajudicial killings, arrests, and looting and destruction of civilian property such as private homes and churches":

"Credible reports received by Human Rights Watch indicate SAF soldiers and Popular Defense Forces, a militia force, deployed in large numbers in Kadugli and other towns, targeted a number of civilians they suspected to be SPLM members. *The forces carried out house-to-house searches and set up checkpoints, where they stopped civilians trying to flee the violence and killed some of them, according to witnesses.*"

Human Rights Watch also cited "credible reports from the ground indicat[ing] that military personnel arrested people who had sought refuge inside the UN Mission in Sudan (UNMIS) compound, in violation of international humanitarian law." Eventually some 7,000 Nuba civilians were removed from UN protection by Khartoum's security forces; there has been no accounting for these people sixteen months after they disappeared:

"The United Nations said Tuesday it was concerned about the fate of 7,000 Sudanese civilians *last seen being forced by authorities to leave the protection of a U.N. compound* in the tense border region between the North and South." (Associated Press [Geneva], [June 28, 2011](#))

We have certainly heard nothing from you or the Obama administration about the fate of these 7,000 human beings, forcibly removed from UN custody by security forces (many disguised as Red Crescent workers).

At the same time, mass gravesites—capable of holding many thousands of dead bodies—were identified by the Satellite Sentinel Project, using grimly unambiguous [satellite photography published on July 13 and August 17](#). And yet you greeted these indisputable findings with [unwarranted and expedient skepticism](#), even as there is no evidence that you seriously sought confirmation or disconfirmation from U.S. intelligence assets. Evidence continued to pour in throughout the summer, both from the ground and from [further satellite imagery](#). Indeed, yet further confirmation of the mass graves had come from [a July 1 report released by the International Federation of the Red Cross and Red Crescent Societies](#):

[T]he Sudan Red Crescent Society, reportedly acting on instructions from the Government of South Kordofan, has been actively collecting dead bodies in Kadugli town, and had at least *415 body bags and 2,000 plastic tarps* recently *transferred* to it from the IFRC *prior to the fighting in June*. *By the end of June, the SRCS was publicly saying it needed more body bags.*"

Are the implications of such a statement—that large numbers of body bags were being deployed to Kadugli *before* June 5, 2011—not utterly clear?

In early July a [leaked UN human rights report](#), based on what it was possible to investigate from the ground in Kadugli during June 2011, offered an extraordinary indictment of Khartoum's brutal actions, and yet there is no evidence that it had any impact on either your thinking or public pronouncements. Are we to believe that you were not aware of this report—widely available in early July—and its devastating findings? It remains shocking reading, the more so given the urgency of the recommendations by the UN human rights reporters who compiled this very substantial catalog of war crimes and crimes against humanity. UN monitoring had revealed "aerial bombardments resulting in destruction of property, forced displacement, significant loss of civilian lives, including of women, children and the elderly; abductions; house-to-house searches; arbitrary arrests and detentions; targeted killings; summary executions; reports of mass graves; systematic destruction of dwellings and attacks on churches."

And the assignment of responsibility to Khartoum and its paramilitary forces is explicit:

"Monitoring has also revealed that the SAF, paramilitary forces and Government security apparatus have engaged in violent and unlawful acts against UNMIS, in violation of International Conventions and the Status of Forces Agreement (SOFA) including: verified incidents of shelling in close proximity to UN property, resulting in damage; summary execution of a UN national staff member; assaults on physical integrity of UN staff; arbitrary arrest and detention of UN Staff and associated human rights violations including ill treatment amounting to torture; harassment, intimidation, and obstruction of freedom of movement; and *intrusion on UN premises including the UNMIS Protective Perimeter established to protect civilians* internally displaced as a result of the conflict. *The international community must hold the Government of Sudan accountable for this conduct and insist that those responsible be arrested and brought to justice.*"

Yet even as evidence confirming atrocities in Kadugli and throughout South Kordofan, and subsequently Blue Nile, grew rapidly throughout the summer of 2011—and continues to grow—you felt no need to offer a correction to your earlier and clearly untenable skepticism about what was occurring in Kadugli and South Kordofan.

Inevitably your subsequent Congressional testimony ([October 4, 2011](#)) reeked of hypocrisy:

... accountability for human rights violations that have occurred in [South Kordofan and Blue Nile] is critical to a lasting resolution of the conflict. We will continue to push for a credible, independent investigation of violations of human rights that will contribute to efforts to bring those responsible to account. Unfortunately, to date, there has been insufficient support in the UN Security Council for such an investigation.

This was nothing more than political "boilerplate." Neither you nor the Obama administration has done anything in the interim to move forward with any meaningful investigation. Even if conducted only by means of the extremely high-resolution satellite photography available to the U.S. Government (and not to groups such as Satellite Sentinel Project), much could be definitively established. Such satellite investigation has clearly not been a priority for you or the Obama administration. *Why not?*

On the humanitarian crisis in South Kordofan and Blue Nile, you have also spoken with a painful lack of urgency that has certainly registered in Khartoum, working to assure the regime's *génocidaires* that they would face no real pressure to halt deliberate, large-scale civilian destruction. Over the past seventeen months, this destruction has included ground assaults on Nuba villages and food stores, and more broadly a [relentless campaign of aerial bombardment](#) meant to destroy agricultural production and which has been the major instrument of civilian displacement—then and now. Yet in your Congressional testimony of October 4, 2011 you would say only: "We believe a major humanitarian crisis may be developing in Southern Kordofan and potentially in Blue Nile."

"*May* be developing"? "*Potentially*"? Had you not read the weekly reports from the UN Office for the Coordination of Humanitarian Affairs? Did you not listen to the many reports from the ground in South Kordofan and Blue Nile—from intrepid journalists, from a few courageous humanitarians, and from countless Sudanese witnesses? You yourself cited conservative figures indicating that some 400,000 people had already been displaced at the very moment of traditional food harvesting. Is this merely a *potential* "humanitarian crisis"? This sort of understatement is wholly inappropriate in the context of what was clearly—*at the time*—a "major humanitarian crisis," one that I and many others predicted would grow in scope by the day as Khartoum continued its military actions.

In the past year the humanitarian crisis has indeed continued to grow rapidly, forcing more than 200,000 Sudanese refugees to flee from Blue Nile and South Kordofan to South Sudan and in some cases Ethiopia. Conditions in the camps, especially those in Upper Nile, have been extremely poor and many refugees have died—either from the arduous flight itself or from subsequent dehydration and malnutrition. By [early October 2011](#) the UN's Food and Agricultural Organization (FAO) declared that harvests would "largely fail" because of the violence Khartoum had initiated and purposefully directed at civilians and agricultural production. By December 2011 the Famine Early Warning Systems Network (FEWSNet) was [predicting](#) "near-famine conditions" in the Nuba Mountains by the following March (2012).

According to present UN figures from the UN High Commission for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs (OCHA), approximately 1 million people have been made refugees, are internally displaced in South Kordofan and Blue Nile, or are acutely distressed for lack of food and primary medical care. Humanitarian aid workers have repeatedly expressed fears that another large wave of refugees would move southward as the dry season

settles in and travel once again becomes possible. John Ging, OCHA's operations director for South Sudan, [recently warned](#) that the crisis is far from over, or even diminishing, declaring that "we anticipate up to 350,000 Sudanese will be hosted in South Sudan by the end of 2013." This would roughly double the present refugee population, putting even greater strains on relief operations that are already stretched to the breaking point.

Your efforts to respond to a humanitarian crisis of these proportions have been scandalously inadequate, and there are no plans in evidence to create the critically needed humanitarian corridors, especially to Blue Nile. Nor have you made progress in creating international pressure on Khartoum to accept the February 2012 access proposal from the UN, African Union, and Arab League: Khartoum remains obdurate in preventing virtually all humanitarian access to the most critically endangered populations.

I have, it should be said, encountered reports from various confidential sources suggesting that the U.S. may be facilitating some surreptitious food deliveries into South Kordofan. How "surreptitious" seems an open question, given the number of people who evidently know about this assistance, but let us be clear: *such assistance is woefully inadequate*. Humanitarian logisticians estimate that roughly 1,700 metric tons of food per month are required per 100,000 of population in need. Using the current UN figures for South Kordofan and Blue Nile, and not including Upper Nile and Unity, that means roughly 3,000 tons per week are required. Nothing approaching this kind of relief assistance is or has been provided, and if it were, Khartoum would certainly be aware. Moving 3,000 tons of food per week anywhere in Sudan is a daunting transport and logistical task; during the past rainy season it would have been quite impossible. Obviously there can be no public account or even acknowledgement of such assistance, though privately substantial claims are apparently made; even so, the emphasis must be on the gross inadequacy of U.S. and international efforts to date.

Here the very recent (October 18) [humanitarian assessment by the Enough Project](#) makes clear just how inadequate the response has been: the Global Acute Malnutrition (GAM) rate is at the emergency threshold in the Nuba Mountains; 81.5 percent of families survive on *one meal a day* (the figure was 9.5 percent last year and 0 percent the year before); Severe Acute Malnutrition (SAM) is over 3 percent in all population groups sampled. SAM is a critical medical condition and without therapeutic and supplementary feeding, most children and even adults will die. The results of the daring Enough assessment were carefully reviewed by the Johns Hopkins University School of Public Health before publication. Moreover,

the Enough findings have been confirmed by constrained, localized, but still revealing UN humanitarian assessments, including a finding that "the levels of 'severe' hunger reported in Western Kadugli are particularly high, hovering at 85.4 percent for resident households and 87.5 percent for displaced households." Most respondents felt food security was deteriorating.

This is intolerable, Ambassador Lyman: Khartoum is attempting nothing less than the slow extermination of the African peoples of the Nuba and Blue Nile. To date your efforts and those of the Obama administration have been dismayingly dilatory and inadequate, acquiescing before Khartoum's claim that national sovereignty confers upon this illegal regime the right to starve its civilians to death. Given your belief that the Khartoum regime is capable of "carrying out reform via constitutional democratic measures," it is difficult to see how you can respond to the viciously survivalist instincts that guide this regime or to its determination to use all necessary measures—however brutal, even genocidal—to ensure that it maintains its tyranny. More fundamentally, I fail to see how you can continue to function effectively as U.S. special envoy for Sudan in any new Obama administration.

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Source: Reeves, Eric (November 5, 2012). Concerning civilians in Blue Nile and South Kordofan, an open letter to Princeton Lyman, U.S. Special Envoy for Sudan.



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